Texas Governor’s Committee on People with Disabilities

**SUMMARY MINUTES**

April 3, 2019

The University of Texas at Austin

Jesse H Jones Communications Center, Building A, Conference Room #5.136

2504 Whitis Ave., Austin, Texas 78712

**Call to Order / Roll Call / Introductions – Aaron Bangor, Chair**

MOTION: Dylan Rafaty moved to call the meeting to order; motion passed. Chair Bangor began the meeting at 8:29 a.m. Amy Scott was welcomed as a new member. Ron Lucey reminded Members of Texas’ Open Meetings law.

**Committee Members Present**

Aaron Bangor, Ellen Bauman, Evelyn Cano, Andrew Cohen, Archer Hadley, Linda Millstone, Dylan Rafaty, Emma Faye Rudkin and Amy Scott

**Exofficio Representatives Present**

Norman Kieke, Texas Department of Licensing and Regulation; Claudia Peden, Texas Workforce Commission; Justin Porter, Texas Education Agency; Robert Schuller, Department of Family and Protective Services; Dana Williamson, Health and Human Services Commission; and Sandra Breitengross-Bitter, Texas State Independent Living Council

**Committee Staff Present**

Ron Lucey, Randi Turner, Nancy Van Loan and Lindsey Zischkale

**Committee Members Absent**

Elizabeth Dickey, Richard Martinez and Marco Trevino

**Visitors**

Steven Aleman, DRTx; Lori Breslow, HHSC; Glenn Crosby; Norma Crosby, NFB of Texas; Doug Dittfurth; Donna Garbe; Adrian Gaspar, DRTx; Barbara Hadley; Mari Hunziker, TWC; Kaylee Lartigue; Linda Lartigue; Danielle Lobsinger, HHSC; Christopher McCormack, Central Counties MHMR Services; Matt Montano, TEA; Joe Perez, HHSC; Natoshia Petsch, HHSC; Masha Probedinsky, DRTx; Karissa Sanchez, HHSC; Michele Saunders, PhD; and William Scott

**Approval of October 24-25, 2018 Meeting Minutes**

MOTION: Committee members reviewed the draft meeting minutes. Dylan Rafaty moved to accept the Minutes as presented; motion passed.

**Public Comment**

Steven Aleman, Disability Rights of Texas: Mr. Aleman spoke about a court case, Texas Education Agency versus U.S. Department of Education. The State of Texas did not spend enough state funds on special education services to meet the requirements of Individuals with Disabilities Education Act (IDEA) thus millions of dollars in federal aid could be lost. For at least four recent school years, Texas has not been spending at the appropriate level, to the amount of $220 million. TEA should be transparent about the maintenance of financial support (MFS) violations in order to discuss solutions. DRTx requests the Committee investigate the MFS requirement and meet with DOE when visits with Texas stakeholders are scheduled.

Edward B. Chatelain, III: A parking placard hung from a rearview mirror impedes a driver’s vision while the vehicle is moving and is a safety risk. He suggests educational material be given to drivers at the receipt of a newly issued or renewed placard.

Norma Crosby, National Foundation of the Blind of Texas: NFB of Texas helps individuals who are blind or low vision live the lives they want. They provided emergency assistance to 70 families during Hurricane Harvey. NFB of Texas operates a summer mentoring program for blind youth named the Braille Academy for Enrichment and Learning, and offer retreats for seniors. NFB Newsline provides access to magazines and newspapers. Ms. Crosby invited the Committee to share announcements with their 5,000 subscribers.

Thomas G. Diaz, M.D.: Asked the Committee to reassess its position on the recommendation to close Texas State Supported Living Centers. Texas needs innovative approaches to improve care for both the community-based and residential IDD population. He has seen dramatic improvements in the quality of care for individuals with severe to profoundly severe intellectual disabilities in the last several years. The centers provide multidisciplinary care that could become a residential services model across the country.

Donna Garbe: Grandson Travis graduated with a degree in computer science and is fulfilling his dream of being independent. He has Spinal Muscular Atrophy and needs a personal attendant to help with self-care. Travis was under Medicaid and the CLASS program, however since he now receives an income, he no longer qualifies. Until he finds an avenue for financial assistance, he personally pays his attendants. Ms. Garbe noted a long list of appeals and organizations the family has consulted. Perhaps a sliding pay scale would allow Travis the freedoms he enjoys.

Adrian Gaspar, DRTx: Spoke on the Telemedicine Wellness Intervention Triage and Referral (TWITR) pilot program. Telemedicine reaches underserved areas and populations. TWITR is a model for identifying students at risk of committing school violence and/or needing counseling or deeper psychological services. An LPC would administer twelve evidence based psychological and socioemotional assessments. DRTx’s internal review found there is no protocol for referrals for students receiving special education or Section 504 services or suspected mental health disabilities. The model refers students back to school resource or peace officers, problematic in the context of school safety. The parental consent process does not inform the parent or guardian about the extent of the risk of the student’s involvement with law enforcement.

Kaylee Lartigue: Sixteen year old Kaylee seeks to ensure the success of deaf students across our state. Kaylee attends school board meetings to address the lack of captions on videos produced by the district or educational materials shown to students. Captioning is required of entities that receive federal funding but enforcement is lacking. Secondly, the State certifies Auditory Impairment (AI) teachers assigned to work with students who are deaf or hard of hearing. Her AI teacher is not proficient in sign language skills. How can a teacher help a student if they don’t communicate in the same language?

Edward A. Matelski: Encourage Texas Parks and Wildlife Department to extend the length of Whitetail deer hunting season for Texans with disabilities and Veterans allowing a memorable experience.

**Recommendations from the Interim Study on Aging and Low Vision Taskforce – Dr. Michele J. Saunders, Chair, Aging Texas Well Advisory Committee**

In 2017, the Texas Legislature passed Senate Bill 1693 directing Aging Texas Well Advisory Committee (ATWAC) to determine the appropriate level of independent living services for the growing number of seniors with a visual impairment and to make recommendations to HHSC on the provision of services. Across the U.S. nearly 3.8 million adults aged 60 and older have some type of visual impairment, with the main causes being cataracts, diabetic retinopathy, and macular degeneration. As of 2018, Texas has 424,000 adults over the age of 65 who are legally blind with an expectation of topping 680,000 by the year 2030. Nearly 90% of older adults want to age in place, but additional obstacles exist for those with visual impairments. Stigma poses a significant barrier to the individual and families accessing programs.

ATWAC surveyed service providers and clinicians and found there are limited available resources for older adults. Healthcare professionals may not have knowledge of available supports, services and best practices. Resources focus on employment rather than independent living or social engagement. Recommendations included:

* + Establish coordination among stakeholders, service providers, consumers, and appropriate state agencies
  + Include consumers in the collaborative process
  + Encourage partners to communicate with and learn from each other
  + One-point entry for services and information
  + Increase awareness and education to partners, clinicians and consumers through TWC’s Older Individuals with Blindness program
  + Tiered approach to training, ie base knowledge to task specific
  + Establish an online portal
  + Awareness campaigns aimed at older adults with visual impairment and their families, healthcare providers, aging network partners, community stakeholders such as first responders, faith-based communities
  + Broaden the awareness campaign via Disability Employment Awareness Month, existing health and wellness campaigns, and general messages
  + Training and education across networks

ATWAC recommended a secondary study to address funding which would influence many aspects of the report.

**Executive Director’s Report – Ron Lucey**

Lindsey Zischkale is the GCPD’s new Community Outreach and Information Coordinator. Ms. Zischkale is a subject matter expert on intellectual and developmental disabilities, mental health, and Medicaid waivers. She has experience as a clinician working at Austin State Supported Living Center and Denton County MHMR’s mobile vice outreach team. One additional staff vacancy is available as a Research Specialist. Mr. Lucey summarized the Committee’s 2019 budget and performance measures:

* Budget for Fiscal Year 2019: $475,874
* Number of Texans with Disabilities: 5.4 million
* 2nd Quarter Outreach: 85,806 individuals

GCPD staff published the biennial policy recommendation report after heavy involvement with governor’s office staff. Ms. Zischkale is monitoring legislation that directly relates to these policy recommendations. Mr. Lucey has spoken as a resource witness at seven legislative hearings, to date. The Support Service Provider coalition held three meetings resulting in legislation filed in the Texas House and Senate.

In law, a variety of terms define a service, assistance, emotional support or comfort animal. Requirements vary if the animal goes into a public place versus an apartment. The recommendations from the Service Animal workgroup included:

* Clarify differences, remove the definition of approved trainer, and increase the penalty for fraudulent representation
* Include penalty options such as community or court-ordered training on disability issues for violations of Human Resources Code
* Designate a state agency to create public awareness
* Consider some type of signage on a business’ door
* Offer training to law enforcement, ie: video or app on a smart phone

Four families adopted deaf children through Department of Family and Protective Services’ Child Protective Services (CPS) division. DFPS and GCPD staff met to discuss the challenges of not having effective communication, such as placing a child who uses sign language in a home where no one communicates in that manner. GCPD gave feedback on redevelopment of DFPS’ effective communication policies and procedures. CPS agreed to do a comprehensive case review and evaluation to ensure identification of all deaf and hard of hearing kids. DFPS will follow up with GCPD next October.

A new policy excludes scooters on the Texas Capitol grounds. Randi Turner developed guidance on allowing Other Personal Mobility Devices.

FEMA hired a disability integration advisor for Texas, Mr. Robert Ferguson. Texas Disability Task Force on Emergency Management is finalizing its after-action recommendations from Hurricane Harvey.

Randi Turner coordinated webinars from the Accessibility and Disability Policy series: Measurable Goals, Transition Planning, and Developmental Disabilities in Texas. The webinars are archived on the Committee’s YouTube channel. Future webinars will feature Making Employment a Reality, Autism and Employment, Braille, Transition and Digital Accessibility.

Ron Lucey served as a panelist at SXSW-EDU conference with Sharron Rush and Jan McSorley and discussed accessibility challenges and potential procurement solutions.

**Policy Recommendations for 2020–2021 Biennium**

Lindsey Zischkale discussed legislation filed that relates to the Committee’s policy recommendations, bill captioning and current status. She highlighted the following topics:

* Distribute Educational Materials on Service Animals
* Accessible Voting Process
* Establish a Support Service Provider program and Pay Scale
* Accessibility for Electronic and Information Resources at State Agencies, Colleges and Universities
* Funding for the Talking Book Program to use for Paid Advertising
* Certified Medical Interpreter Requirements
* Increase the number of Care Coordinators for the Texas Early Detection and Hearing Intervention program
* Increase the number of Available Slots for Individuals Served under the DeafBlind Multiply-Disabled waiver
* A Disability Coordinator within Texas Div. of Emergency Management
* Encourage all Texas Health and Human Services Agencies to Discuss Emergency Preparedness and Evacuation Planning
* Develop a Rapid Response Behavioral Health Task Force
* Increase wages and benefits for community attendant caregivers
* Ensure information captured on the STAR-Kids Screening Assessment Instrument is Accurate and Complete
* Support HHSC’s Exceptional Item Request to fund Early Childhood Intervention program
* Promote adoption of accessible, transit-oriented housing
* Promote Funding for Installation of “Inclusive” Accessible Playscapes
* Strengthen the Enforcement of Accessible Parking Laws
* Develop a Statewide Public Awareness Campaign on Accessible Parking
* Add “Communication Impediment” Option on TLETS
* Monitor Legislation relevant to Veterans with Disabilities
* Fund Long-term Supports for Integrated Employment
* Strengthen Disability-related Employment Best Practices

Members discussed the need to convey captioning requirements to school districts. Leadership from state agencies may assist or may utilize a procurement solution when purchasing goods and services for education.

Next Generation 9-1-1 is Internet-based and would allow someone to use voice and real-time text. Kelli Merriweather, executive director of the Commission on State Emergency Communications, could be a subject matter expert if the GCPD chose to establish a subcommittee.

MOTION: Aaron Bangor moved to create a GCPD subcommittee (composed of Emma Faye Rudkin, Archer Hadley, himself, GC staff, and inviting Kelli Merriweather) to develop this as a future policy recommendation. Motion approved.

Require an appropriate number of hours of teacher training for audiological impairment (AI) certification.

MOTION: Archer Hadley moved directing TEA exofficio to present information on AI requirements involving American Sign Language, and directing staff to draft benchmarks about what is generally acceptable in other states. Motion approved.

Meeting Recess allowed member participation with the Barbara Jordan Media Awards ceremony. Dr. Bangor reconvened the meeting two hours later.

**Invited Presentation on Special Education Services by Mike Morath, Commissioner, Texas Education Agency**

Director of Special Education Justin Porter and Deputy Commissioner Mike Montoya supported Commissioner Morath. They shared an overview of the actions taken under TEA’s strategic plan driving improvements in special education for students in Texas’ public schools. The process will be collaborative and consultative as data is gathered. Feedback from stakeholders included 93% asking for more resources to help better understand the terminology; 86% seeking an improvement at the state level; and 70% in favor of direct parent focused resources on how to support their students. Five key components included monitoring to ensure school systems are following IDEA; identifying, evaluation and placement of students that are in need of special education services; training support and development; advertising availability of services for students, family and community engagement; and technical assistance networks. Commissioner Morath noted there are about half a million students in Texas public schools, on 8,600 plus campuses with 350,000 educators.

Improvements in Monitoring. TEA hired 40 review and support specialists with a goal to monitor about 20% of school districts annually. Internal practices are changing. TEA asked the school systems to create a self-assessment providing actionable recommendations, primarily looking at least restrictive environment and performance indicators. Districts with severe issues of noncompliance fall into escalation and are monitored more closely.

Child Find (birth-21 covered by IDEA). School systems are not required to evaluate every child. Districts notify parents of available programs. TEA tried to update the clarity of guidance and technical assistance they provide in terms of actual obligations. In process is a broader outreach campaign to educate parents and educators to advocate for their students. Families experience a range of barriers associated with special education. Sometimes families are incorrectly told there is a waiting period for an evaluation or believe there are negative perceptions related to special education support. Information may be hard to find or understand. TEA has a broadly designed outreach plan to translate policies into more practical language. There are components related to multilingual development. There is a dispute resolution process to resolve complaints.

Training, Support and Development for Educators. Inclusive practices are critical to the classroom teachers. A framework exists to support compliance: directors and senior district administrators; campus principals, assistant principals, and lead teachers; and targeted practice execution for both special education and regular education teachers. TEA staff are leading development of this training process, and leveraging regional Education Service Centers. TEA is looking for a vendor who would train the trainers of larger districts. TEA tries to create a support structure for small rural systems. Ten technical assistance networks cover various content areas. The sensory impairments network is a technical assistance hub where a teacher could learn about captioning videos.

The GCPD has a policy recommendation to ensure students with disabilities have access to digital curriculum. There are volunteers with expertise on topics like contract language, specifications, and best practices. Staff asked how to make sure American Sign Language interpreters are certified. TEA will monitor teacher certification, as well as for other service providers. More people need to be attracted into the profession to have better talent in the area of special education, said Commissioner Morath.

**Report on GCPD’s Recommendation regarding Deaf and Hard of Hearing Resource Specialists Funding Restoration – Joe Perez, Deputy Associate Commissioner for Rehabilitative and Independence Services, HHSC**

Mr. Perez invited Director Lori Breslow to give a brief overview. The two types of resource specialists are Communication Access and Technology. Specialists advocate on behalf of Texans who are deaf or hard of hearing to get services such as CART or interpreters. Often times the communication access specialists educate medical providers and courts about the laws associated with providing effective communication. The technology specialists help folks who would benefit from having equipment such as specialized phone equipment, doorbell light, or a light attached to a baby monitor. Currently there are about ten Communication Access and seven Technology Specialists across Texas. Some regions in the state have no resource specialists or are desperately underserved.

Post Sunset, this critical program for deaf or hard of hearing Texans lost nearly 50% of the deaf resource specialists due to funding cuts, under a lack of transparency. GCPD asked about a pathway to restore the number of resource specialists to 2013-2015 levels. Funding for this program, in the past, came from multiple state agencies to provide accessible services to deaf Texans. HHSC will submit an exceptional item to HHSC’s 2020-2021 budget to support the restoration of funds.

**Proposed Administrative Changes to the Medically Dependent Children’s Program –Dana Williamson, Director, Medicaid/CHIP, HHSC**

Background. In 2015, the Texas Legislature directed the development of the STAR Kids program. The initial managed-care carve-in model was a community-based alternatives program serving individuals with physical disabilities and individuals that were aging. STAR Kids came several years later as a Texas Medicaid managed-care program. Benefits or services are available through the Medicaid State Plan, Medically Dependent Children’s Program (MDCP), or Texas Health Steps. Children can become eligible for full Medicaid benefits because they are eligible for MDCP. As children went through a renewal process for the MDCP waiver the STAR Kids Screening and Assessment Instrument (SK-SAI) emerged for many children found ineligible. Families were concerned when their child’s ability to receive full Medicaid benefits was contingent upon eligibility for MDCP since all of the services and supports under the Medicaid State Plan were lost. Two of GCPD’s policy recommendations allow parents an opportunity to review the SK-SAI before the contractor determines eligibility and to issue ascertainable standards defining “medical necessity” criteria.

HHSC Response. The STAR Kids Advisory Committee discusses data on the denials during meetings that are webcast and archived. Members have discussed the review process, validity and reliability of the SK-SAI. A nurse employed by HHSC’s contractor, Texas Medicaid Healthcare Partnership, first reviews the assessment. Contract language was revised in March, 2018, stating managed care organizations (MCOs) must review information populated in the SK-SAI. Upon receiving a denial letter, families should review all of the information and respond promptly. Timing is critical. A physician ultimately makes the final determination. HHSC’s denial letters now include the specific conditions from Administrative Code regarding why eligibility criteria was not met. Families are encouraged to use the fair hearing process. If someone feels the person administering the SK-SAI was lackadaisical a complaint can be made with the MCO or HHS Ombudsman.

**Future Meetings**

MOTION: Evelyn Cano moved directing staff to explore the 3rd week of June for the next business meeting, possibly in Corpus Christi; motion passed.

**Adjournment**

MOTION: Archer Hadley moved to adjourn the meeting; motion passed. Chair Bangor adjourned the meeting at 5:08 p.m.

Respectfully submitted,

Nancy Van Loan, Executive Assistant

**Follow Up Items**

* Create a GCPD Subcommittee on Telecommunications/Next Generation 911.
* TWC Exofficio Claudia Peden: Provide an update on strategies to increase OIB’s provider base and services offered. Is Texas pulling the significant federal match for OIB program?
* TEA Commissioner Morath agreed to have an Accessibility Curriculum Advisory Committee
* TEA Exofficio Justin Porter: share the question on ASL training for audiologic impairment certification with State Board of Educator Certification
* TEA Exofficio Justin Porter: Rider on braille or captioning through school district funding
* GC Staff: Review HHSC’s MDCP denial letter, and provide resources that would make someone eligible, ie Social Security work benefits and Medicaid Buy-In program
* Share Edward Chatelain’s comments with partners at TxDMV/DPS
* Share Edward Matelski’s comments Texas Parks and Wildlife
* Provide a copy of the GCPD’s webinar, ABLE Account, and work incentive information with Donna Garbe’s grandson Travis