**SUMMARY MINUTES**

**Texas Governor’s Committee on People with Disabilities**

April 22-23, 2020

Videoconference/Teleconference Meeting

**Call to Order / Roll Call / Brief Introductions**

Chair Aaron Bangor called the meeting to order at 8:00 a.m. This meeting was held virtually due to social distancing limitations placed during the COVID-19 pandemic. All motions were conducted by roll call vote. Members, exofficio representatives and staff introduced themselves. Four newly appointed members communicated about their interests in disability issues.

**Members Present**

Aaron Bangor, PhD; Kori Allen; Ellen Bauman; Evelyn Cano; Archer Hadley; Elyse Lieberman, PhD; Eric Lindsay; Richard Martinez; Kristie Orr, PhD; Dylan Rafaty; Emma Faye Rudkin

Member Absent: Amy Scott

**Exofficios Present**

Norman Kieke, Texas Department of Licensing and Regulation; Claudia Peden, Texas Workforce Commission, Vocational Rehabilitation; Justin Porter, Texas Education Agency, State Director of Special Education Services; Robert Schuller, Department of Family and Protective Services; Sandra Breitengross Bitter, Texas State Independent Living Council; Dana Williamson, Health and Human Services Commission, Medicaid CHIP Policy Division

**Staff Present**

Ron Lucey, Randi Turner, Nancy Van Loan, Monica Villarreal, Lindsey Zischkale

**Meeting Participants via Zoom**

Al Henderson, Alejandrina Guzman, Allison Morris, Amir Afsahi, Andy Gauna, Angela Reynolds Biggs, Angelita Hunter, Anita Guy, Bobby Silverstein, Brandy Lerman, Chamane Barrow, Chase Bearden, Chris Masey, Christie Shaw, Christina Bryant, Daniel Wynne, Daniel Campbell, Darren Bates, David Harris, Dina Klimkina, Donny Adkins, Edwin Castillo, Eric Patterson, Farhat Chishty, Hannah Vardy, Heather Hughes, Holly Freed, Jackie Pacha, Jamie Jones, Jeff Anderson, Jeff Miller, Jennifer Bailey, Jennifer Ledford, Jo Ann Formby, Joe Rogers, Joey Gidseg, John Woodley, John Kalkanli, Jolene Sanders-Foster, Jonathan Josephson, Joseph Behnke, Kaitlyn Brenner, Kathy Shearer, Katia Albanese, Katie Mitten, Kevin Stewart, Larry Peterson, LaShaila Mitchum, Latricia Lindsey, Laura Bousquet, Laura Tovar, Lauren Rangel, Laurie Gonzalez, Linda Litzinger, Lisa Flores, Mack Marsh, Mary Jo Billings, Melaney Tatun, Michelle Boyd, Mona Elshenawy, Nancy Hernandez, Nancy Crowther, Nicole Ritter, Nikki Soukup, N. J. Brand, Patsy Pleasant, Rainey Dock Matthews, Rebecca Japko, Robert Ferguson, Robin Harbert, Robin Ray, Rose Dunaway, Ruth Quesenberry, Scott Wallace, Shammah Kinchen, Stephanie Kirby, Steven Aleman, Sylvia Rodriguez, Teresa Dell, Thomas Anderson, Todd Rivers, Toni Dunne, Troy Murrain, Whitney Riley, Jasmine Austria

**Approval of January 28-29, 2020 Meeting Minutes**

Claudia Peden requested removal of a follow-up item assigned to Texas Workforce Commission related to comparing performance measure data before and after movement of the Vocational Rehabilitation program, previously housed within Department of Assistive and Rehabilitative Services. Dr. Bangor moved to accept the Minutes as amended. Motion passed with a majority of votes.

**Public Comment, Verbal**

**Katie Mitten**, Texans Care for Children: Early Child Intervention (ECI) programs deserve immediate and significant attention during the COVID pandemic; contractors are facing significant challenges. She suggested recommendations for action by the State of Texas: Include ECI programs in all available funding. Disaster and emergency recovery grant funding could help with virtual tools and e-signature technology. Allow providers to conduct Texas Health Steps visits via telemedicine. Ensure Medicaid reimbursement is available for a full array of ECI services via telemedicine. Texas’ Office of State Federal Relations work with the federal Office of Special Education Programs to allow for alternative methods of parental consent for ECI services.

**Lauren Rangel**, Easterseals Coalition Serving Texas is grateful for recent changes in policies to allow telehealth, however, many clients don’t have access to, or the capability to utilize, online platforms or provide required electronic signatures. Easterseals has seen significant decreases in provider referrals, and said Texas Medicaid CHIP isn’t reimbursing for well-checks performed via telemedicine. They urge efforts to ensure providers are able to receive reimbursement. Easterseals appreciates recent guidance on obligations to provide compensatory services to clients unable to access ECI services. They request the Committee consider a policy recommendation that students found eligible for early childhood special education services are extended the opportunity to benefit from a full day of Pre-K. They urge continued support and increased funding for the State’s autism program throughout the current COVID crisis.

**Steven Aleman**, Disability Rights Texas (DRTx): The Committee should monitor the use of emergency financial aid the Governor receives for public and higher education and to prioritize the needs of students with disabilities in all educational levels. The State of Texas is not in full compliance with the Individuals with Disabilities Education Act with respect to adult students with disabilities in public school who need the appointment of an educational representative. Texas does not have an appointment process for an educational representative for an adult student with a disability in public school who has neither a legal guardian nor the capacity to exercise the parental special education rights that are automatically transferred to him or her at age 18. DRTx suggests an amendment to the Texas Education Code. He presented a policy recommendation proposal for Members’ consideration.

**Heather Hughes**, Deaf Action Center (DAC) uses American Sign Language to communicate with people they serve – deaf, deafblind, and refugees. Fees are charged for services. During the COVID pandemic staff are providing additional services such as assisting customers in submitting complicated TWC Unemployment Insurance forms, referral to food banks, evictions from apartments, loans and forbearance issues. DAC feels this is beyond the scope of the contract with HHSC’s Office of Deaf and Hard of Hearing Services and they have asked for a waiver to revise the strict contract guidelines; HHSC has yet to respond. In 2019, DAC exceeded monthly funding goals but now may need to furlough staff.

**Laura Tovar** is a sign language interpreter and noted the Deaf and Hard of Hearing community is being denied communication access to critical information and services which should fall under the protection of the Americans with Disabilities Act. Proper captioning or American Sign Language interpretation has been lacking on public statements by local media during this pandemic. Companies have employed incompetent ASL “signers” to provide communication but are not certified, familiar with Deaf culture and norms, or display poor ethical behavior. When an individual is not certified or licensed by the State or Board of Interpreter Evaluation (BEI) there is no recourse to stop this kind of poor behavior. Companies or agencies should be required to register with BEI.

**Eric Patterson**, is a sign language user and asked if the Governor’s Committee could work with the Office of the Attorney General’s Consumer Protection division to circumvent unqualified, unethical individuals and entities that prey on this vulnerable population. He recommends the BEI as the source for development of a complaint process.

**Teresa Dell**, is a program administrator and an access specialist providing communication resources for deaf and hard of hearing clients. Her region serves 23 northeast Texas counties. She noted the difficulty in providing resources during COVID’s required social distancing guidelines. She’s not able to interact with clients if they don’t have a video phone, or with someone who doesn’t know ASL. Last year Ms. Dell met with a youth with limited English proficiency and was financially penalized under the HHSC contract because she served the child plus a parent. To serve minors, interaction with a parent is necessary. Reimbursement processes need to be changed. In jail, courthouse, police and sheriff departments, and hospital settings she has witnessed instances when communication access isn’t provided. ASL interpreters aren’t qualified. State of Texas should create a task force, regionally, advocating for people who are deaf or hard of hearing.

**Linda Litzinger**, Texas Parent to Parent, asked for a review of School Health and Related Services (SHARS) billing procedures. Families who have private insurance receive bills that don’t indicate the service provided was school related or before HHSC issues payment. Families should be allowed an option to revoke an approving signature if they choose to opt-out. There is confusion for families receiving consumer directed services to be paid if they are a business owner; rules need to be relaxed during the pandemic. Residents in group homes and state supported living centers need visitation or a timely report on the health condition of their loved one. Families need a source to get personal protective equipment for attendants and children during the COVID pandemic.

**Dr. JoAnn Formby** is a licensed clinical psychologist performing evaluations for Disability Determination Services (DDS) for individuals who have applied for Social Security Disability benefits. Since the onset of the COVID pandemic, vulnerable Texans who apply based on mental health conditions are not able to undergo their disability evaluations because DDS has stopped the evaluations entirely. Claimants aren’t given the option to have an evaluation by telehealth interview which could be a possible solution.

**John Kalkanli,** National Federation of the Blind of Texas, Dallas Chapter: The blind community has been marginalized and oppressed in several ways, but most importantly in lack of accessible online content or applications. Internet sites are physical places and failure to provide accessible information is an ADA Title III violation. During the pandemic, students who are blind are left out of the equation because schoolwork isn’t accessible to them. Some instructors continue to protest saying they were never trained on providing online content in accessible format. He asked the Governor’s Office to prioritize the needs of individuals with visual impairments, and train institutions, including colleges and public schools, about following Web Accessibility Guidelines. He expects officials to provide ways in which people with visual impairments can read using their phones and their computers. Social media is the driving force behind human connections. The only way for blind to get access to information is posting announcements in formats that recognize text rather than images.

**Angela Reynolds Biggs**’s daughter has multiple severe disabilities and resides at Denton State Supported Living Center. She asked how to serve as a legal guardian to protect her daughter if she is not provided timely communication opportunities, during this COVID crisis. She sent two inquiries and never received a response. A letter to families was delivered with basic communication protocol expectations, but no specific details were described if a child gets sick. Leadership is responsible for decision-making. It shouldn’t be the position of the direct care worker.

**Stephanie Kirby** has a 27 year old son who is a resident at Denton State Supported Living Center and 100% dependent on others to feed him. Discussion is lacking about the importance and urgency in allowing communication with her son. Her last visit was March 12, a day before guidance was publicized limiting visitation. Correspondence provided to guardians did not indicate when limitations would be lifted. There is an urgent need for involvement from family members or guardians to check on the well-being of residents, including a level of possible danger.

**Farhat Chishty** has a son with disabilities whom, before the COVID pandemic, stayed in a day-hab for a large portion of the day. She works 12-18 hour shifts without opportunities for respite and struggles to care for her son. Many service delivery providers have made decisions to close day-hab facilities. She asked for alternatives for families during COVID. She contacted her Congresswoman and Commissioners for the City of Dallas; no one takes responsibility or communicates with families.

**Jolene Sanders-Foster**, Coalition of Texans with Disabilities, commented about meal provision to students by local education agencies during the COVID crisis. Students, 18 and older, who have reenrolled in school to complete a high school diploma are eligible to receive meals through Texas Department of Agriculture’s child nutrition program. Language isn’t reaching some communities and families don’t know their students are eligible.

**John Woodley** has requested alternate forms of communication from multiple state agencies and local governments to participate in public meetings but requests are sometimes denied. He shared examples of HHSC’s failure to perform a well check to assess the condition of someone with a disability, and someone whose state Medicaid benefit was cut by $400 and not extended emergency SNAP benefits.

**Ruth Quesenberry** is a massage therapist who contracts through CLASS program. Massage therapy was originally classified as a nonessential service during the COVID pandemic. Lack of services hugely impacts their clients. She would hope that rules be lifted during the pandemic for clients with a valid prescription. Children are regressing by not receiving the services. Therapists are sole proprietors which effects their financial livelihood.

**Public Comments, Written**

**Dennis Borel**, Coalition of Texans with Disabilities, calls on the State to immediately approve paid sick leave and a higher hourly rate of pay for community attendants. The emergency Federal Medical Assistance Percentage increase of 6.2% will amount to approximately $1 billion, according to Comptroller Glenn Hegar. CTD believes this funding is intended to increase Medicaid services without supplanting state Medicaid dollars. Within the community of Medicaid beneficiaries, these increases should target services that support people with disabilities to live in the community.

**Tory Hart** described instances where people with invisible disabilities are discriminated against. He suggested a wallet-sized card with duplicative information from a parking placard that might eliminate judgement, embarrassment, and anger produced by unfair treatment.

**Angelita** **Hunter**’s 13 year old son has a Behavioral Intervention Plan (BIP) for a school setting that states “ignore verbal aggression and allow to calm down in a non-threatening environment”. She asked how a federally protected child could be charged with three felonies when the police department did not use assessment tools, request the advice of a medical professional or were not aware of the IDEA. There is no required training for attorneys, prosecutors, or district attorneys to be educated on IDEA for scenarios that involve school settings.

**Heather Peavey**, DeafBlind Coalition of Texas, promoted the urgent need for Co-Navigator services and requested the Committee update the Support Service Provider report, in collaboration with Public Utility Commission (PUC) and Health and Human Services Commission. The SSP report should include eligibility criteria, reassessment of participants who use the services, update estimated program costs, and add a section that promotes the use of PUC funds to promote Co-Navigator/SSP services for telephone calls.

**Executive Director’s and Staff Reports – Ron Lucey**

Performance measures are tracked and reported to the Legislative Budget Board quarterly. Abilene joined the list of local committees on disabilities but the overall number statewide has declined.

This year’s Barbara Jordan Media Awards ceremony will be held virtually and might reach a greater audience than a live event. The video will highlight 13 winning segments and acceptance remarks from winners; Keynote by Bob Phillips from Texas County Reporter; Dr. Bangor and TAMU partners will provide remarks. The video will be uploaded to the GCPD’s Youtube channel.

In response to COVID-19, GCPD established a website with resources linking to other agencies. Staff distributed many Govdelivery bulletins related to the coronavirus, including one providing guidance on distance learning with Department of Information Resources and Texas Higher Education Coordinating Board. Lindsey Zischkale and Joshua Ryf from Texas Council on Developmental Disabilities developed “Communication Tips” resource for use at drive-in COVID testing sites that was shared with Texas National Guard, and City/County ADA Coordinators, local emergency managers, local disability groups and National Association of Governors’ Committees. Randi Turner established contacts to turn Governor Abbott’s Executive Orders into an accessible product to provide critical information to Deaf Texans.

The GCPD hosts excellent free training through accessibility and disability policy webinars. There was a huge response to recent webinars on “COVID-19 Considerations for Persons with Disabilities” and questions posed to TEA and HHSC. (<https://gov.texas.gov/organization/disabilities/training-webinars>)

Mr. Lucey serves on Texas Division of Emergency Management’s Disability Task Force. The Effective Communications Tool Kit is a good resource for news broadcasts and offers tips for first responders w; it was shared with local offices of emergency management and county judges, mayors, and members of the media. Staff worked with Office of the Governor’s Press Office to send a letter to Texas Association of Broadcasters and Texas Cable Association with advice on captioning.

Randi Turner serves on Texas Society for the Deaf’s restructuring committee and is working with Texas Deaf Chamber in partnership with Office of the Governor’s Economic Development Small Business division hosting workshops statewide to develop businesses for entrepreneurs. Monica Villarreal will be working with the SSP Coalition to update the Committee’s 2017 Support Service Provider report. HHSC has added SSPs for DeafBlind to their Exceptional Items list. TEA’s Digital Curriculum Advisory Committee is working on a report to State Board of Education. Ms. Zischkale and Ellen Bauman have been serving on the Individuals with Developmental Disabilities (IDD) workgroup. Erica Haller Stevenson should be invited back to discuss the report, expected to be finalized in May.

**The Future of the Workforce Report**

Robert Silverstein, Legislative Counsel, State Exchange on Employment and Disability, and Dina Klimkina, Program Manager, Council of State Governments, spoke. The Future of the Workforce report supplements an extensive report, Work Matters, and is written upon the perspective of people with disabilities and offers an opportunity to share other states’ best practices. The focus on Mr. Silverstein’s presentation was advances in automation and technology and the rise of the gig economy. Short-term jobs, project by project or client by client, define the gig economy by providing negotiated services and goods, often through a web app-based platform, (ie Uber/Lyft). Benefits of a gig economy are flexibility in hours, independence, economic empowerment and less overhead. Worker classification is a key issue. Is the individual an independent contractor or an employee? Significant differences are civil rights seen in ADA Title I, and worker protections like FLSA in terms of minimum wage, FMLA, Workers’ Compensation and sick leave. Only employees get protections. In Texas, in 2019 TWC issued an administrative rule defining marketplace contractors but only in terms of unemployment insurance.

Policies of other states were included in the PowerPoint presentation and could serve as models. Governors from CO, CA and NJ established task forces or commissions by Executive Order for artificial intelligence, autonomous vehicles and web accessibilities. Other states with policies that presume marketplace workers are independent contractors include FL, IN, IA, KY, TN and UT. California adopted legislation that places the burden on companies to demonstrate that marketplace workers are not employees. Fair Employment Practices were adopted by MD, NY, MN, RI, and WA prohibiting discrimination in contractors. This is significant because if an Uber decided they weren’t going to allow deaf drivers or not going to have deaf passengers, there would be nothing to prohibit that from occurring.

Mr. Silverstein shared ideas for policy consideration. Make sure platforms are accessible to, and usable by, people with disabilities. He believes Title III of the ADA requires these platforms be accessible but it would be helpful to have incentives and other policies at the state level. Adopt a system of portable benefits. Educate workers with disabilities since knowledge is critical to make an informed decision. Collect data. Provide a conflict resolution process.

Ms. Klimkina offered additional research or resources and then addressed the changing nature of apprenticeships. Apprenticeship is an industry-driven, high-quality career pathway where employers can develop and prepare their future workforce, and individuals can obtain paid work experience, classroom instruction, and a portable, nationally-recognized credential. Benefits for sponsors include enhanced retention, lower recruitment, reduction of workers’ compensation costs, improvement of health and well-being, increased productivity, creativity and profitability, and furthers an inclusive employment environment to attract a highly-talented staff and customer base. Texas has historically had high numbers of apprenticeship programs, eg: sheet metal, carpentry, plumbing, or electrical. TWC grants funds to local public educational institutions to support the costs of related classroom instruction in registered apprenticeship training programs. TWC partnered with South Texas College to establish apprenticeships in brewing, biomedical maintenance, certified nursing, cybersecurity, and customer service. A vocational rehabilitation pilot program aims at assisting people with disabilities learn through a training model. Key issues to consider are changes in technology and resulting industry diversification, location, structural flexibility, worker migration, education, connection with workforce systems, and transportation.

There’s a greater opportunity for collaboration between governmental agencies, educational entities and industries which may reduce training costs and expand employer outreach. Ms. Klimkina shared examples of policies and programs adopted by other states including FL, MO, NJ, AL, and NV that discussed collaboration, expansion, plans to diversify apprenticeship, early training in education, tax credits or financial incentives. Kentucky has implemented a civic sector apprenticeship program for IT, transit, and local government. Working with states and industry leaders to establish apprenticeship reciprocity agreement allows for more mobility. Coordination with educational institutions helps future success. Transitioning from time-based to competency-based models may reduce entry barriers. Encouraging apprenticeships for adults to potentially enter a new career. Ensuring better access to public transportation and childcare would enhance participation.

**Accessibility of Transportation Network Companies (TNCs) in Texas**

Nancy Crowther chairs the Texas TNC Stakeholders Workgroup which includes members experienced in working with people with disabilities, policy and municipal issues, and transportation systems. They would like to add representation from TDLR and Texas Paralyzed Veterans. The Workgroup will develop best practices for access to equivalent transportation services with emphasis on wheelchair accessible services by TNCs, and reach consensus on recommendations presented to the GCPD. The Workgroup needs to address transparency and accountability by the TNCs and TDLR to whom the TNCs report on their pilot projects.

Uber began a pilot project in 2015 with wheelchair accessible minivans, with a phone app called Wheelchair Accessible Vehicles (WAV). In 2016 Uber and Lyft left Austin because they refused to participate in stricter background checks approved by the voters in a municipal election. During the 85th Texas Legislative Session, House Bill 100 was passed to develop five pilot projects to provide equitable transportation services for people with disabilities who used fixed frame wheelchairs (electric wheelchairs or motorized scooters and not the same as a wheelchair that could be folded and stored in a trunk of a sedan). After the pilot began there were no requirements to provide any accessible transportation for people with fixed-frame wheelchairs. In 2018 Uber and Lyft returned to Austin and ADAPT of Texas filed a lawsuit against Uber for lack of service availability. Uber claimed they were only a phone app. As a part of a settlement agreement, Uber management reestablished WAV service and the WAV phone app was improved to improve easier access by customers with disabilities. July 25, 2018 an official from Uber made a statement that they wanted to provide “affordable rides” in WAVs and contracted with Lone Star Medical Transportation. During this time, Lyft did not have any equitable service except to refer to local taxi companies. Uber now provides WAV service in Austin, Los Angeles, New York, Washington DC, Boston Chicago and Philadelphia.

The Workgroup is exploring the following policy ideas: small fees or taxes to fund accessible rides in each large market; review Washington DC’s model where drivers are provided incentives; a state government match for driver incentives; a waiver of sales tax on the purchase of accessible vehicles. They will research market-based solutions statewide. Because Texas is so diverse, the Workgroup needs to look at demographics and would like to have the number of vehicles be appropriate to each community. Medicaid has transportation programs called Uber Med or Lyft Health, but the Workgroup is trying to stay away from the medical model. Explore modifying an employment model of the drivers, who are all independent contractors. Employ people who own modified vehicles and who might be willing to drive, however, safety components such as securing a wheelchair may not make this option feasible. Vehicles used by TNCs generally fall within a certain age range. The Workgroup will research other states’ models. Disability Rights Texas researched proprietary conflicts. Dr. Bangor encouraged Ms. Crowther to reach out to the Coalition of Texans with Disabilities and the Council of State Governments.

**Support for Post-Secondary Education for Deaf Students and the Impact of SouthWest College for the Deaf (SWCD) on Deaf Texans and their Future Employment, Education and Lives**

Jeff Anderson, Associate Professor, Deaf Support Specialist and Career Technical Education Division Chair, briefly discussed the college’s history. The original vision, in 1980, for Southwest Collegiate Institute for the Deaf was to develop and reinforce students’ skills before transferring to Gallaudet, National Technical Institute for the Deaf, or other universities. Today, SWCD is the only junior community college for the deaf in the world. The goal is for students who are deaf or hard of hearing to earn degrees, certificates and receive job training in a self-contained, instructional environment, through direct instructor communication. Danny Campbell, Dean of Instruction clarified that enrolled students must be deaf or hard of hearing, or deaf plus another disability, unless they were studying to be an interpreter. Students interact with others on 14 campuses in the Howard College District to experience appropriate social interaction with peers.

SWCD assesses a tuition to individuals attending from out of state. SWCD has had to freeze hiring, defer building maintenance, or upgrade technology until their budget increases. Tuition and fees for Deaf Texans is waived. Students only pay for room, board and books. The campus has dorms, a cafeteria, a gymnasium, a Student Union building, clubs and organizations. They boast a high number of graduates, however enrollment has declined since 2013. Major programs for students offered are dental lab tech, visual communication tech (ie graphics arts), and ASL support services specialist. Classes can be provided through distance learning opportunities. Gallaudet accepts credit transfers which is a cost-saving for students. High school students can receive dual-credit.

Deaf students learn much better with direct communication. Research has shown that 75-80% of hearing students will understand the majority of a lecture, compared to 65-70% understood by a deaf student. Deaf students attending a mainstreamed university experience limited interaction and depend on note takers or use interpreters. There is a lag time between when the information is received, the brain processes it, and an interpreter communicates. Interpreters may not be familiar with the subject area or terminology, or may miss information altogether. DARS used to provide rehabilitative services, however the new focus from TWC is securing jobs. Emma Faye Rudkin suggested a future promotional campaign to high school students. Howard College President Cheryl Sparks discussed new marketing materials.

**Reports from Invited Exofficio Agency Representatives**

**Department of Family and Protective Services (DFPS)**

Robert Schuller noted the following recently published reports: DFPS 2019 Annual Report, Utilization of Appropriate Levels of Care (Rider 24) report, Community-Based Care Evaluation (Rider 15) report, Community-Based Care Implementation Status (Rider 29) and the DFPS Human Resources Management Plan (Rider 8) report. Key organizational changes included: Deneen Dryden will join DFPS as CPS Associate Commissioner; Kaysie Taccetta, CPS Deputy Associate Commissioner; Erica Banuelos, CPS Director of Field; Hector Ortiz, Director of Conservatorship Services; Anna Blake, Director of the Faith-Based and Community Engagement Division; and Lesley Guthrie, Deputy Director of Faith-Based and Community Engagement. Media Relations and Communications divisions merged to create a new division to improve strategic coordination and responsiveness. Patrick Crimmins now leads the Communications Division. Demetrie Mitchell now serves as Chief of Staff, bringing a wealth of law enforcement experience to DFPS. A new Compliance, Coordination and Strategy Division (aka, the new foster care lawsuit division) is responsible for coordinating the agency’s efforts in complying with the court’s orders. This division allows the DFPS General Counsel to focus on legal strategy with the Attorney General’s office and other defendants and help Child Protective Investigations and CPS focus on implementation.

A follow up item to Carol Self and Heather Bugg’s January report was shared on CPS’ year-long efforts addressing disability concerns. Curriculum for newly hired caseworkers is now effective, after review and enhancements based on feedback from HHSC, Disability Rights Texas and GCPD. Training for existing staff will go through a similar review and enhancement process. For the intake abuse and neglect hotline, accessibility improvements, such as the inclusion of screen reader technology and keyboards will enhance DFPS employees’ interaction with the application. The SAFE Alliance icon on DFPS-issued phones is a web link to a public facing website.

**Department of Licensing & Regulation, Architectural Barriers (TDLR)**

Norman Kieke, Architectural Barriers Program Manager, presented the agency’s report. TDLR licenses or regulates 41 programs, seven of which are health-related programs. COVID-19 response has brought a new dimension of oversight and caution to TDLR programs and staff. The Office of the Governor provided guidance on waivers allowing telehealth services and information relating to therapeutic massage rules if medically prescribed by a physician or Doctor of Chiropractic. The agency’s strategic plan is posted on the website.

There is an increased emphasis on human trafficking and awareness; the cosmetology and massage industries have a high level of risk. Texas’ Office of Attorney General provides training for Uber drivers in recognizing warning signs of trafficking. TDLR is developing guidance for contractors on conducting business during COVID-19, ie: Registered Accessibility Specialists should share documents electronically. Texas Architectural Barriers System (TABS) online project management system just passed 8,500 users. Architectural Barriers inspections are decreasing because people are fearful of interaction within the community. TDLR’s first Driver Education program in Sign Language is operational. Usage is not available yet. The Office of Strategic Communication wants to partner with GCPD on a GovDelivery after the pandemic slows down. The TNC section of the report is duplicative of last quarter. TDLR does not have regulatory authority over TNCs, legislation only enabled TDLR to collect the reports. There are 14 TNCs and 13 have provided reports.

**Health and Human Services Commission (HHSC)**

Dana Williamson shared Phil Wilson was named Acting Executive Commissioner. Since mid-March HHSC has worked on the COVID response with state and federal partners to obtain waivers around certain program requirements for eligibility assessment purposes such as face to face contact, monitoring and case management. Communication and delivery of services is allowed via telehealth or telemedicine. HHSC is working with the Center for Medicare/Medicaid Services to seek waivers to federal policies and state plan amendments. HHSC requested flexibility around fair hearing timeframes. An 1115 Waiver request is in process that would extend level of care assessments and individual service plans. Day habilitation was not deemed to be essential under current guidance but when certain qualifications are met family members can provide respite services and Community First Choice personal assistance and habilitation services. In the COVID environment, challenges are impacting the attendant workforce. The focus was on keeping SSLC residents safe while limiting exposure. The behavioral health staff are providing additional support to residents to assess the impact of stress caused by challenges such as routine changes, social distancing and to help maintain resilience and morale. Families are encouraged to maintain relationships through video conference and telephone communication. Ms. Bauman noted that residents don’t understand current protocol and abandonment adds trauma to behavioral issues. Ms. Williamson will share GC Members’ concerns with leadership about SSLCs and family members’ and guardians’ desire to have visitation or even an update on the health of residents which has not occurred.

House Bill 1, Rider 42, directed HHSC to study the interest lists for IDD waivers - STAR Kids, Medically Dependent Children’s Program and Star+Plus Home and Community-based Services. The term “interest list” refers to one’s desire; Texas does not determine eligibility. In 2019, the interest lists reflected 154,056 individuals who desired to enroll in one of Medicaid’s programs. Offers for individuals to receive waiver services are available on a first-come, first available slot, based upon appropriated funds as well as attrition. HHSC requested input from the Intellectual and Developmental Disability System Redesign Advisory Committee and experiences from other states in reducing or eliminating waiting lists. The report is due to Governor Abbott and the Legislature September 1. Research revealed states choose to asses individuals for existing needs and prioritize their access to waiver services based on immediacy of need and trying to fit the benefit with the individual’s need. States may utilize a combination of state plan services as well as support waivers. In Texas, the TxHomeLiving waiver has a $17,000 cap versus the CLASS waiver where individuals can receive up to $114,000. HHSC is reviewing factors over the past ten years affecting the interest list such as policies or programs offered, socioeconomic impact, and population growth. Required data elements included unique demographics of each person on the list, service preferences, length of time a person is on the list and unmet support needs. HHSC discovered that collecting and maintaining information varied from previous agency leadership. Next steps are to develop strategies and determine related costs, and update the statewide strategic IDD Plan.

**Texas State Independent Living Council (SILC)**

Executive Director Sandra Breitengross Bitter reported the draft State Plan for Independent Living (SPIL) for Fiscal Year 2020 is posted on their website. The goals and objectives are similar to the last SPIL. SILC is accepting comments until April 29. In May the document goes to HHSC for approval. HHSC is the designated agency to receive and distribute federal funds from the Administration on Community Living. Ms. Bitter predicts the final 2020 SPIL will be approved by the board in June. The next meeting will be likely held virtually to discuss follow up items from January’s Transportation Works Summit. A five-year grant from the Council on Developmental Disabilities allows Texas SILC to hold an annual accessible transportation summit and review policy recommendations from people with disabilities and transportation providers. Priority areas included accessibility of TNCs; regional coordination of local transportation services in rural areas, and consistent sidewalk audible notification; outreach strategies for emergency management; and access to various languages and communication usable for the IDD population. Discussed at the Summit were multimodal aspects of using local buses, transit, TNCs and how access and meeting location affects participation. Richard Martinez spoke on the importance of disability representation on boards and commissions. The paralysis resource center pilot program continues for providing virtual independent living services. An RFP will be open this summer for sub-award recipients.

**Recess**

Chair Bangor motioned to recess the meeting until the following morning. A roll call vote was taken; motion approved. Dr. Bangor recessed at 5:09 p.m.

**DAY 2 - April 23, 2020**

**Reconvene Meeting / Roll Call**

Chair Aaron Bangor reconvened the meeting to order at 8:00 a.m.

**Texas Education Agency (TEA)**

Dr. Justin Porter featured the reorganized collection of resources on the agency’s website. TEA’s landing page highlights COVID-related guidance with literally hundreds of TEA-created resources and links to other agencies’ resources. Every document includes a posted or revised date. Students in special education use the same resources as general education. Many documents provide guiding questions and considerations. TEA directed local education agencies to focus on health and safety of students, families and staff. Conversation between parents and local education agencies is being encouraged to address problems.

In this unprecedented situation, there will be compliance issues encountered. There is angst related to timelines for state and federal requirements. IDEA requires an evaluation. For example, student evaluations are unfulfilled when a student’s interaction with peers isn’t possible. In the interim, TEA’s instruction was to provide services to students, track and make everything available to parents, and complete the evaluation when students return to school. ARD Committee considerations offer standardized tests in a virtual environment. Create a contingency plan through an ARD amendment, but at the end of the day you build an IEP that reflects the needs of the student to help them move forward. Additional services for the student can be discussed later. TEA’s monitoring system is more robust than it was 18 months ago. They are developing guidelines on compensatory service to combat student regression, and managing students who have behavioral needs; parental instruction has not been developed.

Members asked about providing WiFi for families who can’t afford Internet service or live in rural areas. TEA’s Instructional Continuity web page talks about infrastructure and points to resources. LEAs are delivering packets of work or Chromebooks to homes, parking school buses in neighborhoods delivering WiFi and school lunches. For students who are deaf or hard of hearing, TEA is working with their Sensory Support Network and Digital Accessibility Committee on guidance for virtual instruction.

**Texas Workforce Commission (TWC)**

Claudia Peden said during COVID nearly 100 staff are working remotely to provide service to customers in the Vocational Rehabilitation (VR) and Older Individuals who are Blind programs. TWC added staff to bolster the call centers to provide information to people filing claims. Counselors contacted VR customers via letters and follow up phone calls about virtual options. Notices about office closures were posted. TWC’s web page continues to publish updates. If a customer does not have access to a computer, documentation may be submitted via USPS; staff are responsible to check for incoming USPS mail deliveries. Town hall meetings will occur virtually on the Comprehensive Statewide Needs Assessment to identify VR services needed in community.

TWC issued temporary exemptions to policies and procedures in the VR and Standard for Providers manuals such as allowing electronic signatures for service authorization to pay contract providers, approving extensions in certain services, explaining unforeseen circumstances in case management, providing computer-based training, and approving the provision of services using Zoom or FaceTime. The Summer Earn and Learn program will not occur this summer. TWC is working with host institutions to determine if Explore STEM will occur. The Workforce Solutions offices are looking at apprenticeships with local businesses based on the community and local labor market. Mr. Rafaty asked for additional information on apprenticeships and commented on the importance of strategic collaborative partnerships.

Ms. Rudkin commented on the difficulties people experience navigating the unemployment process, which is more complicated for people who are Deaf or low English comprehension. It would be beneficial to have a dedicated phone line for the deaf and hard hearing community or create a video communicating in American Sign Language about navigating the system.

**Policy Development based on the Committee’s issue areas of Access, Communications, Education, Emergency Preparedness, Health, Housing, Recreation, Transportation, Veterans and Workforce**

GCPD members reviewed the recommendations from the last biennium for possible inclusion in the draft policy recommendation report for the 87th Legislative Session.

**Access** topics: clarification of service animal and assistance animal in Human Resources Code; training law enforcement regarding service or assistance animals; penalty for fraudulent representation of service animals; designating a state agency to create an awareness campaign; and annual distribution of service animal education materials. Ensuring all components of the voting process are accessible to voters with disabilities.

Motion by Richard Martinez to carry all of the recommendations from the Access area and move them forward. Motion passed by roll call vote.

**Communications** topics: establish a Support Service Provider program and funding source, establish a pay rate and voucher program for the identified population. Revision: set an updated budget based on the new SSP Report and HHSC’s exceptional item request. Dana Williamson shared the Legislative Appropriation Request (LAR) process has been delayed due to COVID which challenges the number of exceptional items. Restore Office of Deaf and Hard of Hearing Services’ funding levels so the number of Resource Specialists can be restored to pre-Sunset, pre-merger numbers. Allow Deafness Resource Specialist services to occur virtually in response to state-declared disasters. House Bill 1962 addressed the Talking Book program.

Motion by Dylan Rafaty to carry five SSP-related recommendations from the Communications area forward, and revise one related to HHSC’s LAR. Motion passed by roll call vote.

**Education** topic: the Accessible Digital Curriculum Advisory Committee was established; no need to include this recommendation in the report.

**Emergency Management** topics: naming a Disability Coordinator within Texas Division of Emergency Management, encouraging state health and human agencies to discuss emergency preparedness and evacuation planning with the Texans they serve, monitoring implementation of HB 4479 describing a pilot, developing and helping promote a rapid response behavioral health task force, and implementing Next Generation 911.

Motion by Kristie Orr to carry forward three recommendations from the Emergency Management area, with the fourth revised to include monitoring the implementation of HB 4479. Motion passed by roll call vote.

**Health** topics: establishing requirements for certified medical interpreters; community attendant care wages; accuracy of Star Kids Screening Assessment Instrument (SKSAI) and testing SKSAI for reliability and validity; requiring Texas Medicaid Healthcare Partnership (TMHP) to personalize a denial letter for services, training TMHP reviewers on medical necessity criteria, and including parental or guardian assessment of medical necessity; and supporting HHSC’s funding for ECI. Dana Williamson explained delivery of MDCP waivers occurs by managed care organizations. Staff will reengage DeafBlind stakeholders to set a new goal for available slots. Legislation addressed the Texas Early Detection and Hearing Intervention program, removing this recommendation from the list. The recommendation on SSLC closure was tabled due to the complexity of the issue; a workgroup will explore revisions.

Motion by Archer Hadley to carry forward seven recommendations from the Health area, revising one with a new number of DMBD Waiver slots and one reflecting a new dollar value for ECI. Motion passed by roll call vote.

**Housing** topics: adoption of accessible, affordable and transit-oriented housing in Texas communities; working with TWC’s Civil Rights division to promote greater understanding of fair housing laws; and study strategies from other states or local communities that have expanded community-based housing options.

Motion by Dylan Rafaty to carry the three recommendations from the Housing area forward. Motion passed by roll call vote.

**Recreation** topics: promote grant funding for installation of inclusive playground equipment. Members were interested in where Texas Parks and Recreation distributes the sports taxes they receive. <https://tpwd.texas.gov/business/grants/recreation-grants/about-local-parks-grants>

Motion by Ellen Bauman to carry this Recreation recommendation forward. Motion passed by roll call vote.

**Transportation** topics: strengthening enforcement of accessible parking laws; placard fraud and abuse; developing a public awareness campaign; aligning language in Texas Government Code; accessible parking within the Capitol Complex; compulsory education as an alternative sentence for offenses; increasing the number of van accessible parking spaces at medical facilities; and implementation of periodic audits on parking placard program statewide. Texas Government Code allows the GCPD to work with TDLR in providing education related to accessible parking but authority to perform training was not included. Four recommendations from the 86th report were completed and will not be carried forward: installation of accessible parking near the Capitol building; TDLR is in the process of implementing HB 3163 relating to painting accessible parking spaces and signage; and the term “communication impediment with a peace officer” has been added to TxDPS TLETS. Parking Mobility has a phone app to aid in enforcement. Travis County Precinct 5 has a robust volunteer parking enforcement program.

Motion by Richard Martinez to carry eight recommendations forward in the Transportation area. Motion passed by roll call vote.

**Veterans**: GCPD will continue to monitor legislation related to veterans with disabilities and promote changes in laws, policies or programs.

Motion by Archer Hadley to carry forward the recommendation in the Veterans area. Motion passed by roll call vote.

**Workforce** topics: integrated community-based employment and appropriate funding to provide long-term support, and strengthen disability related accessibility and employment practices. Members requested a future presentation by Workforce Board of Coastal Area on a pilot project.

Motion by Ellen Bauman to include both recommendations from the 86th Committee report in the Workforce area. Motion passed by roll call vote.

**New Policy Proposals**

**Naming the new Transit Amenity Center**. A Resolution by the House of Representatives and Senate is required when naming historical architecture on the Capitol grounds. Recommendation to name the transit amenity center being built near the Texas Capitol as Justin Dart Amenity Center. Support from members included: an opportunity to provide education on disability rights champions; Mr. Dart’s impact on the passage of the ADA; 1.5 million annual visitors to the Texas Capitol. Dr. Bangor requests the Dart family be notified.

Motion by Ellen Bauman to approve the Committee’s recommendation, and inform Yoshiko Dart. Motion passed by roll call vote.

**Universal Changing Space in the Texas Capitol Complex**. Texas State Preservation Board modified two restrooms inside the Capitol building to address personal care needs of visitors with disabilities or families needing extra space. Members felt it was important to lead by example. Substantial remodeling one of the family restrooms by installing an adult changing table and shower is feasible as a onetime expenditure, with an estimated expense of $50,000. Funding comes through the Legislature in the form of a fiscal note and might be a potential challenge, however, funding could be taken from the GCPD’s unexpended budget. Signage should indicate the inclusion of the changing table and remind members of the public of its specific use by individuals with disabilities and family members.

Motion by Dylan Rafaty to approve the Committee’s recommendation. Motion passed by roll call vote.

**Universal Changing Places**. Sabrina Kimball brought this proposal to the Committee at the January meeting. Universal changing places applies to places of public accommodation in locations where folks with disabilities would likely be for more than two hours (sports stadiums, airports, etc.) ADA directs businesses to remove barriers to access. The proposal primarily discusses scope but requires the expertise of architects and Registered Accessibility Specialists. A facility could install a universal changing place voluntarily. Tax incentives are available. One path forward is to have TDLR own the rule-making part. TDLR’s Texas Accessibility Standards apply to new construction or renovations valued at $50,000, then an inspection has to occur. This would have a substantial architectural impact on a facility. An existing restroom may not have enough square footage to put in an adult changing table. The proposal needs to be well defined where it can have the most impact. Mr. Lucey recommends working with members and other interested parties to develop a scope that is architecturally feasible. No motion taken; the topic will be brought forward next meeting.

**Future Meetings**

Staff and members considered possibilities of meeting in Abilene, or at the SouthWest College of the Deaf campus in Big Spring. Instead members recommended holding a virtual meeting in July. A shorter 5th meeting could be held in June focusing solely on policy recommendation development.

Motion by Archer Hadley to hold a virtual policy meeting in June and full Committee meeting, again virtually, in July. Motion passed by roll call vote.

**Adjournment**

Motion by Dylan Rafaty to conclude the meeting. Chair Aaron Bangor adjourned the meeting at 12:16 p.m.

Submitted by

Nancy Van Loan, Recorder

**Follow Up Items**

* HHSC – visitation policies and adequate numbers of direct care staff at SSLCs
* HHSC – is telehealth offered for Early Childhood Intervention services or for well checks for children to be referred for ECI services?
* HHSC – ask Office of Deaf and Hard of Hearing, about funding restrictions (heard during public comment)
* HHSC – seek an update about the of implementation of HB 4479
* TWC – information on available apprenticeships
* TWC – ask Unemployment Insurance division about navigation difficulties Texans experience when filing online
* Staff – research the performance measure due date for Texas Commission on Emergency Communication
* Staff – seek an update from DSHS on implementation of Rapid Response Behavioral Health Task Force
* Staff - monitor eligibility for the Medically Dependent Children’s Program, including appeals and denials
* Staff – research HHSC’s funding for the ECI program