Texas Governor’s Committee on People with Disabilities

**SUMMARY MINUTES**

October 22 - 23, 2020

Videoconference Meeting via ZOOM

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

Emma Faye Rudkin motioned to call the meeting to order. Chair Bangor verified quorum was present. Members approved the motion by roll call vote.

**Members Present**

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

**Exofficio Representatives Present**

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

**Staff Present**

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

**Invited Speakers**

Steven Aleman, Chase Bearden, Bobi Cook, Nancy Crowther, Michele Deitch, Kristin McGuire, Jolene Sanders, Bobbie Scoggins, Michael Swaboda, Marilyn Swanson

**Approval of Summary Minutes from Past Committee Meetings**

April 22-23, 2020; June 11, 2020 Work Session; and July 30-31, 2020

Dylan Rafaty motioned to approve all three summarized meeting minutes. Members approved the motion by roll call vote.

**Special Education Allotment Advisory Committee (SEAAC)**

Steven Aleman, Disability Rights Texas, provided background on the formation of SEAAC. House Bill 3 (86R) required the Texas Education Agency to study how Texas funds special education services for students with disabilities. There is a shortage of qualified special education teachers. Kristin McGuire, Texas Council of Administrators of Special Education, summarized the SEAAC’s Overview of the Special Education Allotment Advisory Committee report. The report recommends funding special education services based on intensity of students’ needs rather than where the student receives specialized services.

Motion: Elyse Lieberman moved to endorse the recommendations from the SEAAC report. Members approved the motion by roll call vote.

**Coalition of Texans with Disabilities (CTD) Policy Recommendations to the 87th Texas Legislature**

Jolene Sanders and Chase Bearden shared CTD’s recommendations:

* Support and funding for the Early Childhood Intervention program
* Prioritize funding for Child Find to increase the per-child allotment and growth in caseload
* Ensure health insurance plans reimburse for therapies, specialized skilled training and targeted case management
* Promote inclusive childcare, including training for employees
* Revise language in Human Resources Code to include antidiscrimination protections
* Reject distribution of grants or vouchers to families with disabilities in lieu of fulfilling obligations to comply under IDEA
* Support effective student behavioral health and appropriate school discipline policies
* Revise the Texas Penal Code to better define student discipline
* Establish a statewide continuum of force protocol (for school districts)
* Raise Medicaid personal attendant care wages to encourage a long-standing commitment
* Develop a system with integrated care for people with IDD
* Expand dental benefits to Medicaid enrollees as a cost effective method to the state by avoiding emergency room visits
* Reform the Compassionate Use of Medical Cannabis program and allow doctors to determine dosage and THC levels, and independent lab testing

**Texas Association of the Deaf’s Priorities for the 87th Legislature**

TAD President Michael Swaboda said TAD’s top priority is to implement a Support Service Provider program to address quality of life for DeafBlind Texans. Education is the second priority. [Education Code Title 2, Chapter 29, Subtitle F, Sections 29.301-29.303 defines programs for students who are deaf or hard of hearing.] TAD supports GCPD’s recommendations to regulate, license, and enforce ASL certification of personnel in school settings to ensure there is no language deprivation and so students receive accurate information. Advocacy training would be beneficial. West Texas and the Rio Grande Valley areas need more resources to lessen barriers to effective communication. Employers need education about reasonable accommodation, ADA protections and tax incentives; more trade apprenticeships should be encouraged. Deaf Texans need mental health services focusing on their unique needs. Lack of timely information was a frequent concern during the pandemic.

Marilyn Swanson, a member of TAD’s senior citizen legislative committee, indicated services available for Deaf Texans are inadequate. Seniors feel isolated, often relying on family members for support. The 2005 U.S. Census Bureau estimated 3.8 million Deaf Texans, including 494,000 who are senior citizens. The following are primary concerns:

* Encourage communication accessibility, cultural understanding and utilizing the interpreter interaction process.
* Promote equal access through ADA compliance by businesses that provide services to Deaf Texans in group homes, nursing homes, hospitals, and retirement facilities.
* Delegate Deaf Senior Citizen Resource Specialists to serve deaf, deaf-blind, latent deaf, and hard of hearing in all 28 service areas.
* Specialists should be fluent and hold certification in ASL and have general knowledge of resources including areas of financial, advocacy, accommodation requests, disability rights and mental health services to suggest guidance to appropriate programs and services.

**Transportation Network Companies (TNC) Report and Recommendations**

House Bill 100 (85R) asked TNCs to develop two-year pilot programs to provide wheelchair accessible vehicle trips in major metropolitan areas then provide a report to Texas Department of Licensing and Regulation. On-demand ride hailing services provided by TNCs help reduce transportation barriers that limit access to jobs, healthcare, and community for many Texans; however, these benefits have not extended to people with disabilities who use fixed-frame wheelchairs. Users of fixed-frame wheelchairs find on-demand ride services are unreliable and paratransit services are not viable alternatives. Wheelchair accessible vehicles (WAVs) are not readily available outside of metropolitan areas. Riders are referred to third party contractors such as taxicabs or paratransit services, if available. Uber and Lyft are the most recognized TNCs and claim to be a platform connecting people to ride services through a phone application, not a transportation provider. Nancy Crowther, TNC Workgroup Chair said the draft report offered the following recommendations.

* TNCs are to provide equitable accessible services to customers who use fixed-frame wheelchairs that is reasonably comparable to non-WAV services in terms of availability, cost, and responsiveness.
	+ If a TNC provides any service within the top ten most populous cities in the state, WAVs must be available with less than a 20-minute wait.
	+ TDLR should work with stakeholders to expand TNC WAV services in the next biennium beyond the initial ten cities to serve more regions.
* If a TNC purchases, maintains or leases a fleet of vehicles, a minimum five percent of their fleet must be WAVs.
* Establish through rulemaking a service fee on all completed TNC rides in Texas’ top ten most populated cities. These fees contribute to a centralized fund that TNCs may request reimbursement from for the cost of providing WAV services in those markets.
* TNCs and Texas Legislature should study how public and private driver incentives can lower the cost of owning and operating a WAV to provide expanded access to passengers who use fixed-framed wheelchairs.

Motion by Dylan Rafaty to adopt the four TNC policy recommendations. Members approved the motion by roll call vote.

**Reports from Invited Exofficio Agency Representatives**

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

Sandra Breitengross Bitter spoke. The Administration for Community Living (ACL) approved Texas’ three-year State Plan for Independent Living. ACL funded the Virtual Independent Living Services project serving Texans living with paralysis. New participants are Volar Center for Independent Living, Coastal Bend Center for Independent Living, North Texas United Spinal Association, Art Spark Texas, and Imagine Art. The fifth Accessible Transportation Summit will occur virtually on January 25, 2021 to present and hear about the impact of the final recommendations.

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

Robert Schuller highlighted items from the agency’s report. DFPS published the 2022-2023 Legislative Appropriations Request. DFPS named Stephen Black as Associate Commissioner for Statewide Intake, a key change in leadership. DFPS published many reports including Commissioner Masters’ New Vision, Child Protective Services Business Plan, Prevention and Early Intervention Business Plan, Family First Prevention Services Act Strategic Plan, and more. Last May, DFPS provided continuing legal education training around disability topics. DFPS corrected an outdated link originally on the DADS webpage for the Abuse Hotline webpage now referring to HHSC.

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

Dana Williamson said HHSC focused on the COVID-19 response and working with the Center for Medicare and Medicaid Services to allow for flexibilities in service delivery. Families can now visit loved ones, with certain restrictions. Guidance from the regulatory services area affects all long-term services. HHSC submitted a reduction plan that identified nearly $133 million savings for 2020-2021. Consumers, service providers and advocates across Texas provided information for the Disability Services Action Plan. The five-year Plan has 27 recommendations across communication, training and support, policies and rules, and system redesign initiatives.

Responses to previous follow up items: HHSC periodically reviews audiology reimbursement rates. The process to review procedure codes begins at hearings that allow providers and other members of the public to express concerns about proposed rates. GCPD members heard some patients traveled great distances to get their hearing aids and requested a list of Medicaid providers and locations. Secondly, concern about potential reduction of funding for ECI respite. Amendments to fiscal year 2021 budget eliminated proposed reductions.

**Texas Department of Licensing and Regulation (TDLR)**

Norman Kieke said nine of TDLR’s health profession programs impact Texans with disabilities. TDLR’s Strategic Plan for 2021-2025, “Leading Texas to a Brighter Stronger Future” is available. Some programs are required to complete human trafficking prevention training. Elimination of Architectural Barriers (EAB) program reviews 2,000 projects monthly. The online TABS project management system has 10,000 users. EAB are exploring strategies to encourage a career as Registered Accessibility Specialists, including a video shared with architecture and design schools. Implementation of parking regulations (HB 3163, 86R) are in place, however EAB is addressing questions on signage. The American Sign Language driver education course is available, and a motorcycle education course began.

**Texas Education Agency (TEA)**

Special Education Programs Director Justin Porter, PhD, highlighted resources created by TEA and national organizations supporting local education agencies and parents. TEA’s Students with Disabilities Planning Supports Guidebook addresses considerations since the onset of the coronavirus pandemic in preparing students for success in the classroom. The Digital Accessibility Committee (DAC) was instrumental in producing documents for educators on navigating accessibility for students with disabilities. The DAC’s purpose is to advise the State Board of Education on how to ensure equal access to digital curriculum. The DAC will present a report to aid in making decisions around the adoption of material. Videos on virtual ARD meetings, how to file a complaint in compliance with federal law, and IEP in-home learning implementation will be available.

**Texas Workforce Commission (TWC) Vocational Rehabilitation (VR)**

VR Policy and Support Manager Claudia Peden said that in reviewing agency policies allowing more remote service delivery, temporary policies that worked well during the pandemic are now permanent policy; e.g, allowing digital signatures. TWC added policies to the Standards for Providers Manual for contracted vendors who provide Interpreting or CART services. Senate Bill 2038 (86R) directed TWC VR to create a [report](https://www.twc.texas.gov/files/partners/occupational-skills-training-idd-twc.pdf) identifying potential funding sources for post‑secondary certification, occupational license or other workforce-credentialed programs for individuals with intellectual disabilities, and to identify specific occupations in high‑demand industries. The VR division hosted a series of online transition fairs for students between the ages of 14-22 to ask questions about careers and interact with employers. TWC’s Older Individuals who are Blind pilot on independent living continues to grow in the number of customers served. A pilot began in Corpus Christi, with possible expansion targeting underserved areas. The VR division created a centralized rapid engagement helpline for inquiries, (512-936-6400) to connect people searching for employment. TWC’s report included data on performance measures, outreach, and upcoming events.

**Supported Employment Pilot in the Gulf Coast Area**

Bobi Cook, Workforce Solutions of the Gulf Coast, presented on the “job coach” pilot serving 13 counties in the Houston area. The goal is to place 40 individuals with IDD or similar disabilities, demonstrating employability skills, into successful long-term competitive employment. There are no age restrictions. The pilot pays individuals a wage of $10 an hour while they are in work‑based learning and funds the job coach’s wages. The following partners supply referrals: TWC VRS, centers for independent living, Arc of Greater Houston and Arc of Texas, and Education Service Center Regions III and IV. Partners identify potential candidates and work with the individual to get financial counseling to understand how paid work experience may impact benefits that they may receive. After an initial assessment and receipt of a financial aid application, eligibility is determined and case managers place the individual at a worksite, keeping in mind their interests and strengths. A Disability Navigator chooses the top three job coach vendors for best fit in working with an individual. The customer makes the final choice. To date, two individuals are working successfully and Workforce Solutions is seeking worksites for eight individuals. Finding suitable worksites was challenging during the COVID-19 pandemic.

**Policy Development based on the Committee’s Issue Areas**

Chair Bangor discussed members’ responsibilities and intention of policy recommendation language. GCPD staff provided, in advance, all draft proposals to applicable state agencies for their review and comment.

**Medicaid Audiological Reimbursement**. Staff read the policy proposal and solution. Ms. Lieberman requested adding “routine hearing aid maintenance checks for tuning and fit”. It is rarer to have pediatric audiologists and practitioners that dispense hearing aids than adult audiologists serving patients on Medicaid. Dr. Bangor asked that the term “proactively engaging with audiologists” by HHSC Medicaid Rate Division be included in the recommendation.

Motion by Elyse Lieberman to approve this recommendation with an addition of including maintenance checks and engagement with audiologists. Members approved the motion by roll call vote.

**Captioning of Multimedia Content and Accessibility Remediation of Other Digital Learning Materials for Students in K-12**. Educational curriculum has moved heavily into the digital realm. The proposal suggests TEA use funds to make curriculum accessible for deaf and hard of hearing students as well as other digital learning materials such as Braille and larger font for students with visual impairments. Often videos do not include captions so Deaf and hard of hearing students do not have access to video-based curriculum. TEA’s budget Rider 8 (86R) allocated $13,500,000 federal funds for the purchase of instructional material and technology for students with special needs.

Motion by Dylan Rafaty to approve this recommendation asking TEA to develop a list of captioning providers, in‑house capabilities or an educational service center to address the local district demands for services in a cost effective, timely and efficient manner. Members approved the motion by roll call vote.

**Support Team Assistance Response (STAR) Pilot Program**. Calls to law enforcement about individuals experiencing mental health crisis do not always have successful resolution. Modeled after Oregon’s CAHOOTS program, the STAR pilot would be composed of a team of medical professionals and a crisis worker with substantial training in mental health. Reimagining crisis calls has shown promise in decreasing violent incidents, and escalations. It allows officers to spend more time responding to urgent calls. According to an American Journal of Preventative Medicine study, an estimated 20-50 percent of fatal encounters with law enforcement involved someone with a mental health diagnosis. Ms. Williamson added Senate Bill 292 (85R) funded five interdisciplinary rapid response teams to reduce law enforcement involvement with mental health emergencies.

Motion by Ellen Bauman to approve implementation of the STAR pilot recommendation through the Office of the Governor’s Public Safety Office and an HHSC-funded grant. Members approved the motion by roll call vote.

**Amend Texas Administrative Code, Article 16.22**. As written, the law does not require sheriffs or municipal jailers to notify the magistrate if a defendant is suspected to have a developmental disability. The term “individual with intellectual or developmental disability” was a likely oversight of the bill drafter and should be included in Article 16.22. Ms. Williamson noted that HHSC received funding last session allowing authorities to access data on admittances into the criminal justice system. Consider reaching out to Disability Rights Texas about including people impacted with traumatic brain injury or other cognitive disabilities.

Motion by Ellen Bauman to approve this recommendation, modifying the law’s title as Early Identification of Defendant Suspected of Having Mental Illness or Developmental Disability. Members approved the motion by roll call vote.

**Fund Sustainability for Early Childhood Intervention (ECI) Services**. Texans Care for Children originally presented this proposal, supported by Coalition of Texans with Disabilities. Ensure ECI contractors have appropriate funds needed to provide high quality services to all eligible children without an expectation of needing to do more with less. HHSC has not completed the Legislative Appropriation Request, so the fiscal impact is unknown at this time; GCPD staff will verify the dollar amount for this Exceptional Item.

Motion by Ellen Bauman to approve the recommendation to provide increased per-child funding of the ECI program, and appropriate funding for caseload growth, including support for HHSC’s ECI budget request for the 2022-2023 biennium. Members approved the motion by roll call vote.

**Mental Health-IDD**. The Coalition of Texans with Disabilities presented this proposal focusing on studying the intersection of mental health and individuals with developmental disability (IDD). Key points included increasing workforce capacity through training and incentives, increasing cross-agency collaboration, developing systems that integrate care for people with IDD, mandating trauma-informed training, and evaluating IQ thresholds as exclusionary criteria to accessing mental health treatment. HHSC’s IDD and Behavioral Health divisions have a pilot program on the psycho-social approach to addiction and recovery, education and training, collaborative case management and skills training. HHSC has the Behavioral Health Advisory Committee that might address this proposal. The National Association on Dual Diagnosis has what is essentially a Diagnostic and Statistical Manual for people with intellectual disability.

Motion by Aaron Bangor to approve the recommendation “to improve the quality of comprehensive integrated care for individuals at the intersection of mental health and IDD”. Members approved the motion by roll call vote.

**Alternatives to Harsh Discipline Measures**. The Coalition of Texans with Disabilities acknowledged gains made in the 86th legislative session (HB 873 and HB 2183). CTD recommended local education agencies create Behavior Intervention Plans (BIPs) in compliance with federal law and review student BIPs annually, or when circumstances warrant a review. Schools should eliminate informal suspension practices or instances of restraint that may reinforce challenging behaviors of students, and early student pick-up or unexcused absences that affect attendance data. Local Education Agencies should perform threat assessments. Documentation would show consistent problems. Any student can have a BIP, so LEAs should tailor supports to students’ development. Sometimes a LEA focuses more on the Student Code of Conduct for disciplinary action than following a BIP. Parents should always be fully aware of their rights. A video series for parents – similar to training given to TEA staff - on rights regarding discipline, BIPs, or removal of a student from campus would be helpful as a public awareness campaign. Dr. Porter sees reduction or monitoring practices through TEA’s due process and compliance processes. LEAs capture student attendance every morning; there is no mechanism to collect data on period-by-period attendance. The parents and school districts need to be accountable. An alternative solution might be to develop a partnership with TEA’s SPEDTex, Education Service Center Region 10 or Texas Parent2Parent.

Motion by Evelyn Cano to accept the public awareness campaign portion of CTD’s recommendation; and replace term “shadow”, with “special education discipline regulations”. Members approved the motion by roll call vote.

**Inclusive Childcare**. Childcare providers are not aware of available tools in serving children with developmental needs. Only two percent of ECI referrals come from childcare centers. The ADA says providers are required to make an assessment in determining reasonable accommodation that does not impact fundamental structure of the program or cause a financial burden to the private business. Solutions are often very simple accommodations. Church-based schools would be exempt. CTD suggested minimum standards for childcare licensing, annual professional development for caregivers or administrators on working with children with disabilities and promoting well-being. An online search tool may filter results which conflicts with federal law. DFPS chief of staff Dimitri Mitchell supported this recommendation and encouraged the Commissioner of Child Protective Services to provide training and support for families. Ms. Williamson added HHSC’s childcare regulation supported raising the number of required training hours in statute. TWC and Texas A&M AgriLife developed inclusive childcare training courses available to all childcare providers.

Motion by Elyse Lieberman to move this proposal forward, replacing the term “ensure” with “promote public awareness” and to consider increasing the number of required training hours. Members approved the motion by roll call vote.

**Deaf Teacher Certification**. Require teachers of students who are Deaf or hard of hearing to pass a certification exam credentialed by Texas Education Agency (TEA), ie: Texas Assessment of Signed Communications (TASC), TASC-American Sign Language (ASL), or alternative exam such as those available from the Board for Evaluation of Interpreters or the Registry of Interpreters for the Deaf. TEA’s State Board of Educator Certification (SBEC) has an approved educator preparation program. Texas Administrative Code Chapter 231 says each school district is responsible for monitoring and verifying teacher competency when placed in a classroom with students that use sign language. TEA should routinely audit certifications; Education Service Center Region 11 could perform this function. Itinerant teachers should be required to pass a recognized test and develop a plan determined by TEA or SBEC if not credentialed. Discussion included infrequency of testing opportunities, giving Deaf students quality services and providing all communication modalities and styles, and supporting students while developing a larger base of certified teachers. The goal should be to bring up the standards for teachers, perhaps in a specified timeframe. Video technology might be a solution.

Motion by Dylan Rafaty to modify the recommendation to require itinerant teachers of the Deaf to be certified; and develop a staff transition plan by a specified date, as determined by TEA, for teachers not credentialed. Members approved the motion by roll call vote.

**Deaf Teacher Certification Transparency**. While Texas Education Agency and State Board of Educator Certification (SBEC) administrators are able to see if an instructor has Teacher of the Deaf certification and taken the TASC or TASC-ASL, the public cannot. Adding a reference to TASC and TASC-ASL certification in each educator’s official record will help with transparency and accountability. GCPD staff met with SBEC who is working on this in-house.

Motion by Dylan Rafaty to approve this recommendation. Members approved the motion by roll call vote.

**COVID-19 and Mental Health Detention Standards**. Alycia Welch and Michelle Deitch, national experts in the field of criminal justice, provided testimony on COVID’s impact on persons who live and work in prisons. Texas Department of Criminal Justice (TDCJ) should expand programs and services to people with a mental health challenge living in a detention facility. TDCJ should establish separate spaces for isolation and quarantine. Texas Board of Pardons and Parole should expedite release of eligible prisoners to receive complete health services in their communities. Texas needs an Independent Ombudsman to monitor and issue reports on the conditions inside prison facilities, and handle complaints. Members felt the recommendations focused on people with mental illnesses and whom were incarcerated, but did not adequately address the health and safety of employees working in prisons.

Motion by Joseph Muñiz to approve the set of recommendations with an amendment referencing the term “living or working in prison facilities.” Members approved the motion by roll call vote.

**COVID-19 and Incarcerated Individuals**. This recommendation proposed three solutions - TDCJ should provide sufficient quantities of hygiene and sanitation supplies; the Legislature should pass a compassionate release law that allows the Parole Board to consider early release of individuals who are elderly or medically vulnerable for COVID if they do not present a risk to public safety; and Texas needs an Independent Ombudsman. The Wallace Pack Unit is a Texas prison that houses the geriatric and medically vulnerable population. Members discussed modifying the recommendation, ie: “including” to “especially those with disabilities”. There is higher risk to someone with a comorbidity of contracting COVID in an environment that may not allow social distancing.

Motion by Dylan Rafaty to approve this recommendation, with editorial integration of four considerations from the previous recommendation and language change to “especially someone with disability”. Members approved the motion by roll call vote.

**Student Led ARD Meetings**. Dr. Lieberman submitted the policy proposal. There is no requirement, only a best practice, for students to lead an Admission, Review, and Dismissal (ARD) meeting. Students with disabilities need to be able to develop self-advocacy skills and access disability services and supports in employment and postsecondary education after high school graduation. A student’s participation in the process allows an opportunity for input on their personal transition plan. Students should always have a choice in participating. Consider granting allowance of an outside advocate. The recommendation’s language should apply to students appropriately.

Motion by Dylan Rafaty to approve the recommendation as written. Members approved the motion by roll call vote.

**Accessible Parking Placards**. Residential facilities that regularly transport individuals with disabilities are eligible to have accessible parking placards issued for their vehicles. Texas law currently does not extend this privilege for independent living centers, day habilitation facilities and senior activity centers that transport people with mobility disabilities. The recommendation would amend Texas Transportation Code to extend the list of eligible organizations.

Motion by Dylan Rafaty to approve the recommendation for eligible facilities to receive an accessible parking placard including independent living centers day habilitation facilities and senior activity centers. Members approved the motion by roll call vote.

**Disability Representation on Transportation Boards and Commissions**. Texas State Independent Living Council submitted the proposal to create an advisory council providing guidance on removing barriers across transportation modes for aging Texans and persons with disabilities. The advisory council should represent cross-disabilities, include a variety of organizations, and report to Texas Department of Transportation. TxDOT has a public transportation commission; however, their civil rights office may take this on voluntarily. Members commented that Texas communities vary differently, including transportation options for local citizens to nearby communities. The Southwest ADA Center would be a good addition to the list of available resources.

Motion by Dylan Rafaty to move this recommendation forward with the inclusion of geographic diversity, including TxDOT’s regional rural representation. Members approved the motion by roll call vote.

**Disability Representation on All State Boards and Commissions**. The recommendation seeks to amend the Office of the Governor’s Appointment application form. Disability representation is required on several Texas councils, boards and commissions, which in turn provides for a greater diversity in state government. Currently the application form does not include a place to identify disability status, and members asked if the additional field could be optional. The appointment division has concerns about legal and privacy concerns. Identification can sometimes require additional protection of data. Many federal entities allow options to disclose gender, veteran or disability status. Members encouraged GCPD staff to continue the conversation with Governor’s Office Appointments division.

Motion by Aaron Bangor to revise the proposal to “GCPD should explore with the Governor’s Appointments Office options to increase the successful identification and placement of appointment applicants with disabilities to state boards and commissions, including entities that don't have a specific disability focus.” Members approved the motion by roll call vote.

**Statewide Paratransit Coordination**. People with disabilities are eligible for paratransit services in their home area and when traveling to another jurisdiction of the state that provides paratransit. A reciprocal agreement allows up to 21 consecutive days per year before requiring an additional application. The recommendation would extend the 21-day visitor provision to 60 days and streamline the eligibility process for visitors. The eligibility process is different for each area, accompanied by a two-day notification requirement plus a 24-hour notice to the paratransit provider. Texas Transit Authorities operate differently. The State of Texas does not provide funding for paratransit services. Chair Bangor reminded members of the GCPD’s report and recommendations to the 84th Legislature on Paratransit Services. In 2014, the Committee indicated the 21-day provision was sufficient based on survey responses of 100 paratransit riders. Members expressed consensus to forgo adoption of this recommendation.

Motion by Dylan Rafaty to table this proposal. Members approved the motion by roll call vote.

**Emergency Management and Statewide Emergency Assistance Registry (STEAR)**. STEAR is a tool used by county emergency managers to plan for accessible transportation or sheltering needs in times of disaster or evacuation. It does not promise a specific service during a disaster. The STEAR database captures voluntary information identifying a person’s assistance, functional, or access needs. In the recommendation, Texas Division of Emergency Management (TDEM) would be required to bolster outreach and provide educational materials; designate a trained county data custodian; and extend the registry’s retention period to two years. Postcard reminders encourage personal data is renewed. TDEM should publicize a map where Texas counties have a data custodian. County offices of emergency management should disclose their use/non-use of data. It was the preference of the Committee to discuss STEAR as its own topic in the next biennial report.

Motion by Dylan Rafaty to remove this proposed recommendation. Members approved the motion by roll call vote.

**Community College Dual Credit and American Sign Language (ASL)**. Ms. Rudkin submitted the proposal that would allow high school students completing an ASL course to qualify for dual credit given by a Texas community college. Texas Higher Education Coordinating Board defines dual credit as a system in which an eligible high school student can enroll in college courses and receive credit for the courses from both the college and high school. The proposal would address the shortage of interpreters in Texas, encourage interpreting as a vocation, and create greater economic and social inclusion for Deaf Texans. Members agreed that when high schools offer language courses, ASL should be included as an option for dual credit (such as Spanish, French, German language courses).

Motion by Eric Lindsay to adopt this proposal. Members approved the motion by roll call vote.

**Universal Changing Places**. The recommendation supports national efforts permitting more sanitary and dignified changing of adults with disabilities who are non-ambulatory or who have self-care issues at certain public facilities. The result would be greater community inclusion for families of individuals with disabilities. GCPD recommends a revision to the Texas Accessibility Standards promulgated under the authority of Texas Government Code, Chapter 469, Elimination of Architectural Barriers, and Texas Occupations Code, Chapter 51. Texas Department of Licensing and Regulation (TDLR) should mirror the International Code Council’s standards on adult changing tables. GCPD concurs with TDLR that the minimum monetary threshold for construction projects ($50,000) be aligned with current statute and administrative rule for review of a construction project.

Motion by Ellen Bauman to adopt this proposal. Members approved the motion by roll call vote.

**Twelve Months Continuous Medicaid Eligibility for Children**. Texans Care for Children submitted this proposal suggesting continuous children’s Medicaid coverage be provided to ensure children have access to services critical to their health and development. Children with consistent health coverage are more likely to get early diagnosis of serious illnesses, disabilities and developmental delays, get eyeglasses they need for school, attend regular check-ups, and continue therapies they need to address disabilities or developmental delays. The state’s current system for reviewing children’s Medicaid eligibility mid-year is contributing to Texas’ high-uninsured rate. Roughly, 350,000 children are uninsured and eligible for Medicaid or CHIP, but not enrolled in Texas. The recommendation suggests Texas should provide 12 months of continuous Medicaid coverage for children by eliminating inaccurate mid-year eligibility checks and instead rely on accurate annual eligibility checks.

Motion by Ellen Bauman to adopt this proposal. Members approved the motion by roll call vote.

**Private Insurance Coverage, Specialized Skills Training and Targeted Case Management**. Texans Care for Children submitted this proposal requiring private insurers regulated by the Texas Department of Insurance (TDI) to cover and reimburse Early Childhood Intervention (ECI) contractors for critical therapies and services. TDI supports the recommendation. Children with private insurance will be able to access ECI services more seamlessly. Private insurers will see long-term savings by addressing developmental delays and disabilities earlier. Local school districts will see long-term savings in special education services.

Motion by Ellen Bauman to adopt this proposal. Members approved the motion by roll call vote.

**Disabled Veteran (DV) License Plate Reform**. Eric Lindsay, PVA Texas Chapter and Leo Prichard, DAV Lone Star Chapter presented the proposal addressing accessible parking abuse, standardizing State toll road fee waivers, and expanding the number of Disabled Veteran (DV) license plate entitlements per veteran. DV license plates enable holders to park in accessible parking spots regardless of the severity of disability and current law says they have a right to park there. There are a finite number of parking spaces that should be utilized by individuals with mobility issues that are often taken by individuals that are ambulatory. This recommendation would help ensure accessible parking for that segment of the population that most requires it. Toll roads across the state of Texas generally do not waive fees for holders of DV plates, while some do (TX-130). Because roads transcend counties, the state should establish a standard policy for toll fees for DV plate holders. Discussion included creating a new parking space reserved for veterans as a business-friendly solution. County Tax Assessors issue parking placards after a medical exam determining a certain level of disability. Someone with PTSD would be eligible for a DV plate; a widow or widower could get up to four plates. The GCPD published an interim study on Accessible Parking for the 85th Legislature. Clarification in statute would be good in delineation of qualifying disability privileges under the ADA.

Motion from Dylan Rafaty to adopt language presented in policy proposal. Members approved the motion by roll call vote.

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

* Construction on the transit amenity center near the Capitol is imminent. The bid received came in under budget allowing additional access items.
* Austin, Dallas and Houston celebrated White Cane Day events.
* GCPD will hold the 2020 Lex Frieden Employment Award event virtually. A contracted vendor will create a video including keynote, remarks from honorees, and messages from Lex Frieden and Emma Faye Rudkin.
* For Texas Disability History Month, GCPD collaborated with State Historian Monte L. Monroe, PhD to write a GovDelivery article on disability history.
* National Disability Employment Awareness Month poster features McAllen artist Dinah Rodriguez’s artwork.
* Staff are monitoring Texas state agency strategic plans.
* Special reports GCPD authored or were involved in include the Support Service Provider report, Transportation Network Companies report, and TEA’s Digital Advisory Committee report.
* Ms. Zischkale serves on Texas Jail Standards Task Force to represent people with intellectual and developmental disabilities.
* Ms. Turner has archived an excellent library from the Accessibility and Disability Webinar Series. During July, and in celebration of the 30th Anniversary of the ADA, staff facilitated 13 webinars in cooperation with multiple state and disability organizations. In partnership with speakers from TWC, four webinars on employment will occur in October.
* Staff attended Texas Association of the Deaf’s Annual Symposium.
* Mr. Lucey is working to develop solicitation of funds for a Texas Driving with Autism billboard campaign.

**Public Comment – Verbal and Written**

Michele Deitch addressed the impact the COVID crisis is having on people incarcerated in Texas prisons and prison guards. To date, there have been 190 deaths in Texas prisons. Three prison units account for 30 percent of the deaths. These facilities primarily house people with physical disabilities and those who are geriatric and who have medical vulnerabilities. Prisons and jails represent hot spots for the spread of coronavirus. Facilities tend to be unsanitary and lack adequate cleaning or hygiene supplies. Texas Department of Criminal Justice should provide sanitation supplies. Texas should consider a compassionate release policy. Texas needs an independent ombudsman to routinely monitor conditions in Texas prisons, ensure people are safe and treated with respect, issue public reports about the conditions, and handle individual complaints.

Marilyn Hartman, NAMI Central Texas and HHSC Behavioral Health Advisory Committee, Housing Subcommittee. Texas has a crisis in caring for those with the most severe cases of mental illness resulting in too many cycling through incarceration, hospitalization, emergency departments, and/or chronic homelessness. There is a shortage of state hospital beds and the forensic waitlist is long and growing. We need provider accountability and transparency. A complete continuum of care outside of institutions should be a priority to cut recidivism and save money. Texas should look seriously at repurposing some state supported living centers.

Bob Kafka, REV-UP stands for Register–Educate–Vote-Use–Power. A recent Rutgers study on voting participation revealed 15.2 percent of eligible Texas voters were people with disabilities. Since physical and programmatic access is essential to the voting process, REV-UP Texas asked GCPD to educate policymakers on online registration and casting a ballot.

Linda Litzinger, Texas Parent to Parent, said with only one voting drop-box per county, the route to returning a mail-in ballot became longer. Some families can only transport a family member using a van with a ramp. Expensive minivan modifications force people with disabilities to use paratransit, a larger issue when living in rural counties.

Matthew Lyon, Texas Academy of Audiology, spoke about hearing aid reimbursement rates for Medicaid recipients. Reimbursement tends to be 80 percent of the invoice cost. Reimbursement for services is minimal. Barriers are significant in terms of provider sufficiency or availability.

Rainey Dock Matthews is Chairperson of Fort Worth’s Committee on Persons with Disabilities and an advocate. Amid the pandemic there are restrictions and experiences of discrimination affecting this vulnerable population. The homeless tend to have high instances of disabilities. Having only one location to drop off a ballot affects people who are disadvantaged and lack personal transportation. Voting might take several modes of transportation, placing someone at risk of possible exposure to the coronavirus.

Katie Mitten, Texans Care for Children, discussed findings released from the U.S. Department of Education (DOE) investigation into the state's Early Childhood Intervention (ECI) program. Texas fell short of federal obligations to ensure children under the age of three with autism, speech delays, Down's syndrome or other disabilities have access to ECI services. Kids in rural areas have seen the greatest disruption of services. DOE noted a significant cause in falling short is the level of funding that Texas has made available and deterioration of Child Find outreach efforts aimed at identifying and enrolling children who need these services. DOE gave Texas 90 days to develop a corrective action plan. Texans Care for Children has a new report coming out that includes data.

Mary Rochford, Texas Council for Developmental Disabilities conducted two online surveys during the COVID pandemic to monitor persons with disabilities and the virus’ impact for families. Respondents shared personal stories. Data is available after 3-month and 6-month shutdowns. Concern about mental health experiences was surprisingly high, at 93 percent.

Bobbie Beth Scoggins, Texas School for the Deaf, has been working with GCPD to develop policy recommendations. Only 377, out of 1,600, are educational interpreters certified to work with kids - meeting minimum BEI requirements. Annually, only 13 individuals have taken certification tests, down from 150. Ms. Scoggins is aware of little enforcement of TASC certification by school districts or Education Service Centers. Parents don't have access to see if teachers for deaf students are certified. The result is that kids have little or no access to quality sign instruction. Enforcement policies need to be stronger. TSD provides ASL courses to individuals. Regional Day Schools have Shared Service Agreements with school districts; however, some regions are underserved. Local decision-making affects consistency. Outreach would help fulfill the need.

Alycia Welch, said over half of individuals involved in the Texas criminal justice system live with one or more mental health conditions and are more likely to have a co‑morbid or physical health issue placing them in greater risk of contracting the coronavirus. They are more likely than other incarcerated populations to experience physical abuse, solitary confinement and sexual victimization that can exacerbate their symptoms. Texas prisons are ill equipped to address the multitude of health and social service needs. Texas must protect the mental health of people while employing mitigation strategies: TDCJ should provide access to mental health services. Prisons should establish separate spaces for isolation and quarantine without resulting in de facto solitary confinement. People placed in medical isolation and quarantine should be provided meaningful human contact - including to the extent possible, phone or video calls to contact the outside world.

Angela’s daughter is a resident of Denton State Supported Living Center. Parents or appointed guardians should be held to the same standards as public servants. She requested a review of COVID visitation procedures at SSLCs that include common-sense steps of respect and trust.

Angela‘s four year-old daughter is experiencing delays in walking or talking. Appointments for testing have stopped because of COVID. Only one parent can enter a hospital causing an extreme emotional toll. Wearing a mask impedes her daughter’s breathing and she feels discriminated against when physically separated for not wearing a mask. She requests the governor change the hospital policies.

Dawn shared a personal story of her brother’s jail confinement in the midst of his psychosis and described the process as unacceptable. She called 911 to transport her brother to a hospital where he could receive treatment covered by his insurance plan. She specifically requested an officer trained in mental health issues; instead, police arrested him. A competency evaluation deemed him incompetent in the court system. When someone with a mental health condition is jailed, the local mental health authority is required to be involved which uses taxpayer dollars.

Deno’s frustration is no link to useful governmental services to make persons with brain injury better. Solutions for most people with mental health issues tend to be medications or incarceration. TWC employees lack relevant training and are disconnected to helping clients. Ticket-to-Work did not fulfill his needs because he could not work full time. He later sought help from TWC’s Vocational Rehabilitation program and part-time employment.

Jeff’s 37 year-old son has schizoaffective disorder and anosognosia causing brain deterioration resulting in a lack of recognition of his serious mental illnesses. Multiple arrests, psychiatric hospitalizations and homelessness have occurred when he does not take his antipsychotic medication. Patients with serious mental illness lack abundant supportive housing after psychological treatment.

Linda said her son has been a resident of Austin State Hospital (ASH) multiple times and battles psychosis, delusions, paranoia and voices with physical and mental deterioration. Clozapine treatment is the “gold standard”. Research has shown that Clozapine decreases suicide, increases medication compliance, and has positive social-psycho life changes when other medications have been ineffective. ASH needs more beds to avoid premature patient discharge. We need step down, transitional living and appropriate, supportive placements in the community.

Linda’s daughter Kailee previously addressed the Committee advocating for deaf teachers. Teachers can choose to work with oral deaf or signing deaf students. Only those that work with signing deaf students have to take an ASL proficiency exam for certification. As a substitute teacher, she has seen full-time teachers of deaf students communicating via an interpreter. ASL skills are lost when not practiced.

Preston has two adult sons with intellectual and developmental disabilities. SSDI recipients receive payments on the third day of every month, but Home and Community-based Services providers consider payment late if not received on the first day of the month. He left a message of complaint on HHSC’s Consumer Rights phone system but never received a response.

Sonya’s brother has a traumatic brain injury and other disabilities. He has been homeless, hospitalized and incarcerated. Currently, he is at Austin State Hospital but has done well at brain injury facilities with structure and supports. For people in county jail, the wait list is nearly 1,300 for a bed in a psychiatric facility for competency restoration. Criteria for the Home and Community-Based Services Adult Mental Health program is restrictive. HHSC has contracts with local mental health authorities. Crisis diversion centers and stabilization units would be more effective than using emergency rooms. She supports redesigning Texas state hospitals, but the focus should be restoring individuals back into the community.

Tory was concerned that lack of funding for the Burkhart Center for Autism and Education would limit services. ABA therapy is a lifeline for her son’s future, one full of opportunities. Burkhart Center is a national model for what is possible to achieve through research and various therapies.

**Comments on actions of Texas State Board of Social Work Examiners**

Christine Broughal, Texans for Special Education Reform, expressed dismay by the decision of Texas State Board of Social Work Examiners (TSBSWE) to change the language in its Code of Conduct removing discrimination protection for people with disabilities, etal. Chapter 505 of the Texas Occupations Code grants the licensing board the authority to propose and adopt rules that cover “the scope of practice of and standards of care and ethical practice for social work.” The Health Resources and Services Administration identified over 200 counties in Texas as mental health professional shortage areas. Allowing social workers to refuse to provide services to a student with a disability or their families is not only denying a student his/her rights guaranteed under federal law, but also potentially places a student’s mental and/or physical well-being in jeopardy.

Jennifer Eames, Texas Academy of Physicians Assistants, supports colleagues in opposing the rule change for their code of ethics.

Colleen Horton, Hogg Foundation for Mental Health, spoke against recent action taken by TSBSWE. The Board has the authority to propose and adopt rules regarding the scope of practice, standards of care and ethical practices. She asked GCPD to stand up to this discriminatory action.

Amy Kellogg, Autism Society of Texas. An explicit code of conduct helps guide and manage social worker expectations. TSBSWE created this code for people who rely on social workers to help navigate the overly complex federal and state systems for supports, services, and mental healthcare. Social workers are the foundation of the social support network and are often the first person with whom a family or an individual with a disability contacts when seeking help. This community needs the trusted expertise of social workers to help guide them in accessing crucial services.

Laura Marquez, Rio Grande Branch of the Texas Chapter of the National Association of Social Workers, denounced the language that removes protections of the diverse community in which they serve. The core values of social work are service, social justice, dignity and worth of a person, importance of human relationships and integrity and competence. The changes occurred without any input from members and leaders in the profession, or from stakeholders directly impacted. She asked for reinstatement of protections.

Lisa Sporako, member of the National Association of Social Workers. Social workers have a code of ethics to guide professional conduct. On October 12, 2020, in violation of federal law, TSBSWE removed the disability protection clause from the code of conduct. She seeks immediate reinstatement of disability protections.

Alissa Sughrue, Texas Chapter for the National Alliance Mental Illness. In the past year, LGB adult Texans were four to five times more likely than straight adults to consider death by suicide. Rates are similar for students in high school that actually attempted suicide. In Texas, adults with disabilities were 2.5 to five times more likely to have considered suicide in the past year than adults without disabilities.

Stephanie Thomas, ADAPT of Texas. This action leaves Texans without services they may need. Secondly, GCPD should schedule Public Comment at times to encourage greater participation by people with disabilities.

Alison. TSBSWE made a rule change without transparency and did not give social workers an opportunity to voice opposition. Board members need clarification about disciplining a social worker who refuses to provide services to someone with a disability.

Leslie. As a social worker, TSBSWE mandates she follow standards and professional values. The governor's office has rationalized this change by claiming the agency rules cannot be more expansive than that of state law; however, TSBSWE has explicit statutory authority to propose and adopt rules regarding the scope and practice of our standards. The World Health Organization reports that the second leading cause of death among youth, 15 to 29, is suicide.

Lisa. People secure the services of social workers to be a buffer between someone with a disability, who may have diminished ability, to report harm and the continuation of future harm. People with disabilities are seven times more likely to be violated and deserve more protections. She urged GCPD to recommend changes in state law to align with the ethical values and priorities of social workers.

Maggie is very angry and shocked about this discussion and supports others’ commentary. The change of social workers’ code of ethics goes against the grain of every social worker.

Molly expressed difficulty in reconciling the changes to the TSBSWE code of conduct for social workers. In working with veterans, she believes in expansion of services, not denial, to anyone based on disability.

Vanessa. Stigma and fear of discrimination make it difficult for many people to seek out behavioral health care; however, by working together it will be easier.

Vic, a physician assistant in family practice, stands with partners in the medical industry in providing quality care for all Texans. Very few providers offer in-home services. Allowing the flexibility for social workers to legally decline services to patients sends a clear message that some patients are a marginalized community. The rules were more restrictive than the statute. Weakening protections weakens the care of individuals.

**Future Meeting**

Motion by Aaron Bangor to conduct the quarterly meeting virtually the afternoon of January 27, 2021 and continuing all day on January 28, 2021. Members approved the motion by roll call vote.

**Adjournment**

Motion by Evelyn Cano to adjourn the meeting. Chair Bangor adjourned at 1:05 p.m.

Submitted by Nancy Van Loan, Recorder

FOLLOW UP ITEMS

TWC: impact of unspent VR funding during fiscal year 2020. Quantify the performance measure outcomes.

HHSC: Medicaid provider list and locations. Will data reflect adequate sufficiency of audiologist providers across the state? Request for a copy of Chapter 746 and 747 of HHSC’s childcare regulations