

**Background:**

- **Stipends Grants Applications Approved** - TCDD Policies provide for the Executive Director to approve applications for Events Stipends and Presentation Support Stipends. Three (3) stipend applications were approved during the quarter to the following organizations. The summaries are enclosed.
  1. **Centro de Salud Familiar La Fe, Inc** for the *Our Lives Disabilities Confernece & Service Providers Expo* October 30, 2014, in El Paso. (Events Stipend)
  2. **National Association for the Dually Diagnosed (NADD)** for the *NADD 31<sup>st</sup> Annual Conference* November 12-14, 2014, in San Antonio (Events Stipend)
  3. **NAMI Texas** for the *2014 NAMI Texas Annual Conference* November 7-8, 2014, in Austin (Events Stipend)
- **TCDD Sunset Review Update** – Included in meeting materials are the Sunset Commission Staff Report for TCDD and the TCDD Management Response Letter to the Sunset Commission.
- **Attendance Report** – A quarterly summary of attendance of Council members at meetings is also enclosed.

**Important Terms:**

**Events Stipend Grants:** Organizations may apply for up to \$6000 to pay for conference registration, hotel rooms, attendants, respite, travel expenses, etc. for self-advocates and their family members to attend conferences and other events.

**Disability-Related Presentation Support Stipend Grants:** Sponsoring organization of the meeting, conference, workshop, or seminar may apply for up to \$6000 per event for transportation, meals, and lodging for speakers, expenses for an attendant, respite care or other accommodations, as well as speaker fees.

**Executive Committee**  
**Agenda Item 5.**

**Expected Action:**

The Executive Committee will review the information provided and may provide guidance to staff.

**Council**  
**Agenda Item 5. & 13.**

**Expected Action:**

The Council will receive a report on the Executive Committee discussion.

**CONSUMER STIPENDS PROPOSALS**  
**Executive Director Review**

Date: 8/12/14

ITEM: 1

**Organization: Centro de Salud Familiar La Fe, Inc.**  
**City, State: El Paso, TX**

**Federal: \$ 5,980**  
**Match: \$ 815**

Event: Conference: Our Lives Disabilities Conference & Service Providers Expo  
Date: October 30, 2014  
Hotel: Camino Real Hotel  
City, State: El Paso, Texas

Previously Funded: No

Comments: The "Our Lives Disabilities Conference" is planned as a motivating, educational, non-threatening means of outreach and empowerment to the disability community, including persons with developmental disabilities, in the El Paso Southwest Area.

Considerations: The conference sponsors propose to provide stipends to cover:  
Registration - 92 individuals  
(92 @ \$65.00/individual) = \$5,980.00

**Total cost (federal): = \$5,980.00**

Applicant match covers CART expenses:

CART - 1 individuals  
(1 @ \$125/hour for 6 hours) = \$ 750.00

CART Provider Registration - 1 individual  
(1 @ \$65.00) = \$ 65.00

**Total cost (match): = \$ 815.00**

Recommendation: Staff recommends funding. Proposal received 90 days prior to event.

Approved:  yes  no For: Martha Cantu Digitally signed by Martha Cantu  
DN: cn=Martha Cantu, o=TCDD, ou=TCDD,  
email=martha.cantu@tcdd.texas.gov, c=US  
Date: 2014.08.14 09:12:14 -0500 Date: 8/14/2014

Comments: Co-sponsored conference with Volar Center for Independent Living



**CONSUMER STIPENDS PROPOSALS**  
**Executive Director Review**

Date: 8/27/14

ITEM: 3

**Organization: National Association for the Dually Diagnosed**  
**City, State: Kingston, NY**

**Federal: \$ 6,000**  
**Match: \$ 700**

Event: Conference: NADD 31st Annual Conference  
Date: November 12-14, 2014  
Hotel: Hilton Palacio del Rio  
City, State: San Antonio, Texas

Previously Funded: No

Comments: The NADD 31st Annual Conference is a three-day training opportunity for clinicians, care providers, consumers and family members to learn about state-of-the-art treatment supports and services for individuals with intellectual/developmental disabilities co-occurring with mental illness.

Considerations: The conference sponsors propose to provide stipends to cover:

Registration – 10 individuals (10 @ \$350.00/individual)	= \$3,500.00
Lodging - 10 individuals (10 @ \$250/person)	= 2,500.00
<b>Total cost (federal):</b>	<b>= \$6,000.00</b>

Applicant match covers lodging expenses:

Lodging – 10 individuals (10 @ \$70.00/person)	= \$ 700.00
<b>Total cost (match):</b>	<b>= \$ 700.00</b>

Recommendation: Staff recommends funding. Proposal received 90 days prior to event.

Approved:  yes  no For: Martha Cantu Digitally signed by Martha Cantu  
DN: cn=Martha Cantu, o=TCDD, ou=TCDD,  
email=martha.cantu@tcd.org, c=US  
Date: 2014.08.27 12:01:22 -0500 Date: 8/27/2014

Comments: Signed on behalf of Roger Webb

## **TCDD Sunset Review Schedule 2014 – 2015**

<b>June 2014:</b>	<b>Sunset Commission staff review of TCDD begins</b>
<b>September 9, 2014:</b>	<b>Draft Sunset Commission Staff Report to TCDD / TCDD Response</b>
<b>September 16, 2014:</b>	<b>Exist Conference with TCDD</b>
<b>October 3, 2014:</b>	<b>Sunset Commission Final Staff Report</b>
<b>October 17, 2014:</b>	<b>TCDD Management Response Due</b>
<b>November 12-13, 2014:</b>	<b>Sunset Commission Meeting</b>
Nov. 12 <sup>th</sup> :	Sunset Staff review of Reports; Agency Comments
Nov. 13 <sup>th</sup> :	Public Testimony

- Agencies Scheduled:
  - Interagency Task Force for Children With Special Needs
  - Governor’s Committee on People with Disabilities
  - **Texas Council for Developmental Disabilities**
  - Texas Council on Purchasing from People with Disabilities
  - Texas Education Agency
  - Health and Human Services Commission
  - Texas Health Services Authority
  - Entry Criteria for Self-Directed Semi-Independent Agencies

**December 10, 2014:                    Sunset Commission Meeting**

- Staff Reports and Public Testimony on:
  - State Office of Administrative Hearings
  - State Office of Administrative Hearings, Tax Division
  - Texas Facilities Commission
  - State Soil and Water Conservation Board
  - Texas Workforce Commission
  - Texas Workforce Investment Council
  
- Commission will make decisions on:
  - Interagency Task Force for Children With Special Needs
  - Governor’s Committee on People with Disabilities
  - **Texas Council for Developmental Disabilities**
  - Texas Council on Purchasing from People with Disabilities
  - Texas Education Agency
  - Health and Human Services Commission
  - Texas Health Services Authority
  - Entry Criteria for Self-Directed Semi-Independent Agencies

**January 13, 2015 – June 1, 2015:    84<sup>th</sup> Texas Legislature**

# SUNSET ADVISORY COMMISSION

## STAFF REPORT

*Texas Council for  
Developmental Disabilities*

*Governor's Committee on  
People with Disabilities*

*Texas Council on Purchasing  
from People with Disabilities*

OCTOBER 2014



**TEXAS COUNCIL FOR  
DEVELOPMENTAL DISABILITIES**

**GOVERNOR'S COMMITTEE ON  
PEOPLE WITH DISABILITIES**

**TEXAS COUNCIL ON PURCHASING  
FROM PEOPLE WITH DISABILITIES**

**SUNSET STAFF REPORT  
OCTOBER 2014**

# TABLE OF CONTENTS

	PAGE
<b>SUMMARY</b> .....	1
 <b>TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES</b>	
<b>TCDD AT A GLANCE</b> .....	7
<b>ISSUE/RECOMMENDATIONS</b>	
1 The Texas Council for Developmental Disabilities Should Be Continued, but Should Better Track the Outcomes of Its \$4 Million Grant Program.....	11
 <b>GOVERNOR’S COMMITTEE ON PEOPLE WITH DISABILITIES</b>	
<b>COMMITTEE AT A GLANCE</b> .....	17
<b>ISSUE/RECOMMENDATIONS</b>	
1 The Statutory Duties of the Governor’s Committee on People with Disabilities Do Not Align With Its Current Resources and Capabilities .....	21
 <b>TEXAS COUNCIL ON PURCHASING FROM PEOPLE WITH DISABILITIES</b>	
<b>TCPPD AT A GLANCE</b> .....	29
<b>ISSUE/RECOMMENDATIONS</b>	
1 The Texas Council on Purchasing from People with Disabilities Does Not Ensure That the State Use Program Most Effectively Serves People With Disabilities .....	33

# SUMMARY

While Texas spends millions of federal and state dollars providing direct services for people with disabilities, such as vocational rehabilitation, the state has long recognized the need to provide additional supports outside of the direct service-delivery system. Efforts to create specific programs to advance the rights of people with disabilities stem from policymakers' recognition of the difficulty large, direct-service programs have in fostering innovation. These efforts are also a corrective response to government's long history of relying on state-run institutions to serve people with disabilities and how such institutionalization often leads to the isolation, neglect, and abuse of this population. This report focuses on three disability-related agencies that operate outside of the state's health and human services enterprise — Texas Council for Developmental Disabilities (TCDD), Governor's Committee on People with Disabilities (committee), and Texas Council on Purchasing from People with Disabilities (TCPPD).

The Sunset review of these agencies began with the most logical question, "Why does the state need these three small, semi-independent agencies to help serve people with disabilities?" Ultimately, the review found that while all three agencies operate to advance the independence and improve the quality of life of Texans with disabilities, that is where most of the similarities end. The agencies serve distinct roles and vary greatly in funding and operations. Further, the review discovered that full consolidation was unfeasible due to federal restrictions, would not result in significant efficiencies, and could jeopardize the needed functions these agencies perform. The review concluded that while many of these agencies' functions continue to be needed, the agencies themselves need some refocusing and restructuring to strengthen their effectiveness and accountability, and improve how the State serves people with disabilities beyond the central health and human services system.

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*While consolidation is unfeasible, these agencies need refocusing and restructuring.*

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**Texas Council for Developmental Disabilities.** While Texas needs a state council on developmental disabilities to continue to receive federal funds, TCDD does not set clear expectations for or track the sustainability and ongoing impact of its grant-funded projects after grant funding ends. Without this information, whether grants have been effective and the overall impact of TCDD's work is unclear.

**Governor's Committee on People with Disabilities.** Being a trustee program within the Office of the Governor elevates the committee's status in serving as a central source of information. However, several of the committee's statutory requirements extend beyond what it can realistically accomplish with its current resources, particularly since the committee has operated with significantly less funds than it has been appropriated for several years.

**Texas Council on Purchasing from People with Disabilities.** Finally, Sunset staff determined that TCPPD lacks the expertise and resources needed to effectively oversee the State Use Program. Despite the evolution of federal and state standards for employment services for people with disabilities, little has changed since TCPPD last underwent Sunset review in 2002. TCPPD has not set meaningful goals or performance measures for the program and does not measure how people with disabilities actually benefit from the program. Without this information, it is unclear whether the supposed benefits the State Use Program provides outweigh the additional costs of the program to the State.

The following material summarizes Sunset staff's recommendations on the Texas Council for Developmental Disabilities, Governor's Committee on People with Disabilities, and Texas Council on Purchasing from People with Disabilities.

## Issues and Recommendations

### *Texas Council for Developmental Disabilities*

#### *Issue 1*

#### **The Texas Council for Developmental Disabilities Should be Continued, but Should Better Track the Outcomes of Its \$4 Million Grant Program.**

The federal government established state councils for developmental disabilities to explore a broader range of services beyond institutionalization, and to provide people with disabilities and their families access to the decision-making process on these services. Texas needs a state council on developmental disabilities to continue to receive federal funds of about \$5 million annually to identify the most pressing needs of Texans with developmental disabilities and advance public policy and systems change to allow them to gain more control over their lives. Federal restrictions discourage consolidation of TCDD and its functions. To avoid any potential conflict of interest, federal law prohibits TCDD from being administratively attached to and supported by an agency that provides or pays for services to individuals with developmental disabilities and state council staff cannot perform any unrelated activities.

TCDD's primary activity is awarding grants for projects intended to foster innovation in services provided to people with developmental disabilities and expand state capacity within these services. However, TCDD does not set clear expectations for or track the sustainability and ongoing impact of grant projects designed to continue beyond the funding period. Without this information, TCDD and others cannot know whether these grants have been effective or the overall impact of TCDD's work. Identifying and tracking the sustainability and success of funded grant projects would help TCDD increase the effectiveness of its grant program and ultimately improve the long-term impacts of the services offered to people with developmental disabilities.

#### **Key Recommendations**

- Continue the Texas Council for Developmental Disabilities for 12 years.
- Direct TCDD to track the five-year outcomes of grant projects designed to continue beyond the TCDD funding period and compare actual outcomes to intended outcomes.

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

### ***Issue 1***

#### **The Statutory Duties of the Governor’s Committee on People with Disabilities Do Not Align With Its Current Resources and Capabilities.**

The Governor’s Committee on People with Disabilities aims to further opportunities and full participation for Texans with disabilities. While the committee does not provide direct services, it has a limited but important role serving as a central source of information on a wide array of disability-related issues. The committee functions to influence state policy, educate people on disability-related laws, and raise awareness of the achievements of and barriers faced by people with disabilities, with the intention of enabling people with disabilities to achieve success and full integration into society.

Several of the committee’s statutory requirements do not align with its primary purpose, duplicate the work of other governmental entities, are no longer necessary, or extend beyond what the committee can realistically accomplish. Removing these provisions would allow the committee to focus on the duties it can realistically accomplish, such as analyzing and identifying gaps in the state’s various long-term plans for people with disabilities and providing needed information about disability-related services and where to access them in a clear and user-friendly way. The committee also needs to ensure that it has the necessary resources to carry out its operations since it has operated with significantly less funds than the Legislature has appropriated it for several years, resulting in a large unexpended balance.

#### **Key Recommendations**

- Continue the Governor’s Committee on People with Disabilities for 12 years.
- Remove provisions from the Committee’s statute that do not align with the Committee’s purpose and resources.
- Require the Committee to maintain and analyze information provided in the State’s various long-range plans for people with disabilities.
- Direct the Governor’s Office and the committee to work together to re-evaluate the amount of funding necessary for the committee to carry out its functions, and to ensure its legislative appropriations request and budget reflect the actual fiscal needs of the committee.
- The Senate Finance and House Appropriations Committees should consider using the committee’s large unexpended balance as a method of finance for a portion of the committee’s appropriations for fiscal years 2016–2017.

## ***Texas Council on Purchasing from People with Disabilities***

### ***Issue 1***

#### **The Texas Council on Purchasing from People with Disabilities Does Not Ensure that the State Use Program Most Effectively Serves People With Disabilities.**

The goal of the State Use Program is to assist people with disabilities in achieving maximum independence through useful and productive employment activities, while providing state agencies a method for complying with the statutory purchasing preference the Legislature granted to goods and services provided by people with disabilities. TCPPD, which oversees the program, does not adequately gather, analyze, and use meaningful outcome data to assess how well the program serves people with disabilities. Despite the evolution in standards and expectations for employment services for people with disabilities that occurred since TCPPD's last Sunset review in 2002, TCPPD has not implemented changes to the State Use Program that would modernize the program and advance the State's standards on employment services for people with disabilities. TCPPD has also failed to fully define the intended benefits of the program. In addition, TCPPD, a part-time, voluntary council, duplicates many of the product pricing and contract oversight functions housed at the Office of the Comptroller.

Transferring TCPPD's functions to the comptroller would establish clear performance outcomes for the State Use Program related to the employment of people with disabilities and improve contract oversight of the program's administration, thereby better ensuring the State Use Program benefits people with disabilities and ultimately, the State. Establishing an advisory committee would enable people with disabilities and their advocates to serve a role in the development of the State Use Program's direction and objectives and provide needed expertise to the comptroller in overseeing this program. Finally, studying the cost of continuing to administer the State Use Program would enable the Legislature to effectively determine if the program merits continued investment or whether other programs for employment of people with disabilities could provide greater impact and value.

#### **Key Recommendations**

- Place oversight and administration of the State Use Program at the comptroller's office and abolish the Texas Council on Purchasing from People with Disabilities.
- Require the comptroller's office to establish an advisory committee to set goals for the State Use Program and standards for participating community rehabilitation program certification.
- Direct the comptroller's office to study the cost to the State of continuing to administer the State Use Program.

## Fiscal Implication Summary

### ***Texas Council for Developmental Disabilities***

These recommendations would not have a fiscal impact to the State. If continued, TCDD would continue to receive federal funding from the Administration on Intellectual and Developmental Disabilities for its operations.

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

***Recommendation 1.5*** — Adjusting the committee’s budget to reflect the actual fiscal needs of the committee could result in a small savings since the committee has operated with significantly less funds than it has been appropriated for several years.

***Recommendation 1.6*** — If the Legislature agrees to use the committee’s unexpended balance as a method of finance for a portion of the committee’s appropriation for fiscal years 2016–2017, it would result in a one-time savings of \$641,600 to general revenue.

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

<b>Fiscal Year</b>	<b>Savings to the General Revenue Fund</b>
2016	\$641,600
2017	\$0
2018	\$0
2019	\$0
2020	\$0

### ***Texas Council on Purchasing from People with Disabilities***

These recommendations would not have a fiscal impact to the State, but would result in an increase of two FTEs at the comptroller’s office.

***Recommendation 1.1*** — The recommendation to abolish the Texas Council on Purchasing from People with Disabilities and transfer oversight of the State Use Program to the Comptroller of Public Accounts would not have a fiscal impact to the State. The central nonprofit agency would continue to reimburse the State for the costs to fully administer the State Use Program. The comptroller’s office estimates that three full-time staff would be needed to conduct contract oversight of the central nonprofit agency, administer the request for proposal, oversee CRPs’ compliance with standards, and conduct pricing research for products and services proposed for inclusion in the program. The one existing full-time staff position dedicated to administrative services for the council would no longer be needed.

# TCDD AT A GLANCE

To receive federal funding through the federal Developmental Disabilities Assistance and Bill of Rights Act (DD Act), states must establish and maintain a state council on developmental disabilities.<sup>1</sup> In Texas, the Texas Council for Developmental Disabilities (TCDD) serves in this role. The federal government funds TCDD to engage in advocacy, capacity building, and systemic change activities that promote self-determination for people with developmental disabilities and their families. The textbox, *Definition of Developmental Disability*, provides the federal definition of developmental disability.<sup>2</sup>

TCDD's mission is to create change so that all people with developmental disabilities are fully included in their communities and exercise control over their own lives. Although TCDD does not provide any direct services, it carries out the following key activities to achieve its mission.

- Develops Texas' federally approved state plan that guides TCDD's advocacy, capacity building, and systemic change activities.
- Awards and monitors grants to state agencies, universities, nonprofit organizations, and for-profit businesses for projects that meet the TCDD State Plan goals.
- Provides input and recommendations to state agencies and legislators about ways to improve the services available to people with developmental disabilities.

## **Definition of Developmental Disability**

A severe, chronic disability attributable to a mental or physical impairment or combination thereof; manifested before age 22; is likely to continue indefinitely; and resulting in substantial functional limitations in three or more of the following areas of major life activity:

- self-care,
- receptive and expressive language,
- learning,
- mobility,
- self-direction,
- capacity for independent living,
- economic self-sufficiency, and
- reflecting a need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The DD Act also applies to any child from birth to age nine, who has a substantial, developmental delay or specific congenital or acquired condition, even if the child does not meet three or more of the criteria above, if the child has a high probability of meeting those criteria later in life without services and supports.

## **Key Facts**

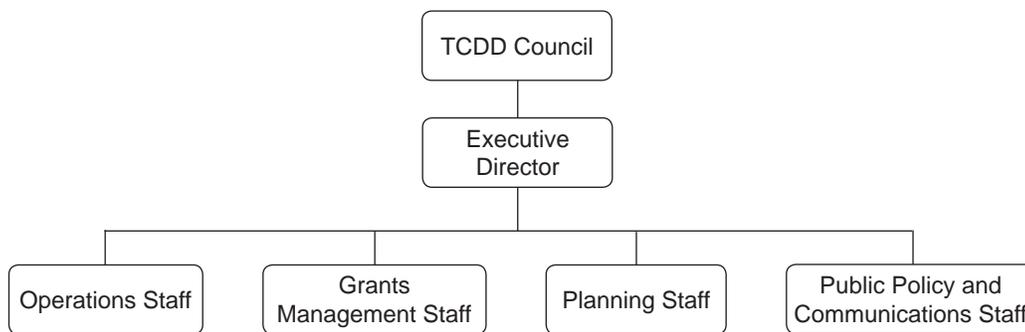
- **State Council.** Each state has discretion over the size of its state council on developmental disabilities, but federal law requires at least 60 percent of the members to be people with developmental disabilities, their parents or guardians, or their other immediate relatives. The remaining members must include representatives of state, local, and nonprofit entities that administer and are concerned with services for people with developmental disabilities.

Texas' council has 27 members, including 12 relatives of people with developmental disabilities; six people with developmental disabilities; five state agency representatives from the Department of Aging and Disability Services, Department of Assistive and Rehabilitative Services, Department of State Health Services, Health and Human Services Commission, and Texas Education Agency; two representatives from the University Centers for Excellence in Developmental Disabilities; a

representative from Disability Rights Texas; and two local organization representatives. The governor appoints all of the council members who serve staggered, six-year terms; a member cannot serve more than two consecutive full terms. Appendix A details the current membership.

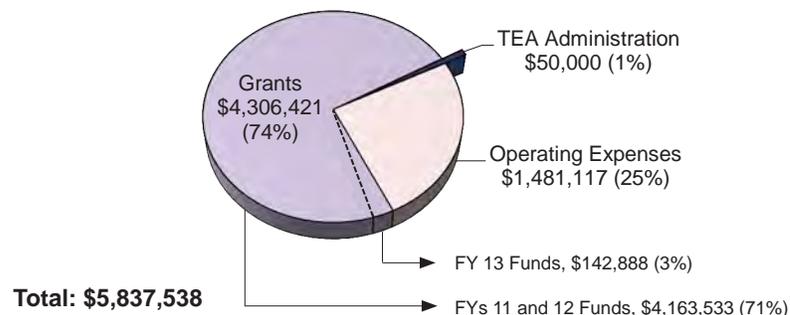
- Staffing and Organization.** At the end of fiscal year 2013, TCDD employed 14 staff, although it has a cap of 18 employees. All staff members are state employees located in Austin, organized as shown in the *Texas Council for Developmental Disabilities Organizational Chart*. The DD Act allows the State to designate another state agency to provide administrative support to TCDD, but it cannot be an agency that provides or pays for services to people with developmental disabilities. The Texas Education Agency (TEA) has provided this support to TCDD since 2004.<sup>3</sup>

**Texas Council for Developmental Disabilities  
Organizational Chart**



- Funding.** TCDD is almost entirely federally funded by the Administration on Intellectual and Developmental Disabilities. The amount of federal funding TCDD receives is based on the state’s population and certain poverty factors. TCDD received about \$4.8 million in fiscal year 2013 but, with the inclusion of funds carried forward from previous fiscal years, expended about \$5.8 million. Of those funds, TCDD spent about \$1.5 million on operating expenses such as salaries, information technology, and lease expenses. The balance of about \$4.3 million was allocated to grant projects. TEA received \$50,000 from the federal funds, the maximum allowable amount for administrative reimbursement. However, TEA’s estimate of the actual cost of providing administrative support to TCDD was about \$180,000.

**Texas Council for Developmental Disabilities  
Expenditures – FY 2013**



- **State Plan.** As required by the DD Act, TCDD develops a five-year strategic state plan that outlines the goals, objectives, and specific activities TCDD will implement each year. The textbox, *Summary of TCDD State Plan Goals*, summarizes the seven goals in the fiscal year TCDD 2012–2016 State Plan. These goals focus on supporting education, employment, and community capacity for people with developmental disabilities. The majority of the state plan goals and objectives are addressed through grant projects, discussed below.
- **Grants Management.** TCDD awards grants to projects that address one or more of the seven goals in the state plan, such as projects related to health and fitness, alternatives to guardianship, cultural competency, positive behavioral interventions and supports, and local advocacy networks. TCDD does not provide funding to projects whose primary goal is direct services.

#### **Summary of TCDD State Plan Goals**

1. Improving educational success for students with developmental disabilities.
2. Improving employment, income, and assets of people with developmental disabilities.
3. Conducting community education and outreach to promote inclusion of people with developmental disabilities.
4. Increasing the percentage of people with developmental disabilities' access to transportation.
5. Building community capacity to prevent unnecessary admissions to state supported living centers.
6. Providing leadership and advocacy skills training.
7. Conducting public policy activities, outreach, program development, grants monitoring, and general management.

In fiscal year 2013, TCDD awarded 50 grants to 41 entities. Grant awards ranged from \$10,000 to \$250,000, averaging \$75,000 each. The textbox, *State Plan Grant Example*, provides an example of a state plan goal, an associated objective, and one of three projects funded through a TCDD grant under this objective.

#### **State Plan Grant Example**

**State Plan Goal 2: Establish at least two programs that assist Texans with developmental disabilities to gain competitive employment and/or to increase their personal income and assets, and that continue to operate after the completion of a maximum of three to five years of TCDD grant funding, by September 30, 2016.**

**Objective 1:** Implement a program that provides supports and on-the-job learning opportunities to students with developmental disabilities in a post-secondary program that results in at least 80 percent of students who participate for two or more years in the program gaining jobs related to their desired careers within six months of completing their education, by March 31, 2016.

**Activity 1:** Continue to fund, monitor, and offer technical assistance to the selected grantee(s).

**Grant:** TCDD awarded a \$225,000 grant to the Higher Education for People with Developmental Disabilities “Bridge to Career in Human Services” program at Texas A&M University to provide an inclusive postsecondary education that prepares people with intellectual and developmental disabilities for employment in health and human services through a year of training and field-based experience.

- **Advocacy and Public Information.** Federal law requires TCDD to train and promote people with developmental disabilities as self-advocates, with the end goal of creating social and governmental changes that enable all people with disabilities to participate fully in their communities and have control over their own lives. TCDD works with self-advocates and family members to formulate and

promote positions on state policies that affect people with developmental disabilities. For example, TCDD's position on employment is that the State should improve the system of employment services and income supports for people with developmental disabilities, including programs that help individuals develop assets and resources and help students with disabilities transition from school to work, by maximizing federal opportunities. TCDD also performs outreach and education to communities through trainings and public events on areas like best practices for serving people with developmental disabilities and leadership development that enables them to work within their communities to effect cultural and structural changes that lead to full inclusion of people with developmental disabilities. TCDD also shares information gathered from its grant projects with state agencies and the public to improve service delivery.

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1 42 U.S.C.

2 42 U.S.C. Section 15002(8).

3 Tex. Gov. Exec. Order No RP37, September 9, 2004 (20045692).

# ISSUE 1

## *The Texas Council for Developmental Disabilities Should Be Continued, but Should Better Track the Outcomes of Its \$4 Million Grant Program.*

### Background

Beginning in the 1960s, the federal government and, soon thereafter, state governments recognized that people with disabilities faced exclusion from many areas of public and private life because services at that time were predominantly oriented towards institutionalization. The federal government established state councils for developmental disabilities to explore a broader range of services beyond institutionalization, and to provide people with disabilities and their families access to the decision-making process on these services.

Today, Texas, like every U.S. state and territory, receives funding through the federal Developmental Disabilities Assistance and Bill of Rights Act (DD Act) to establish and maintain a state council on developmental disabilities. The mission of the Texas Council for Developmental Disabilities (TCDD) is to create change so that all people with developmental disabilities are fully included in their communities and exercise control over their own lives.

TCDD does not directly provide any services. Instead, TCDD develops a state plan to identify and address the need for and availability of services for people with developmental disabilities; grants funds to projects that address these needs or demonstrate different ways to provide services; and educates the public and policymakers about disability issues. State councils also serve as advocates for people with developmental disabilities to help ensure they receive the best services, benefit from best practice models, and participate in more inclusive state planning and policy processes.<sup>1</sup>

The DD Act requires designation of an agency to provide administrative support to the council, but prohibits that agency from being one that provides or funds services to people with developmental disabilities. As a result, TCDD is administratively attached to the Texas Education Agency (TEA), which provides TCDD's budgeting, payroll, accounting, human resource functions, and other administrative services.

### Findings

#### **The Texas Council for Developmental Disabilities and its functions are necessary to ensure the State meets the needs of Texans with developmental disabilities.**

Texas needs a state council on developmental disabilities to receive funds provided through the DD Act to identify the most pressing needs of Texans with developmental disabilities and advance public policy and systems change to allow them to gain more control over their lives. The federal government provided TCDD about \$4.8 million in fiscal year 2013. As of 2012, more than 475,000 people in Texas have a developmental disability, but only about 20 to 25 percent receive public developmental disabilities services.<sup>2</sup> Nationwide, the

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*More than 475,000 people in Texas have a developmental disability.*

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demand for publicly funded developmental disabilities services is outpacing population growth, particularly in Texas, where the long-term service delivery system struggles to keep pace with the state's rapidly increasing population.<sup>3</sup>

TCDD develops the federally required state plan that analyzes the need for and availability of services for people with developmental disabilities and their families.<sup>4</sup> The plan contains specific goals, objectives, and activities to address these needs, including improving educational success, gaining competitive employment, increasing access to healthcare and transportation services, and providing leadership development and advocacy for people with developmental disabilities.

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*TCDD grants are intended to foster innovation.*

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Each year, TCDD invests approximately 70 percent of its funds in grant projects intended to foster innovation in services provided to people with developmental disabilities and expand state capacity within these services. Examples of projects TCDD has funded include the creation of EveryChild Inc., a nonprofit organization that connects families in need with social services; training educators about Positive Behavioral Intervention and Supports for students with developmental disabilities; and the production of a video to instruct students with developmental disabilities about higher education. TCDD also funds self-advocacy training for people with developmental disabilities and their families to enhance their participation in the design of policies and services for Texans with developmental disabilities.

### **Federal restrictions discourage consolidation of TCDD and its functions within another agency.**

To avoid any potential conflict of interest, federal law prohibits TCDD from being administratively attached to and supported by an agency that provides or pays for services to individuals with developmental disabilities. Additionally, the DD Act prohibits a state from assigning state council staff to perform any other activities.<sup>5</sup> These restrictions have resulted in most states establishing their state councils as separate entities rather than as part of a consolidated effort that might address related constituencies or issues. Of the 56 state and territorial councils on developmental disabilities, 46 receive administrative support from another state agency and 10 are established as separate, independent state agencies or entities, of which three are nonprofit organizations.

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*Consolidation of TCDD would not yield any savings to the State.*

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Consolidation would also not yield any savings to the State, as TCDD is federally funded specifically to carry out the duties expressed in the DD Act. Meanwhile, establishing TCDD as a stand-alone agency would raise its administrative costs and detract from its grant program. Due to TCDD's small size, TEA is able to provide administrative services in a cost-effective manner by absorbing TCDD's functions through TEA accounting, information technology, and other infrastructure. For TCDD to perform these functions itself would require hiring additional staff or contracting with a larger state agency for these services, which would reduce the amount of funding available for grants and advocacy activities.

## **TCDD does not set clear expectations for or track the sustainability and ongoing impact of grant projects after grant funding ends.**

TCDD's primary activity is awarding grants for projects to meet the goals set in its state plan. In fiscal year 2013, TCDD obligated about \$4.3 million to 41 grant recipients. Sunset staff evaluated how TCDD selects and monitors grant projects, and found the process to be thorough and fair. The textbox, *TCDD Grant Selection and Monitoring Activities*, lists some of these activities.

TCDD has not consistently established clear expectations for which aspects of projects are expected to be sustained, and TCDD's FY 2012–2016 State Plan marks the first time sustainability has been included as an expected outcome for some of its grant-funded projects. As a result, TCDD cannot accurately report what percentage of previous projects overall should have continued and whether they did or not. As described in the textbox on the following page, *Current State Plan Goals*, Goals 2 and 6 of the seven state plan goals expressly state that grant projects are intended to continue once TCDD funding has ended. However, TCDD does not have a mechanism to track the longevity or outcomes of projects designed to continue after grant funding ends.

While TCDD maintains sufficient information about current efforts of funded grant projects, it has yet to develop a system to follow up on projects after funding ends to ensure their implementation continues to satisfy state plan requirements.

Without this information, TCDD and those affected by TCDD's work — people with disabilities, the Legislature, and service providers — cannot know whether TCDD's grants have been effective or the overall impact of TCDD's work. An unclear picture of the full impact of TCDD's grant projects prevents future grant applicants from learning from previous project successes and failures when designing their proposals and implementing their projects. TCDD's lack of a formalized mechanism to track and document project sustainability also hampers its ability to foster enhancements to service delivery and policies that pertain to people with developmental disabilities. Further, the Legislature and the agencies that serve people with developmental disabilities do not have documented evidence of the continuity of the funded projects to guide future decisions on investments in disability policies and services, and instead must rely on the institutional knowledge of TCDD's current staff.

### ***TCDD Grant Selection and Monitoring Activities***

#### **Evaluation**

- Provide tutorials on the RFP process.
- Conduct two technical reviews of grant applications.
- Select an independent panel to review the applications and make funding recommendations.

#### **Monitoring**

- Determine needed monitoring activities of each project through a TCDD-developed risk assessment system.
- Provide grantees a monitoring orientation.
- Conduct initial on-site review.
- Require quarterly program reports from grantees.
- Provide technical assistance and budget analysis.

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*TCDD does not track the longevity or outcomes of grant-funded projects.*

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### **Current State Plan Goals**

**Goal 1:** Build collaborations within at least one geographic region served by an Education Service Center to demonstrate ways to create measurable improvement in at least two identified indicators of educational success for students with developmental disabilities by September 30, 2016.

**Goal 2:** Establish at least two programs that assist Texans with developmental disabilities to gain competitive employment and/or to increase their personal income and assets, and that continue to operate after the completion of a maximum of three to five years of TCDD funding, by September 30, 2016.

**Goal 3:** Conduct ongoing educational campaigns in collaboration with community leaders, organizations, and businesses to enable them to better support, include, and/or provide services to people with developmental disabilities by September 30, 2016.

**Goal 4:** In at least one Health and Human Service (HHS) region, increase by 1 percent the percentage of people with developmental disabilities surveyed who report they have access to the transportation they need to participate in their community in the manner they wish, by September 30, 2016.

**Goal 5:** Demonstrate how to prevent unnecessary admissions to State Supported Living Centers by supporting community organizations in at least one HHS region to increase their capacity to provide community-based services that support people with developmental disabilities to improve and maintain their health and to have access as needed to necessary healthcare, behavior supports, and/or respite, by September 30, 2016.

**Goal 6:** Work with others to double the number of identified leadership development and advocacy training programs that are able to provide culturally appropriate training for people with developmental disabilities without ongoing grant funding from TCDD, by September 30, 2016.

**Goal 7:** Each year the council and its committees receive staff and administrative support to effectively implement activities for at least 90 percent of all identified objectives noted under Goals 1–6, by September 30, 2016.

## **Recommendations**

### ***Change in Statute***

#### **1.1 Continue the Texas Council for Developmental Disabilities for 12 years.**

This recommendation would continue the Texas Council for Developmental Disabilities for 12 years until 2027. Under this recommendation, TCDD would be continued in state law to allow the State to continue to receive funding through the federal Developmental Disabilities Assistance and Bill of Rights Act. This recommendation would also ensure the State continues to identify the most pressing needs of Texans with developmental disabilities and to advance public policy and systems change so people with developmental disabilities maintain more control over their lives.

### ***Management Action***

#### **1.2 Direct TCDD to track the five-year outcomes of grant projects designed to continue beyond the TCDD funding period and compare actual outcomes to intended outcomes.**

Under this recommendation, TCDD would develop a process to track outcomes for its funded grant projects five years after project completion. During the request for proposal and project development process, TCDD should determine the desired outcomes of each project, including any outcomes beyond the end of grant funding. When applicable, the outcomes should relate to whether the project successfully achieved the intended state plan goals as well as the continuation of the project after the funding ended.

TCDD could require grant applicants to address sustainability as part of their proposal if applicable to the particular grant, and could require grantees to submit data to TCDD three years after grant funding has ended as part of the grant contract.

TCDD should conduct an exit interview with each grant recipient at the end of the project's timeline to establish if and how the project will continue, and should maintain contact with the grantee to further monitor the project's success. TCDD should also take a returning grantee's sustainability success or failure into consideration as part of any future grant application.

For grant projects or specific aspects of projects intended to continue, TCDD should compile information on their status and annually report this information to council members, including any projects that ended and the reasons why they ended. Whether a project or aspects of a project continue after funding ends is not the only measure TCDD would use to measure success, but tracking this information would enable TCDD to adapt its grant program to improve project sustainability. Grants not designed to continue beyond the TCDD funding period would not need to be monitored for five years, but could still be accounted for in the annual grant project report. Better identifying and tracking the sustainability and success of funded grant projects would help TCDD increase the effectiveness of this grant funding, and ultimately improve the long-term impacts on the services offered to people with developmental disabilities.

## Fiscal Implication

These recommendations would not have a fiscal impact to the State. Although TCDD may have to adjust how it internally allocates funding and employees, tracking grant projects for five years and periodically reporting the results of this tracking could be accomplished with existing staff and resources. If continued, TCDD would continue to receive federal funding from the Administration on Intellectual and Developmental Disabilities for its operations. In fiscal year 2013, this amount totaled about \$4.8 million. The Texas Education agency would continue to receive \$50,000 from those funds to provide administrative support to TCDD.

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 1 42 U.S.C. Section 15025(5)(J).

2 Texas Council for Developmental Disabilities and Texas Office for the Prevention of Developmental Disabilities, *Texas Biennial Disability Report 2012*, accessed September 4, 2014, [http://tcdd.texas.gov/wp-content/uploads/2012/12/2012\\_biennial\\_report.pdf](http://tcdd.texas.gov/wp-content/uploads/2012/12/2012_biennial_report.pdf).

3 Ibid.

4 42 U.S.C. Section 15022.

5 42 U.S.C. Section 15024(c)(5)(K).

# APPENDIX A

## *Texas Council for Developmental Disabilities*

<b>Council Member (including alternates)</b>	<b>Term</b>	<b>Qualification</b>
Mary Durham, Chair	2nd Term 2005–2011	Public member, parent of a child with a developmental disability
Rebecca Hunter Adkins	1st Term 2009–2015	Public member, person with a developmental disability
Kimberly Blackmon	1st Term 2009–2015	Public member, person with a developmental disability
Kristine Clark	2nd Term 2011–2017	Public member, parent of a child with a developmental disability
Gladys Cortez	1st Term 2011–2017	Public member, family member of a child with a developmental disability
Kristen Cox	1st Term 2009–2015	Public member, parent of a child with a developmental disability
Andrew Crim	1st Term 2008–2013	Public member, parent of a child with a developmental disability
Mateo Delgado	1st Term 2009–2013	Public member, person with a developmental disability
Stephen Gersuk	1st Term 2012–2013	Public member, parent of a child with a developmental disability
Cindy Johnston	2nd Term 2008–2013	Public member, person with a developmental disability
Diana Kern	2nd Term 2009–2015	Public member, person with a developmental disability
Scott McAvoy	1st Term 2012–2015	Local non-governmental organization
John Morris	2nd Term 2009–2013	Public member, person with a developmental disability
Dana Perry	2nd Term 2009–2015	Public member, parent of a child with a developmental disability
David Taylor	1st Term 2012–2017	Public member, parent of a child with a developmental disability
Lora Trainer Taylor	1st Term 2008–2013	Public member, parent of a child with a developmental disability
Richard A. Tisch	2nd Term 2009–2015	Public member, parent of a child with a developmental disability

## **Appendix A**

<b>Council Member (including alternates)</b>	<b>Term</b>	<b>Qualification</b>
Susan Vardell	2nd Term 2008–2013	Public member, parent of a child with a developmental disability
Vacant		
Mary Faithful	Appointed in 2001 to represent Disability Rights Texas	Represents the state Developmental Disabilities Protection and Advocacy System
Penny Seay	Appointed in 2002 to represent the Center for Disability Studies at UT-Austin	Represents the Developmental Disabilities University Center for Excellence in Developmental Disabilities
Mike Benz Amy Sharp (alternate)	Appointed in 2005 to represent the Center for Disability and Development at Texas A&M	Represents the Developmental Disabilities University Center for Excellence in Developmental Disabilities
Nancy Walker April Young (alternate)	Appointed in 2014 by the Executive Commissioner of the Health and Human Services Commission	Represents the state agency that administers funds provided under Title XIX of the Social Security Act
Penny Larkin	Appointed in 2014 by the Commissioner of the Department of Aging and Disability Services	Represents the state operating agency for funds provided under Title XIX of the Social Security Act and funds provided under the federal Older American's Act
Manda Hall, M.D. Ivy Goldstein (alternate)	Appointed in 2012 by the Commissioner of the Department of State Health Services	Represents the state operating agency for funds provided under Title V of the Social Security Act
Cindy Swain Barbara Kaatz (alternate)	Appointed in 2011 by the Commissioner of the Texas Education Agency	Represents the state agency that administers funds provided under the federal Individuals with Disabilities Education Act
Sara Kendall	Appointed in 2010 by the Commissioner of the Department of Assistive and Rehabilitative Services	Represents the state agency that administers funds provided under the federal Rehabilitation Act



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Website: [www.tcdd.texas.gov](http://www.tcdd.texas.gov)

Mary Durham, Chair  
Andrew Crim, Vice Chair  
Roger A. Webb, Executive Director

October 15, 2014

Ken Levine, Director  
Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas 78711-3066

Dear Mr. Levine:

TCDD appreciates the manner in which Sunset Commission staff conducted the review of the Texas Council for work, and demonstrated a keen interest in understanding the work of the Council and staff.

TCDD has only brief comments on the two recommendations in the report:

Recommendation 1.1 Continue the Texas Council for Developmental Disabilities for 12 years.

TCDD appreciates the confidence you and your staff have shown in the importance of the Council's work in the recommendation for continuation. TCDD supports this recommendation.

Recommendation 1.2: Direct TCDD to track the five-year outcomes of grant projects designed to continue beyond the TCOO funding period and compare actual outcomes to intended outcomes.

TCDD supports this recommendation. TCDD is participating in discussions with the Administration on Intellectual and Developmental Disabilities, TCDD's federal authority, about possible reportable output and outcome measures for all DD Councils, including some measures regarding the impact after grant funding concludes. TCDD has delayed developing a reporting methodology until those decisions are finalized, but expects to move forward in the next year. Generally, 10-12 projects conclude TCDD funding each year. Of those, approximately 6-8 have activities that TCDD expects to continue. From our knowledge of the status of those projects, we feel that most were successful. Even so, TCDD concurs with the recommendation to develop the capability to track outcomes after funding has ended.

We also note that the continuation of project activities after TCDD funding concludes is only one measure of the success and impact of TCDD grant projects. We also learn from efforts of projects that struggle unsuccessfully to find resources to continue project activities. Although the success of TCDD funded projects is not determined by the continuation of project activities alone, we agree with the recommendation that a more comprehensive track methodology will provide useful information for future decisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Webb", written over a horizontal line.

Roger A. Webb  
Executive Director

**TCDD QUARTERLY COUNCIL MEETINGS  
ATTENDANCE REPORT  
October 2012 – August 2014**

<b>Council Member</b>	<b>8/14</b>	<b>5/14</b>	<b>2/14</b>	<b>10/13</b>	<b>8/13</b>	<b>5/13</b>	<b>2/13</b>	<b>10/12</b>
H. Adkins	P	P	P	P	P	EA	P	P
K. Blackmon	P	P	P	P	P	EA	P	P
K. Clark	P	P	P	EA	EA	P	EA	P – Th EA – Fr
G. Cortez	P	P	P	P	P	P	P	EA
K. Cox	P	P	P	P	EA	P	P	P
A. Crim	P	EA	EA	P	P	EA	EA	P
M. Delgado	P	EA	P	EA	EA	P	EA	P
M. Durham	P	P	EA	P – Th EA – Fr	P	P	P	P
S. Gersuk	P	P	EA	P – Th EA – Fr	P	P	P	P
D. Kern	P	P	EA	P	EA – Th P – Fr	P	P – Th EA – Fr	P
R. Mason	NA	NA	NA	NA	NA	NA	NA	NA
S. McAvoy	P	P	P	P – Th EA – Fr	P	P	P	EA
M. Peace	NA	NA	NA	NA	NA	NA	NA	NA
D. Perry	EA	P	EA	EA	P	EA	EA	EA
B. Pharris	NA	NA	NA	NA	NA	NA	NA	NA
D. Taylor	EA	P	P	P	P	P	P	P
L. Taylor	P	P	P	EA	EA	P	P	P
J. Thomas	NA	NA	NA	NA	NA	NA	NA	NA
R. Tisch	P	EA	EA	P	EA	P	P	P
DRT (AI)	P	EA	P	P	P	P	P	P
UT CDS	EA	P	EA	P	P	P – Th EA – Fr	P	P
A&M CDD	P	P	P	EA – Th P – Fr	P	EA	P	P – Th EA – Fr
DADS	P	P	P	P	P	P	P	P
DARS	P	P	P	P	P	P	P	P
DSHS	P	EA	P	P	P	P	P	P
HHSC	P	P	P		P	P	P	P
TEA	P	P	P	P	P	P	P	P

**Key:** P = Present  
A = Absent  
EA = Excused Absence  
NA = Not Applicable