

Background:

Minutes of the November 13, 2009, Council meeting and November 12, 2009, Committee of the Whole meeting are attached for review.

Council Meeting

Agenda Item III. A.

Expected Action:

The Council will review, revise as appropriate, and approve the minutes.

**COUNCIL MEETING
DRAFT MINUTES
NOVEMBER 13, 2009**

Friday, November 13, 2009

COUNCIL MEMBERS PRESENT

Brenda Coleman-Beattie, Council Chair	Mary Durheim Marcia Dwyer	Deneesa Rasmussen Joe Rivas
Hunter Adkins	Mary Faithfull, AI	Clare Seagraves, HHSC
Kristine Bissmeyer	Elizabeth Gregowicz, DARS	Penny Seay, UT CDS
Kimberly Blackmon	Kathy Griffis-Bailey, DSHS	Amy Sharp, A&M CDD
Margaret Christen, TEA	Don Henderson, DADS	Lora Taylor
Kristen Cox	Cindy Johnston	Rick Tisch
Mateo Delgado	Diana Kern	Susan Vardell

COUNCIL MEMBERS ABSENT

Andy Crim	Dana Perry
John Morris	Rene Requenez

STAFF MEMBERS PRESENT

Roger Webb, Executive Director	Joanna Cordry Cassie Laws-Fisher	Carl Risinger Koren Vogel
Jeri Barnard	Angela Lello	Lucy Walker
Martha Cantu	Patrice LeBlanc	
Belinda Carlton	Melissa Loe	

GUESTS PRESENT

Toni Byrd, DPC	Adam Jones, TEA	George Noelke, OAG
Collin Cannady, A-V Tech	Jeff Miller, AI	

CALL TO ORDER

The Texas Council for Developmental Disabilities met on Friday, November 13, 2009, in the Salon Room of the Crowne Plaza Hotel, 6121 North IH-35, Austin, TX 78752. Council Chair Brenda Coleman-Beattie called the meeting to order at 10:43 AM.

I. INTRODUCTIONS

Council members, staff and guests were introduced.

II. PUBLIC COMMENTS

No public comments were presented.

III. CHAIR'S REPORT

Chair Coleman-Beattie reminded members that Operations Director Carl Risinger will retire on December 31, 2009. Coleman-Beattie and Executive Director Roger Webb presented Risinger with a plaque commemorating his 10 years of service to TCDD and 35 years of service to the state. Texas Education Agency (TEA) Deputy Commissioner Adam Jones offered words of respect and gratitude for Risinger noting his conscientious and thoughtful manner in coordinating with TEA for administrative services to support TCDD following the designation of TEA to provide those supports. He commended the working relationship between both agencies due in large part to Risinger's style and efforts. Webb also praised Risinger for his time with the TCDD as well as all of his service on behalf of people with disabilities. Risinger reflected on his

time with the TCDD and his years of state service and expressed his appreciation for his time with TCDD.

Webb also presented a plaque to Public Information Specialist Lucy Walker for her 20 years of distinguished service to the Council. Walker offered comments on her time with the agency, expressing her pleasure in working at TCDD.

Coleman-Beattie introduced Assistant Attorney General George Noelke who has provided legal counsel to TCDD from the Attorney General's office since 1993. Noelke provides legal advice to TCDD on an ongoing basis. As a result of the discussion and questions raised by Council members at the November 2009 Committee of the Whole Meeting regarding conflicts of interest, Chair Coleman-Beattie requested legal consultation from Mr. Noelke to assist with clarifying the status of several situations. Mr. Noelke reviewed the Council's conflict of interest policies in order to provide advice concerning possible conflicts related to various members' participation in discussions about future TCDD public policy collaboration activities. Noelke discussed with members how those conflicts could become problems relating to Council business, including situations that are perceived as creating a conflict. He noted that when an interlocking relationship exists for members who are also involved in entities that receive grant funds, it is advised that the member not participate in the discussions of the Council related to that matter and abstain from voting. He also advised members to review meeting minutes to see that they are listed as abstaining on those matters. Noelke discussed the current grant that supports some activities of the Disability Policy Consortium (DPC) and advised that Council members who are staff of organizations that are also DPC members should not participate in voting or discussions concerning future TCDD public policy activities since the Council's decision directly relates to the DPC.

Noelke also discussed the Open Meetings Act and cautioned how electronic communications are subject to the Act when communication takes place between enough members to constitute a quorum. He specified that if more than fourteen Council members are communicating via e-mail or a social networking site and those discussions have the appearance of making a decision, those communications violate the Open Meetings Act since the discussion did not take place in an open forum where the public could watch. It is allowable for TCDD staff to provide information to members by email so long as discussions among members on those items not occur by email as a group. Noelke also advised including a "Do Not Reply to All" reminder on e-mail communications.

IV. FY 2009 INTERNAL AUDIT REPORTS & FY 2010 AUDIT PLAN

Council Vice-Chair Mary Durham, who also serves as the Chair of the Audit Committee, reported that the Audit Committee met on October 19, 2009, to review the Fiscal Year (FY) 2009 Audit Reports and FY 2010 Audit Plan. The Committee approved submittal of those reports to the State Auditor's Office and other offices by November 1st as required by law. The Committee recommends Council approval of these reports, although the reports can be resubmitted should the Council desire to make any changes. Durham introduced Jaye Stepp, the contracted internal auditor from Rupert and Associates, who reviewed specifics of each report.

Stepp noted that most of the audit work this past year focused on procedures for soliciting and awarding professional services contracts. Her review found that contract administration and management processes at TCDD are effective and consistent with state guidelines for the most part. Stepp also provided a few recommendations in the FY 2009 Internal Audit Reports including:

1. Written procedures for soliciting and awarding contracts should be reviewed and updated on a scheduled basis.

2. Contract files should be better organized and monitoring mechanisms should be formalized and better documented.
3. Documentation supporting vendor selection should be standardized to assure completeness and compliance with state requirements.

Stepp indicated that these recommendations have already been implemented by staff. She also noted that audit recommendations from 2008 have been completed.

MOTION: To approve the TCDD Internal Audit Report for FY 2009 as presented.

MADE BY: Mary Durheim for the Audit Committee
(Motions from Committee do not need a second)

The motion **passed** unanimously. (Attachment 1)

Stepp next discussed the FY 2009 Annual Internal Audit Report (Attachment 2) which is required by the Texas Internal Audit Act and follows a specific format designed by the State Auditor's Office. It is a summary of the TCDD Internal Audit Report for FY 2009 and reviews the audit findings and recommendations for the year, management responses to those recommendations, discusses some organizational governance matters, notes any external audit services conducted during the year, and reviews the audit plan for the coming year. Audit Committee member Marcia Dwyer assisted with the Committee report as Ms. Durheim had to leave the meeting to catch her flight.

MOTION: To approve the FY 2009 Annual Internal Audit Report as presented.

MADE BY: Marcia Dwyer for the Audit Committee

The motion **passed** unanimously.

Dwyer and Stepp presented the TCDD Internal Audit Plan for FY 2010 (Attachment 3) which focuses on information technology and compliance with information security standards. Stepp also explained the Risk Assessment process conducted each year with executive staff and reviewed with the Audit Committee, and reviewed the history of internal audits conducted at TCDD since TCDD began contracting for internal audit services in 2002.

MOTION: To approve the TCDD Internal Audit Plan for FY 2010 as presented.

MADE BY: Marcia Dwyer for the Audit Committee

The motion **passed** unanimously.

V. CONSENT ITEMS

Chair Coleman-Beattie asked for a motion to approve minutes of the August 2009 Council and Committee of the Whole meetings, excused absences and assignments of members to the Public Policy Committee and Project Development Committee.

MOTION: To approve the minutes of the August 6, 2009, Committee of the Whole and the August 7, 2009 Council Meeting; excused absences of Andy Crim, John Morris, Dana Perry and Rene Requenez; and committee assignments as presented.

MADE BY: Rick Tisch

SECOND: Susan Vardell

The motion passed unanimously.

VI. CHAIR'S REPORT - continued

Coleman-Beattie reviewed upcoming training opportunities for Council Members including the Public Policy Seminar in Washington, D.C. (March 2010), ADD Technical Assistance Institute (June 2010), and NACDD Conference (September 2010). She also referred members to information about TCDD grantee sponsored trainings including the TALAC Conference in March 2010. Members are asked to contact Coleman-Beattie or Webb if interested in attending any of these events.

VII. EXECUTIVE DIRECTOR'S REPORT

Webb provided a staffing update noting the selection of Martha Cantu as Operations Director following Carl Risinger's retirement December 31st. Webb also noted that Policy Development Specialist Melvin Johnson recently resigned. Staff will post shortly for that position and for the vacant Grants Management Specialist position.

VIII. SELECTION OF NOMINATING COMMITTEE REPRESENTATIVE

The Nominating Committee consists of one member each from the Public Policy and Project Development Committees and one member selected by the Council. The Nominating Committee will bring forward nominations during the February Council meeting of a member to serve as Council Vice-Chair and one member to serve as the Consumer Member-at-large to the Executive Committee. Members who serve on the Nominating Committee are not eligible to be nominated as Vice-Chair or Consumer Member-at-large. Renee Requenez was selected by the Project Development Committee and Penny Seay was selected by the Public Committee as members of the Nominating Committee. Hunter Adkins agreed to accept a nomination to serve as the third member of the Committee.

MOTION: For the Nominating Committee to consist of Hunter Adkins, Rene Requenez and Penny Seay.

MADE BY: Rick Tisch

SECOND: Cindy Johnston

The motion **passed** unanimously.

IX. REVISIONS TO TCDD POSITION STATEMENTS

Public Policy Committee Chair Rick Tisch reported that the Public Policy Committee updated the Transportation Position Statement and the Aging with Developmental Disabilities Position Statement. Statements on Criminal Competency and Education were tabled due to time constraints. Public Policy Director Angela Lello reviewed the changes recommended by the Committee to the statements. (Attachments 4 and 5 as recommended by the Committee.)

MOTION: To approve revisions to the Transportation Position Statement and the Aging with Developmental Disabilities Position Statement as recommended by the Committee.

MADE BY: Rick Tisch for the Public Policy Committee

The motion **passed** unanimously.

X. BIENNIAL REPORT SCOPE OF ACTIVITIES

Tisch reviewed proposed activities related to the development of the 2010 Biennial Disability Report as included in meeting materials (Attachment 6). Proposed activities include surveys, survey design, technical writing, and a legislative symposium.

MOTION: To approve the Biennial Report scope of activities as presented.

MADE BY: Rick Tisch for the Public Policy Committee

The motion **passed** without opposition. Kathy Griffis-Bailey, Don Henderson and Clare Seagraves abstained.

XI. CONSIDERATION OF FUTURE FUNDING ACTIVITIES

Project Development Committee Chair Susan Vardell reported on Committee recommendations for future projects.

MOTION: To approve funding of up to \$75,000 per site per year for up to three years for up to two Volunteer Advocate Pilot Programs as proposed by the Department of Aging and Disability Services and recommended by the Committee.

MADE BY: Susan Vardell for the Project Development Committee

The motion **passed**. Amy Sharp opposed, and Don Henderson and Clare Seagraves abstained. (Attachment 7)

MOTION: To approve funding of up to \$50,000 per year for up to two years, for two Inclusive Faith-Based Communities Conference projects as recommended by the Committee.

MADE BY: Susan Vardell for the Project Development Committee

The motion **passed** without opposition. Don Henderson and Clare Seagraves abstained. (Attachment 8)

The Committee reviewed information about projects in their final year of funding from TCDD with particular attention to the Inclusive Teacher Preparation Training project at Texas Tech University. The original Executive Summary approved by the Council for this project authorized funding for three years with additional funding for years 4 and 5 subject to a review of project activities and outcomes by the Council. The Project Development Committee recommends approving those final two years of funding.

MOTION: To approve funding for two additional years for the Inclusive Teacher Training project at Texas Tech University as allowed by the Request for Proposals for up to \$200,000 per year.

MADE BY: Susan Vardell for the Project Development Committee

The motion **passed** without opposition. Elizabeth Gregowicz abstained on behalf of DARS. (Attachment 9)

MOTION: To approve funding of up to \$50,000 for one year to the Texas Department of Housing and Community Affairs for a contractor training

component of the Home-Free Barrier Removal and Rehabilitation Project.

MADE BY: Susan Vardell for the Project Development Committee

The motion **passed** unanimously.

Vardell reported that the Committee reviewed the Future Funding Priority List and recommended that the Volunteer Advocate Pilot Program be added as the third priority on that list, ahead of the planned Meaningful Relationships project. The Meaningful Relationships project is still in development and the Volunteer Advocate Pilot will be ready to start sooner.

MOTION: To approve the Future Funding Priority List

MADE BY: Susan Vardell for the Project Development Committee

The motion **passed** without opposition. Don Henderson and Clare Seagraves abstained from voting. (Attachment 10)

XII. FUTURE TCDD PUBLIC POLICY COLLABORATION ACTIVITIES

During the Committee of the Whole discussion of future public policy collaboration activities, members agreed to form an ad-hoc workgroup to continue working with a facilitator to develop proposed measures for the desired outcomes supported by the Committee for future projects. The Project Development Committee and Public Policy Committee were each asked to recommend two committee members for this ad hoc workgroup. Tisch reported that the Public Policy Committee recommends Marcia Dwyer and Mateo Delgado. Vardell reported that Project Development Committee recommends Rene Requenez and Diana Kern.

MOTION: To approve Mateo Delgado, Marcia Dwyer, Diana Kern and Rene Requenez as members of the future TCDD public policy collaboration workgroup.

MADE BY: Rick Tisch for the Public Policy Committee and Susan Vardell for the Project Development Committee

The motion **passed** without opposition. Don Henderson, Mary Faithfull, Clare Seagraves, Penny Seay and Amy Sharp abstained.

XIII. CONSIDERATION OF AMENDMENTS to TCDD POLICIES

This agenda item was tabled due to time constraints.

XIV. EXECUTIVE COMMITTEE REPORT

Coleman-Beattie briefly discussed the NACDD conference recently held in Albuquerque, N.M., and indicated that additional information from attendees will be shared in writing. She reported that the Executive Committee approved continuation funding for the Disability Policy Consortium project for an additional 6 months not to exceed \$80,000. This continuation period follows the Council's decision in August to continue funding support for the DPC while the Council considers future public policy collaboration activities.

The Quarterly Financial Report and the conflict of interest disclosures were reviewed by the Committee and no concerns were noted.

XV. AUDIT COMMITTEE REPORT

Marcia Dwyer provided further information on discussions of the Audit Committee October 19, 2009. She discussed the External Quality Assurance (peer) Review Report conducted by David MacCabe who was complimentary of the work of Ms. Stepp as TCDD auditor and had only two recommendations.

The Committee also discussed internal audit services procurement procedures and determined not to initiate a new procurement at this time. A new solicitation was conducted in 2007 and a decision was made to continue with internal auditing services as offered by Rupert and Associates as proposals from other vendors did not demonstrate a cost-effective plan or an understanding of TCDD's internal auditing requirements. Peer reviewer David MacCabe noted the solicitation demonstrated a good-faith effort and that even though TCDD's relationship with the current vendor Rupert & Associates was longstanding, a conflict did not exist. Council members discussed the merits of changing auditors. Council member Mary Faithfull asked about the prudent consideration of the rotation of the contracted internal auditor. Chair Coleman-Beattie noted that she was not able to attend the Committee meeting due to an illness, but has some concern about continuing this relationship for an extended period of time that total seven years to date.

XVI. PROJECT DEVELOPMENT COMMITTEE REPORT

Grants Management Director Patrice LeBlanc reviewed other discussions of the Project Development Committee. Staff will bring further information to the Committee at their next meeting on five models for a healthy relationships project based on ideas submitted to the recent Request for Ideas. Staff will also provide information to the Committee to determine if TCDD ideas related to a transition project are duplicative of efforts of other agencies. LeBlanc noted that the Committee received public comments encouraging future transportation projects.

XVII. PUBLIC POLICY COMMITTEE REPORT

Dwyer reported on further discussions of the Public Policy Committee with specific mention of public information activities.

ADJOURN

Chair Coleman-Beattie adjourned the Council meeting at 12:49 PM.

Roger A. Webb
Secretary to the Council

Date

**Texas Council for Developmental Disabilities
Internal Audit Report
FY 2009**

Report Date: August 31, 2009

Prepared by:
Rupert & Associates, P.C.
Certified Public Accountants

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Acronyms and Abbreviations

- CMBL Centralized Master Bidder List
- CMG TPASS Contract Management Guide
- CMU TEA’s Contract Management Unit
- CPA Comptroller of Public Accounts
- ESBD Electronic Services Business Daily
- HUB Historically Underutilized Business
- IIA Institute of Internal Auditors
- ISAS Integrated Statewide Administrative System
- SAO State Auditor’s Office
- TCDD Texas Council for Developmental Disabilities
- TCMO TPASS Contract Management Office
- TEA Texas Education Agency
- TGC Texas Government Code
- TPASS Texas Procurement and Support Services
- USAS Uniform Statewide Accounting System
- UGMS Uniform Grant Management Standards (Texas)
- VPTS Vendor Performance Tracking System



Internal Audit Report

August 31, 2009

Audit Committee and Board Members
The Texas Council for Developmental Disabilities

The following report provides the results and recommendations noted during the internal audit procedures conducted in fiscal year 2009. Included in this report are the purpose, scope, results, and recommendations of the audit, as well as management's responses to those recommendations.

The internal audit was conducted in accordance with the Institute of Internal Auditor's (IIA) *International Standards for the Professional Practice of Internal Auditing*, the Government Accountability Office's (GAO) *Government Auditing Standards*, and the Texas Internal Auditing Act. We believe that our work fully supports our conclusions.

This report is distributed to and intended for the use of the Texas Council for Developmental Disabilities management and Governing Board, and the oversight agencies as identified in the Texas Internal Audit Act.

Rupert & Associates, P.C.

Certified Public Accountants
Austin, Texas

Executive Summary

Audit Purpose

The Texas Council for Developmental Disabilities' (TCDD) annual internal audit plan is risk-based, with specific audit areas and objectives determined after an annual risk assessment update is conducted by management and the internal auditor.

The Internal Audit plan developed for TCDD for fiscal year 2009 consisted of the following objectives:

1. Executive and Administrative: Contract administration and management - Evaluate controls and processes for effectiveness and efficiency. Also, in anticipation of a future audit objective of reviewing programs to determine if results are consistent with objectives, we will begin developing criteria and identifying data needs toward that end.
2. Information Technology: Consult, advise, and monitor the implementation of the new grantee reporting database.
3. Follow up on prior audit recommendations.

Key Observations

1. The contract administration and management process at TCDD is effective and consistent with state procurement guidance for the most part.
2. Written procedures at TCDD should be updated including the relationship with TEA and defined responsibilities of each entity.
3. Supporting documentation on the contractor selection process is incomplete.
4. Supporting documentation for contract monitoring is limited.
5. All prior audit recommendations have been addressed by TCDD.

Significant Recommendations

1. Written procedures for contracted services should be reviewed and updated. Procedures should include process steps and controls, standards for contract administration files and vendor selection documentation requirements.
2. Contract files should be better organized and monitoring mechanisms should be formalized and better documented.
3. Documentation supporting vendor selection in bid process should be standardized to assure completeness and compliance with state requirements.

Audit Results and Recommendations

BACKGROUND & PURPOSE

Contracts are used at TCDD primarily for professional services that include services such as web hosting, research, audit, desk reviews, legal services, translation, technical writing, and conference planning. Contracting processes are coordinated with the Texas Education Agency's Contract Management Unit which provides guidance and oversight of the TCDD contracts. TCDD initiates the request for services and provides the monitoring and oversight of the contract performance as well as approval of payment requests from vendors.

The contracting process at TCDD is limited to professional services contracts. In fiscal year 2008 there were a total of 12 contracts entered into; in fiscal year 2009 the total was 10. Contract processes have not previously been audited at TCDD. This area was identified in the risk assessment as an area that should be reviewed to ensure that processes and controls relating to contracts and TCDD's responsibilities are adequately documented and functioning effectively.

CRITERIA

TPASS Contract Management Guide
TEA Contract Manual
TCDD Operating Procedure 01-08 Contract for Services

SCOPE & OBJECTIVES

The scope of the audit included an evaluation of the contract management process and an examination of sampled contracts in place during fiscal years 2008 and 2009.

The audit methodology included interviews with TCDD contract management personnel, TEA's Internal Audit function and TEA's Contract Management Unit staff. Tests of contractor files were performed for effectiveness of monitoring and oversight. A review of documentation supporting the vendor selection process for contracts requiring bids was conducted. Criteria for tests were obtained through review of the TPASS Contract Management Guide (CMG), the TEA Contract Manual and TCDD's Operating Procedure 01-08 Contracts for Services.

The audit objective was to assess controls over contract management and procedures on payment approvals to determine:

- Does TCDD effectively monitor performance and approve contract payments?
- Has TCDD established requirements for supporting documentation that maintains appropriate information on all vendor contracts?

Audit Objective 2009-1-1: How does TCDD ensure that contracting procedures are in compliance with state laws and regulations governing the various types of contracts engaged in by TCDD?

Results and Conclusions:

Condition: TCDD has written procedures (OP 01-08 Contracts for Services) to guide staff in the administration and management of contracts. The procedure follows the TEA Contract Manual closely. Included in the procedure are requirements to document decisions to extend contracts with performance evaluations. Documentation concerning these particular steps in the procedures was not found in the contract master files sampled for testing. Master files for contracts that go out for bids did not consistently contain all of the documentation in the format recommended by the TPASS CMG for contracting decisions, including reviewer disclosures, bid tabulations, or letters informing bidders of the final selection.

Interviews were conducted with the Director of Internal Audit and the Director of Purchasing and Contracts at TEA. The Director of Internal Audit stated that there had been a couple of general audits in this area and some audits of specific contracts. There were no significant findings in their audits nor were any findings specific to TCDD contracts. Some recommendations for improvements included strengthening procedures, especially in areas where TEA program people deliver and/or monitor contracts. Problems identified were attributed to TEA staff who get in a hurry and try to take shortcuts; generally newer staff who are not as familiar with standards. It was also noted that the State Auditor's Office (SAO) performed an audit of Contract Management at the TEA in 2006 and had the same types of recommendations.

The Director of the Purchasing and Contracts at TEA was very helpful in discussions of processes and also offered to provide a copy of their Contract Manual when the new revision is completed. The current Contract Manual was used as criteria for this audit.

The SAO Audit Report # 06-064 on Contract Management at TEA included some recommendations very similar to those noted in this audit, including -

1. Establish written procedures for 'appropriate and necessary monitoring activities to evaluate the quality of contractor performance and timely delivery of all goods and services in compliance with the terms and conditions of the contract' and conduct regular training for new contract monitors.
2. Consistently follow established contracting policies and procedures.

In response to these recommendations, TEA's Purchasing and Contracts Division revised their Contracts Manual in 2006, developed a contract file checklist to ensure all applicable documents are included in a master contract file, and implemented mandatory training requirements for all staff members involved in the process. TCDD should adopt the checklist used by TEA or develop their own, and attend contract administration training as appropriate.

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Cause: TCDD's contracting procedures have not been updated since implementation and show no evidence of periodic review; not all procedures are followed as written; there is a lack of monitoring to ensure compliance.

Effect: Contract administration files do not fully support effective monitoring of contractor performance.

Criteria: TCDD Operating Procedures 01-08 Contracts for Services
TPASS Contract Management Guide

Recommendation #2009-1-1-1:

TCDD procedures for contracts should be reviewed and updated on a regular basis. Procedures should include monitoring controls to ensure performance of procedures as written. The procedure should provide clear guidance that TCDD follows the TEA Contract Manual for all contract procedures including controls embedded in the process, documentation requirements for performance monitoring and payment request approvals. A checklist for contractor files would help ensure completeness of files and compliance with procedures.

Management Response #2009-1-1:

TCDD concurs with the recommendations. The TCDD Operations Director provides administrative oversight and monitoring of TCDD administrative service contracts. TCDD updates internal operating procedures periodically as TEA updates their procedures or when legislative actions mandate changes.

At the time of audit TEA was in the process of updating their Contract Manual. TCDD is currently reviewing and updating OP-01-08: Contracts for Services. Revisions will clarify that TCDD coordinates with TEA on all contract matters and follows procedures outlined in the TEA contracts manual. TCDD will coordinate with the TEA Contracts Management Unit related to future updates to their contract procedures. TCDD is also developing a checklist for contract master files as recommended and will develop contract monitoring tools as appropriate for TCDD administrative contracts and solicitations.

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Audit Objective 2009-1-2: To determine if there are adequate internal controls and effective procedures for contract development, including defined deliverables, effective monitoring, accurate reporting and appropriate records retention.

Results and Conclusions:

Condition: The Contract Management Unit at TEA is very involved in the contract development process for TCDD contracts. When a need is identified TCDD initiates a request for contracted services, defining the statement of work to a designated TEA buyer. The TEA buyer then determines the appropriate vehicle for the request and works closely with TCDD to develop requests for proposals or offers and contracts that meet state guidance on form and content. TEA ensures that requests for offers or proposals are properly posted on the State's Electronic Services Business Daily (ESBD) and the Centralized Master Bidders List (CMBL) as appropriate. The TEA coordinator for Historically Underutilized Business (HUB) vendors is included in the process to ensure that state requirements regarding HUB vendors are also complied with. TCDD is responsible for contract monitoring, which includes performance and payment approvals.

Tests of sampled contracts indicate that requests for payment and TCDD approvals had appropriate supporting documentation with date stamps and signatures (initials) supporting payment approvals. Review of ISAS reports on contract payments indicated that payments were made accurately and in a timely manner.

Cause: Performance monitoring often involves an informed knowledge of the expected deliverables on contracts and the status of those deliverables throughout the year. The professional services contracts entered into by TCDD are very specific in nature and deliverables are often in the form of a written report or narrative. TCDD staff may be aware that services were delivered, but supporting documentation to that effect is not always maintained in a consolidated master file for each contractor.

Effect: Supporting documentation for monitoring contractor performance is not consistently maintained in a central location with the contract vendor files.

Criteria: TPASS Contract Management Guide and the State's Procurement Manual

Recommendation 2009-1-2-1:

The State's TPASS Contract Management Guide (CMG), Chapter 7, recommends keeping one complete master Contract Administration File for the life of each contract. The file will provide a basis for settling claims and disputes should they arise in administrative or court actions. Suggestions for content are provided and should be used by TCDD to develop their own criteria for contract files.

Appendix 11 of the CMG provides a sample Contract Monitoring Sheet. This tool could be adopted by TCDD and used to track and document performance monitoring.

Management Response 2009-1-2-1:

TCDD agrees with the recommendation to create a master contract file for each selected vendor.

Recommendation 2009-1-2-2:

For bid solicitations, the documentation supporting the vendor selection process should be consistent with the TEA Contract Manual. Recommended documentation includes the initial proposal, all respondent's offers, the reviewers' non-disclosure and conflict of interest statements, the reviewers' scoring sheets, a summary of the final selection criteria, the award letter, letters to vendors not selected and any other documentation or correspondence to support the vendor selection process. Additional documentation requirements are included in the Comptroller's Procurement Manual, section 2.37 Bid Opening & Bid Tabulation.

Management Response 2009-1-2-2:

TCDD agrees with the recommendation to maintain a central master file for each solicitation and is developing a checklist that includes the items as recommended.

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Audit Objective 2009-1-3: To determine if processes are in place to ensure that contract terms and deliverables provide sufficient information for generating useful and timely evaluations of contractor performance, including vendor performance issues to be reported into the TPASS Vendor Performance Tracking System (VPTS).

Results and Conclusions:

Condition: The Comptroller has a vendor performance tracking system (VPTS) which was set up to track unsatisfactory performance on contracts that exceed \$25,000. The Comptroller's office suggests reporting on all contracts, and on performance that is satisfactory or even exceptional. The purpose of the database created through this reporting is to assist other agencies in evaluating potential vendors prior to awarding contracts. TEA would submit this report, but the information on performance must come from TCDD.

Cause: This is not a non-compliance issue as TCDD was not required to report in this area. However, TCDD is not formally tracking the performance of contractors in written memos or other documentation maintained in contract administration files to facilitate this reporting if it were required.

Effect: There is no data on which to base a report on vendor performance. Better performance documentation would provide source data for reporting to the VPTS.

Criteria: TPASS Contract Management Guide
TEA Contract Manual
TCDD OP 01-08 Contracts for Services

Recommendation 2009-1-3-1:

The compilation of vendor performance documentation maintained in the contract administration files, as discussed in a previous recommendation, would enable TPASS Vendor Performance Forms reporting for contracts that meet the threshold or performance criteria for reporting in the VPTS.

Management Response 2009-1-3-1:

TCDD concurs with the recommendation and will coordinate with TEA to determine when to provide information for the TPASS Vendor Performance Tracking System.

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Audit Objective 2009-1-4: To determine if there are documented procedures to guide individuals with contract management duties at TCDD and how the procedures are kept current.

Results and Conclusions:

Condition: There is an operating procedure at TCDD (OP 01-08) that was implemented in 2005. Certain steps in the procedure as written are not currently being completed. There is a lack of monitoring controls built into the procedure to ensure its effectiveness.

Cause: TCDD's contracting procedures have not been updated since implementation and show no evidence of periodic review; not all procedures are followed as written; there is a lack of monitoring to ensure compliance.

Effect: The procedure is not effectively ensuring that documentation supports contract monitoring procedures as intended.

Recommendation repeated from Objective 1 – see #2009-1-1-1

Management Response – see #2009-1-1-1

TCDD agrees with the recommendation and is updating OP-01-08: Contracts for Services as appropriate. TCDD agrees that procedure may benefit from additional detail to add clarity concerning coordination with TEA Contract Management Unit and our intent to comply with requirements of the TEA contract manual where applicable.

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Audit Objective 2009-1-5: In anticipation of future audit objectives to review programs to determine if results are consistent with objectives, begin developing criteria and identifying data needs toward that end.

Criteria: *International Standards for the Professional Practice of Internal Auditing* requires five general types of audits, one of which is –

- *Accomplishment of Established Objectives and Goals for Operations and Programs* - Internal auditors should review operations or programs to ascertain whether results are consistent with established objectives and goals, and whether the operations or programs are being carried out as planned.

To assess whether established objectives and goals are being met, and whether programs are being carried out as planned, the current State Plan should be used as the basis for comparing programs in place to the stated objectives. The State Plan and the number of programs directed to each stated objective could also be compared to other states' objectives and programs.

Best practices as they relate to grantee monitoring could be compared to monitoring activities used by TCDD and to other states' monitoring activities.

No Recommendations

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Audit Objective 2009-2: Information Technology: Consult, advise, and monitor the implementation of the new grantee reporting database (DD Suite).

Condition: The DD Suite is not yet ready for use by other state DD Councils.

Cause: Issues around States' reporting needs are still being identified and addressed.

Effect: This audit objective will be carried into the next fiscal period.

Texas Council for Developmental Disabilities (TCDD)
Internal Audit Report FY-2009

Audit Objective 2009-3: Follow up on prior audit recommendations.

Recommendation 2008-1-1: Consider using a checklist to perform an internal desk review initially, only submitting to the contractor any that are found to be problematic. This could result in savings to the agency by limiting the involvement of the CPA to those audits where TCDD staff has noted deficiencies.

COMPLETE – TCDD has drafted a checklist for performing an initial internal desk review to assess risk prior to submitting to the contractor for review.

Recommendation 2008-1-2: Establish an internal schedule for periodic review and update of grants management procedures. Assure that revision and review dates are documented and procedures that are changed or deleted are archived for future reference.

COMPLETE – TCDD Operating Procedure 01-01 expects all procedures to be reviewed biennially following each regular legislative session with reviews to be completed by January 31 of each even-numbered year. A table of revisions is maintained documenting review and revisions of Operating Procedures and archiving of prior versions.

Recommendation 2008-1-3: The financial reports to the Council members should be presented on a cash basis, as supported by ISAS reports available at the time of compilation. Using the cash basis, encumbrances would be recognized as those payments are made, and projections would not be included in the report, or would be separately stated. This change will enable the report to be compiled in a more timely and efficient manner, and will be easily reconcilable to source documents.

COMPLETE – TCDD staff have worked with TEA to customize report data by federal fiscal year so that all reports are generated from TEA accounting information. As of the November 2008 meeting, staff now provide management reports based on the cash basis.

Texas Council for Developmental Disabilities (TCDD)
Internal Audit Report FY-2009

Recommendation 2008-1-4: Written procedures in this area are critical because of the detailed steps required to transform the ISAS reports into the format used for the Council reports. Written documentation should include how to request the source data (ISAS Reports); how to group the categories for reports to the Council; how to obtain and document management oversight and review of the reports prior to publishing; and how, what, where, and how long to retain supporting documentation for each report.

COMPLETE – TCDD staff have developed written documentation of the steps required to generate the financial reports for the Council and Executive Committee.

Texas Council for Developmental Disabilities (TCDD)
Internal Audit Report FY-2009

REPORT DISTRIBUTION

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Texas Council for Developmental Disabilities, Audit Committee

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Texas Council for Developmental Disabilities

Roger Webb, Executive Director

Carl Risinger, Operations Director

Patrice LeBlanc, Grants Management Director

*Texas Council for Developmental Disabilities
(TCDD)*

ANNUAL INTERNAL AUDIT REPORT

Fiscal Year 2009

TCDD Audit Committee - October 19, 2009

Prepared by:
Rupert & Associates, PC
Certified Public Accountants
Austin, Texas

Texas Council for Developmental Disabilities (TCDD)
ANNUAL INTERNAL AUDIT REPORT - FY09

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Texas Council for Developmental Disabilities (TCDD)
ANNUAL INTERNAL AUDIT REPORT - FY09

I. Internal Audit Plan for Fiscal Year 2009

The internal audit plan for TCDD for fiscal year 2009 was based on risks identified in the FY09 risk assessment update. The plan identified the following objectives as the main areas of focus for internal audit.

1. Executive and Administrative: Contract administration and management. Evaluate controls and processes for effectiveness and efficiency. Also, in anticipation of a future audit objective of reviewing programs to determine if results are consistent with objectives, we will begin developing criteria and identifying data needs toward that end.
2. Information Technology: Consult, advise, and monitor the development and refinement of the grantee reporting database (DD Suite).
3. Follow up on prior audit recommendations.

II. External Quality Assurance Review (QAR)

An external quality assurance review was performed in April of 2009 by David J. MacCabe, CIA, CGAP, MPA, covering TCDD internal audit activities performed by the internal audit contractor (Rupert & Associates) during the period July 2007 through June 2009. The contracted internal audit function at TCDD was found to **fully comply** with the Institute of Internal Auditors (IIA) *International Professional Practices Framework* including the *International Standards for the Professional Practice of Internal Auditing*, the *Definition of Internal Auditing*, and the *Code of Ethics*, the United States Government Accountability Office (GAO) *Government Auditing Standards*, and the Texas Internal Auditing Act (*Texas Government Code*, Chapter 2102). Opportunities for improvement recommended by the reviewer include:

1. Consider updating the Audit Committee Charter
2. Plan future audit projects to include evaluation of organizational governance

Recommendations from the QAR are currently under consideration by TCDD and the internal auditor.

III. List of Audits Completed

The table on the following page provides a list of audits completed during fiscal year 2009 with high-level objectives, summarized key audit observations and recommendations, including impact and implementation status of each.

**Texas Council for Developmental Disabilities (TCDD)
ANNUAL INTERNAL AUDIT REPORT - FY09**

III. List of Audits Completed Showing High-Level Objectives, Observations / Findings, Recommendations, and Status

<i>Report #</i>	<i>Rpt Date</i>	<i>High-Level Audit Objective(s)</i>	<i>Rec #</i>	<i>Observations/Findings and Recommendations</i>	<i>Current Status</i>	<i>Fiscal Impact / Other Impact</i>
2009-1	8/31/2009	Contract Administration and Management				
Objective 1	Determine if TCDD's contracting procedures are in compliance with state laws and regulations.	2009-1-1-1	TCDD's procedures for contracts for services should be reviewed and updated, including monitoring controls to ensure performance is appropriately documented. A checklist would help ensure completeness of files and compliance with procedures.	Incomplete / Ongoing: TCDD agrees and is in the process of reviewing and updating OP-01-08 Contracts for Services; a checklist is also being developed for contract master files and will develop monitoring tools as appropriate.	Contract monitoring and reporting efficiencies.	
Objective 2	Determine if there are adequate internal controls and effective procedures for contract development, including defined deliverables, effective monitoring, accurate reporting and appropriate records retention.	2009-1-2-1	TCDD works closely with TEA on contract development and deliverables; monitoring and reporting activities have appropriate controls and procedures, but documentation supporting these activities is not consistently maintained in a contract master file. The TPASS Contract Management Guide provides suggestions and tools for tracking and documenting performance that should be used by TCDD to improve their documentation.	Incomplete / Ongoing: TCDD Management agrees and has already started creating a master contract file for each vendor.	Operational efficiency: ensure appropriate documentation is maintained to evidence compliance with state laws and regulations.	
		2009-1-2-2	Documentation supporting the vendor selection process for bid solicitations should be consistent with the TEA Contract Manual and the Comptroller's Procurement Manual.	Incomplete / Ongoing: TCDD Management agrees with the recommendation to maintain a central master file for each solicitation and is developing a checklist that includes items recommended.	Operational efficiency: ensure appropriate documentation is maintained to evidence compliance with state laws and regulations.	
Objective 3	Determine if processes ensure that contract terms and deliverables provide sufficient information for generating useful and timely evaluations of contractor performance, including those to be reported into the Comptroller's VPTS.	2009-1-3-1	The Comptroller's Vendor Performance Tracking System (VPTS) was created to assist agencies in evaluating potential vendors based on past performance, as reported in VPTS. TCDD should track vendor performance in a manner to enable reporting to the VPTS system when required or desired.	Incomplete / Ongoing: TCDD concurs with the recommendation and will coordinate with TEA to determine when to provide information for the TPASS Vendor Performance Tracking System.	Operational efficiency and compliance with state requirements.	
Objective 4	Determine if there are documented procedures to guide contract management activities at TCDD	2009-1-4-1	TCDD's contracting procedures have not been updated since implementation and show no evidence of periodic review; not all procedures are followed as written; there is a lack of monitoring to ensure compliance.	Incomplete / Ongoing: TCDD concurs with the recommendation and is updating OP-01-08: Contracts for Services as appropriate.	Operational efficiency and improved compliance with state requirements.	

Texas Council for Developmental Disabilities (TCDD)
ANNUAL INTERNAL AUDIT REPORT - FY09

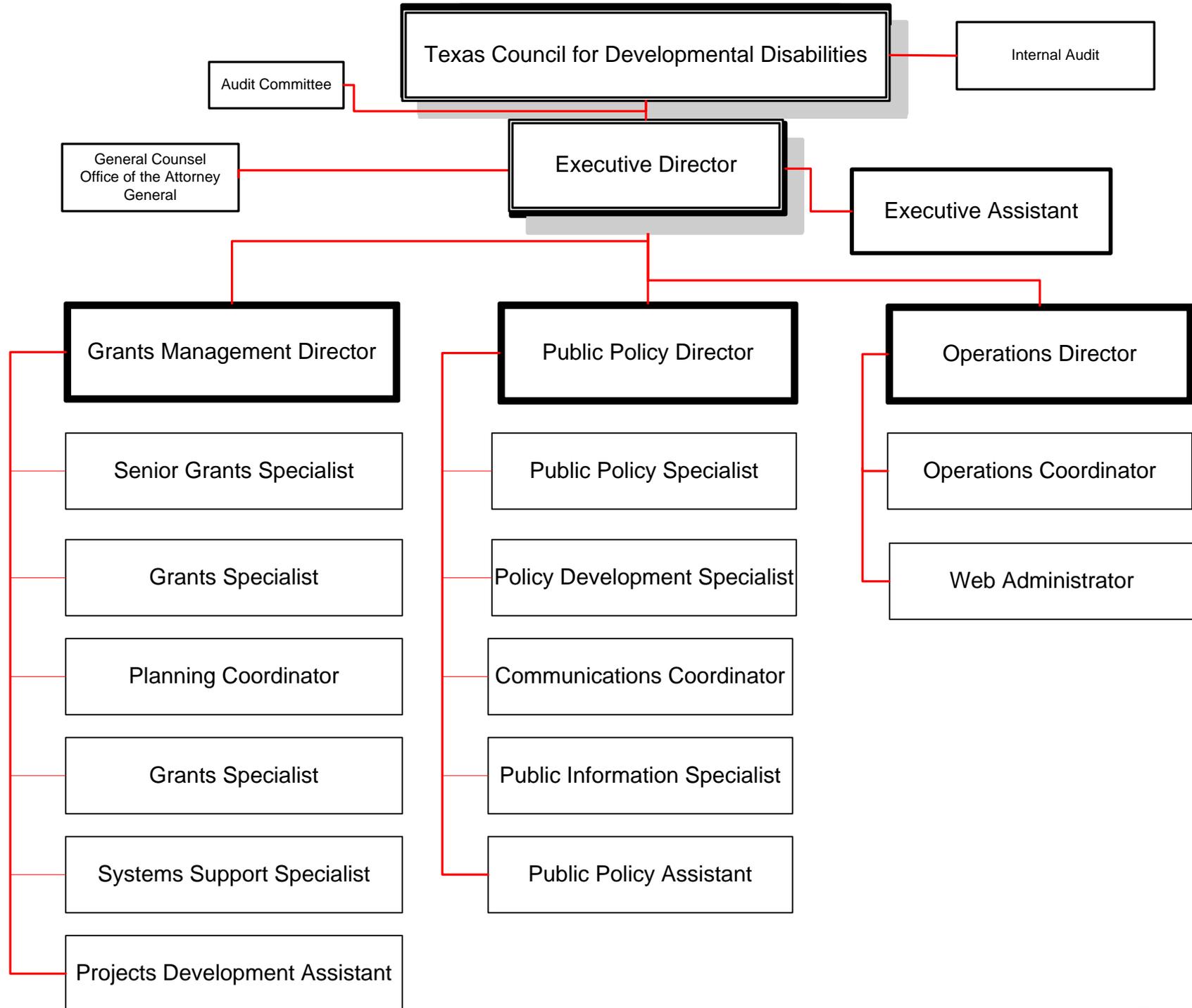
IV. List of Consulting Engagements and Non-audit Services Completed Showing High-Level Objectives, Observations/Results, Recommendations, and Status

There were no consulting engagements or non-audit services performed in FY09.

V. Organizational Chart

A current organizational chart is provided on the following page.

Texas Council for Developmental Disabilities



**Texas Council for Developmental Disabilities (TCDD)
ANNUAL INTERNAL AUDIT REPORT - FY09**

VI. Report on Other Internal Audit Activities

Activity	Impact
Annual Risk Assessment Update	Reviewed and updated the agency risk assessment with management, including fraud risk factors, and mitigating strategies.
Internal Audit Self Assessment	Conducted a work paper review and quality self assessment using the Texas State Agency Internal Audit Forum's Working Paper Review Tool.
Internal Audit Quality Assurance Review	An external Quality Assurance Review was performed on the internal audit function at TCDD in accordance with the Texas Internal Auditing Act.
State Agency Internal Audit Forum (SAIAF)	Participate in SAIAF for strengthened understanding of internal audit's role in state agencies and to stay abreast of changes affecting internal audit.

VII. Internal Audit Plan for Fiscal Year 2010

Based on the updated risk assessment, the areas of focus for the FY 2010 internal audit are planned to be:

1. Information Technology: An assessment of compliance with TAC 202, Information Security Standards, which will also cover the requirement for a periodic audit of TCDD's major systems and controls, including safeguarding of assets and data. As needed, consult, advise, and monitor the development and refinement of the grantee reporting database.
2. Follow up on prior audit recommendations.

Internal audit activities will also include the annual risk assessment update, annual internal audit report, quality self assessments, and possible other services as requested by the Audit Committee, Board members, or management.

An alternative audit area is also proposed in the event that circumstances prevent the implementation of the information technology audit. The proposed alternative audit area for TCDD in FY-2010 is an assessment of the TCDD controls over performance measure management.

Texas Council for Developmental Disabilities (TCDD)
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VIII. External Audit Services

External audit services procured in fiscal year 2009 consisted of the internal audit function and independent CPA services for performing desk reviews on grantee audit reports.

IX. Reporting Suspected Fraud and Abuse

Actions taken to implement the requirements of Article IX, Section 17.05, and Article XII, Section 5(c), the General Appropriations Act (81st Legislature) and Texas Government Code, Section 321.022) include the placement of a link on the TCDD website to connect users directly to the State Auditor's Office website page for reporting suspected fraud, waste, or abuse.

TCDD Policies also provide guidance for anyone wanting to report suspected fraud or abuse. Grantees are provided guidance on reporting fraud in the TCDD Grants Manual.

**Texas Council for Developmental Disabilities (TCDD)
ANNUAL INTERNAL AUDIT REPORT - FY09**

Report Distribution Page

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Patrice LeBlanc, Grants Management Director



**TEXAS COUNCIL FOR
DEVELOPMENTAL DISABILITIES**

**Internal Audit Plan
For Fiscal Year 2010**

Prepared by:
Rupert & Associates, PC
Certified Public Accountants
Austin, Texas

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RUPERT & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS

October 19, 2009

Members of the Council,
Texas Council for Developmental Disabilities (TCDD)

The following document presents the proposed fiscal year 2010 Internal Audit Plan for your review and approval, in accordance with the Texas Internal Auditing Act.

Chapter 2102 of the Government Code requires that the internal audit plan be risk-based and include areas identified through a risk assessment process. This document presents the risk assessment results, the proposed audit plan, and a summary of the internal audits performed in prior years at TCDD.

The FY 2010 Internal Audit Plan that follows is submitted for your approval.

Respectfully,

Rupert & Associates, PC

Certified Public Accountants
Austin, Texas

Section 1: RISK ASSESSMENT

This section presents the update of the Texas Council for Developmental Disabilities (TCDD) Risk Assessment for FY 2010, and establishes the foundation for the Internal Audit Plan presented in the next section.

TCDD continues to develop Grants Administration procedures for monitoring grantee performance, and TCDD staff is also participating in the design and development of the DD Suite – an electronic grantee reporting database – in conjunction with DD Councils from other states.

The risk assessment update process was performed by TCDD management and the internal auditor in September of 2009. Management's commitment to continually improving operating efficiencies and performance, including participation and responsiveness to the internal audit function, is commendable.

Purpose

The TCDD risk assessment provides management and board members with a prioritized list of risks associated with their activities. From these risks, a management strategy is developed. The risk assessment allows the Board to identify the risks being monitored by management and evaluate the effectiveness of controls and responses to those risks. The risk assessment provides a foundation from which the annual internal audit plan is built.

Concepts of Risk

Risk is defined as the level of exposure to uncertainties that an agency must comprehend and manage to effectively and efficiently achieve its objectives and execute its strategies. Risk is a measurement of the likelihood that an organization's goals and objectives will not be achieved. Controls are anything that improves the likelihood that goals and objectives will be achieved.

Methodology

The Texas Council for Developmental Disabilities' risk assessment process includes three parts: (1) identifying agency activities; (2) identifying and rating risks for each activity; and (3) identifying actions to mitigate risks. The risk assessment update contemplates additional risks to be added and also considers additional controls put in place. The risk assessment update is used to determine the highest risk areas for the current year's audit plan.

Risk Footprint

The attached risk assessment footprint reflects the prioritized risks as identified and ranked in the current year's risk assessment update. Each risk identified in the matrix is assigned two risk factors of High, Medium, or Low based on the impact the risk would have on the agency if it occurred and the probability of occurrence. By combining these measures the agency develops a priority ranking for each risk factor. The following key provides the level of risk management that will be employed by the agency for each potential risk factor ranking:

- HH, HM – Extensive Risk Management that includes monitoring by management and an internal audit.
- HL, MH – Considerable Risk Management that includes monitoring by management and a less in depth audit.
- MM, ML, LH – Manage and monitor the risk
- LM, LL – Monitor or accept the risk

Results

The results of the risk assessment shown in Exhibit 1 illustrate changes in the prioritization and organization of consolidated activities and risk factor priorities based on the current year's update. The highest-risk areas are marked in red and, as in the prior year, relate to activities in Grant Administration, Executive and Administrative functions, and the Public Policy and Information area.

Risks in the red area require oversight controls to ensure that the supervisory and operating controls are working. Oversight controls can include exception reports, status reports, analytical reviews, variance analysis, etc. These controls are performed by representatives of executive management, on information provided by supervisory management. Areas within this highest risk category should also be considered for inclusion in the internal audit plan.

Activities that fall within the yellow risk category require considerable risk management. Under this category of risk executive management or their designees should perform oversight controls to ensure that supervisory and monitoring controls are working. If internal audit provides services in this area, it is to ensure that oversight of the supervisory controls are appropriate and are being performed.

The last two categories of risk are marked in green and gray. Risks falling within the green areas rely on department managers to provide oversight by ensuring that supervisory controls and operating controls are working. Department managers should report to the Executive Director on the condition of these risks. Risks in the gray area are low impact risk areas that are managed by operating and supervisory controls and executive management accepts the residual risk in these areas.

Section 2: FY 2010 INTERNAL AUDIT PLAN

The Texas Internal Auditing Act requires certain audits to be performed on a periodic basis. Required audits include audits of the department's accounting systems and controls, administrative systems and controls, electronic data processing systems and controls, and other major systems and controls.

The *International Standards for the Professional Practice of Internal Auditing* requires the internal audit activity to evaluate the effectiveness and contribute to the improvement of risk management processes. The internal audit activity must evaluate risk exposures, including the potential for the occurrence of fraud and how it is managed. The auditor assists the organization in maintaining effective controls by evaluating the effectiveness and efficiency of the risk management process and by promoting continuous improvement. Specifically, the internal audit activity must evaluate the adequacy and effectiveness of controls in responding to risks within the organization's governance, operations, and information systems regarding the:

- Reliability and integrity of financial and operational information,
- Effectiveness and efficiency of operations,
- Safeguarding of assets, and
- Compliance with laws, regulations, and contracts.

Internal auditors are required to ascertain the extent to which management has established adequate criteria to determine whether objectives and goals have been accomplished.

The internal audit activity also must assess and make appropriate recommendations for improving the governance process in its accomplishment of the following objectives:

- Promoting appropriate ethics and values within the organization,
- Ensuring effective organizational performance management and accountability,
- Communicating risk and control information to appropriate areas of the organization,
- Coordinating the activities of and communicating information among the board, external and internal auditors, and management.

Based on the updated risk assessment, the proposed internal audit focus for FY-2010 is:

1. Information Technology: An assessment of compliance with TAC 202, Information Security Standards, which will also comply with the requirement for a periodic audit of TCDD's major systems and controls, including safeguarding of assets and data. As needed, consult, advise, and monitor the development and refinement of the grantee reporting database (DD Suite).
2. Follow up on prior year audit recommendations.

An alternative audit area of controls over performance measure management is proposed in the event that circumstances prevent the implementation of the planned audit.

**Section 3:
HISTORY OF
INTERNAL AUDITS AT TCDD**

2009	Contract Administration and Management Quality Assurance Review
2008	Grantee Audit Desk Review Process Internal Controls over Financial Reporting to Council Grantee Records Management Process (database and hard copy files)
2007	Grantee Monitoring: Onsite Review Process Internal Administrative Operating Procedures Grantee Reporting Database Development (DD Suite)
2006	Control Environment Evaluation Grantee Expenditure Monitoring Public Policy Processes and Controls Administrative Policies and Procedures
2005	Grantee Risk Assessment Model Evaluation Master Grantee Records Maintenance Process Fraud Prevention and Reduction Policy Administrative & Project Development Procedures
2004	Follow-up on MATRS Review Findings Grantee Risk Assessment Model Development Electronic Grants Manual Review
2003	Grants Manual Compliance Review TRC Performance Audit Review
2002	Grants Administration

RISK ASSESSMENT FOOTPRINT - Texas Council for Developmental Disabilities

ACTIVITY/PRIORITY	IMPACT RATING		PROBABILITY RATING		RISKS		IMPACT RATING		PROBABILITY RATING		RISKS		IMPACT RATING		PROBABILITY RATING		RISKS		IMPACT RATING		PROBABILITY RATING		RISKS		IMPACT RATING		PROBABILITY RATING		RISKS			
	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY	IMPACT	PROBABILITY		
	CONSOLIDATED ACTIVITY																															
	1																															
5	H	M	Insufficient monitoring of grant expenditures		H	L	Providing inadequate or inappropriate guidance to grantees		H	L	Non-compliance with federal or state regulations (OMB or UGMS)		H	L	Inappropriate use of federal funds																	
1	H	M	Violation of state and/or federal rules		M	M	Inadequate monitoring of funding obligations and liquidations		M	M	Inadequate monitoring of fiscal reporting system		M	L	Insufficient succession planning for executive management		L	L	Ineffective governance functions													
4	H	M	Violation of state or federal rules		M	L	Inaccurate interpretations provided to constituents		M	L	Negatively impact relationships with policy makers		M	L	Social networking - lack of control over mis-information																	
6	H	L	Unauthorized access to data set		H	L	Loss of data / data integrity		M	M	DD Suite implementation		M	L	Unauthorized access to websites		L	M	Increased volume related to social networking													
2	H	L	Non-compliance with federal requirements		M	L	Poorly planned; plan not representative of constituency needs		L	L	Documentation processes are insufficient for reporting requirements																					
3	M	M	Non-compliance with approved procedures		M	L	Poorly planned; Inadequate research in planning stages																									
9	M	M	Fair reimbursement for DSA support		M	L	DSA / Council Separation of Authority		L	L	Inaccurate accounting information reported to State and/or Federal Government																					
7	M	L	Non-compliance with state and federal requirements		M	L	Non-compliance with Council policies and procedures		M	L	Insufficient logistical support																					
8	M	L	Contract Administration & Management		M	L	Hiring unqualified employees; inadequately addressing employee performance / productivity		M	L	Non-compliance with current HR policies & reporting requirements		L	L	Overspend or under spend budget		L	L	Inaccurate reports to management and board		L	L	Improper / unauthorized procurements		L	L	Lack of segregation of duties		L	L	Property Mgmt: Loss of Assets	



TEXAS COUNCIL *for*
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Public Transportation Systems Position Statement

Within our society, freedom of movement is a fundamental right; however, it remains a largely unfulfilled promise for citizens with disabilities. Transportation is essential to any effort to enable all citizens to live as independently as they choose, to engage in productive self-sustaining activity, to participate in all facets of community life, and to be fully integrated in their communities. A transportation system should be a seamlessly connected network with a pedestrian infrastructure linked to all modes of public transportation including taxi services, bus, light rail, trains and airplanes as well as cars and bicycles. A public transportation system must meet the needs of citizens in an accessible and affordable manner.

The Texas Council for Developmental Disabilities believes that all publicly funded and/or regulated transportation service systems must be:

- seamlessly coordinated at [state, federal and local levels](#) among all modes of transportation;
- expanded in suburban, urban, rural and unincorporated areas to connect places people live with places they work, shop, socialize, worship, attend school, access health care, etc.; and
- be fully accessible to all people with disabilities

The Council will continue to work collaboratively with partners such as agencies representing seniors and low income families, who share transportation concerns, to continue to seek solutions now and in the future.

Reviewed [November 13, 2009](#)~~[August 5, 2006](#)~~



Aging with **Developmental** Disabilities Position Statement

The number of older adults is rapidly increasing overall and becoming a larger percentage of the general population. Included in this aging population are people with disabilities. While exact figures are not known, it ~~was~~ ~~is~~ estimated that about ~~641,000~~ ~~526,000~~ Americans age 60 and older ~~have had~~ developmental disabilities in 2000, such as cerebral palsy, mobility impairments, traumatic brain injuries, spinal cord injuries, mental illness, autism, Alzheimer's, ~~*NOTE: Alzheimer's is not a "developmental" disability~~ and mental retardation-intellectual and developmental disabilities. National census data show, that in the next 30 years, this-That number ~~has been~~ ~~is~~ projected to double by 2030 as the baby boom generation ages.

While the aging process brings significant changes to all individuals and their families, these changes are often intensified by the presence of a developmental disability. Many people with developmental disabilities continue to rely on their families for ~~care~~ natural supports throughout their adult life. ~~This~~ care-support is often provided by aging parents, spouses, and other family members, and the quality of ~~theis~~ care often becomes compromised by the caregivers' own aging process. Individuals with disabilities and their families each face challenges and transitions caused by the aging process.

The Texas Council for Developmental Disabilities believes that older adults with disabilities should have:

- the same opportunities as other older citizens to live, work, enjoy leisure time and retire in the community of their choice with the services and supports they need;
- the same rights and dignity as other older people; and
- assistance in establishing a comprehensive retirement plan to encompass any or all of the following concerns:
 - access to health care
 - advanced directives relating to health care
 - counseling services
 - financial issues
 - guardianship/alternatives to guardianship
 - housing
 - legal issues
 - leisure time activities
 - long-term care services and supports plan
 - retirement or employment options
 - self advocacy training
 - transportation

Therefore the Council believes that Texas has a responsibility to ensure that the state's service delivery systems develop the capacity to meet the projected needs of older Texans with disabilities. To meet these challenges, the Texas Council for Developmental Disabilities calls for:

- the current service delivery systems to increase their capacity to provide for a larger number of older Texans with disabilities who will be needing assistance to maintain a high quality of life in the most integrated setting, including the ability to age well in their homes and communities; and
- coordinating and integrating to the maximum extent possible the delivery systems that traditionally provide services to the aging population and the delivery systems that traditionally provide services to people with developmental and other disabilities. In so doing, older individuals with developmental disabilities will be better served and more fully included in their communities.

TCDD 2010 Biennial Report Project Update

In order to obtain qualitative data highlighting the special focus on “*Representative profiles of the needs and situations of people with disabilities, and their families, who are waiting for services in Texas,*” staff plan to develop and disseminate consumer surveys.

Survey Methods will Include:

- Online surveys distributed via email (TCDD website);
- Focus groups (in conjunction with local MHMR Centers and other entities as appropriate);
- Telephone surveys (dependent upon obtaining contact information from DADS, HHSC or MHMR Centers); and
- Direct-mail (dependent upon obtaining contact information from DADS, HHSC or MHMR Centers).

Survey design will:

- Developed with oversight by TCDD staff to ensure validity and consistency;
- Include consultation with DADS, HHSC, MHMR Centers and others as appropriate; and
- Incorporate additional questions for in-depth focus groups in order to generate a “story of the week” from participants.

Survey Contractors will be engaged to:

- Conduct telephone interviews;
- Plan and conduct focus groups around the state; and
- Compile survey results and provide raw and summarized data to TCDD.

Staff have separately met with key legislative offices regarding the usefulness of a legislative symposium as conducted in conjunction with the release of the 2008 Biennial Disability Report findings. Legislative staff indicated that policy makers (including their staff) would likely find a symposium very useful and some have agreed to participate if TCDD decides to host another symposium in 2010. If the Council recommends moving forward with planning a symposium, TCDD will need to either re-align staff responsibilities and hire a temporary administrative staff to compensate for that added workload, or contract for the event planning.

Additionally, staff expect to contract with a technical writer to assist in the synthesizing of data and report elements as done in previous years.

Expected Contractors and Estimated Amounts:

- Technical writer - \$15,000 - \$20,000
- Event planner - \$10,000 or Temporary admin staff
- Survey conductors – may be multiple contractors – expense unknown at this time

Additional expenses for printing and layout design are included in the FY 2010 operating budget

ID	Task Name	Start	Finish	4th Quarter			1st Quarter			2nd Quarter			3rd Quarter			4th Quarter		
				Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	Design Survey Instrument	Tue 12/1/09	Mon 2/1/10			█												
2	Solicit/ Post Request for Bids	Tue 12/1/09	Tue 12/15/09		█													
3	Review and Select Contractors	Wed 12/16/09	Thu 1/7/10			█												
4	Finalize Contracts	Fri 1/8/10	Fri 1/29/10				█											
5	Identify Sample Population	Tue 12/1/09	Mon 2/1/10			█												
6	Disseminate Survey	Mon 2/1/10	Fri 5/28/10				█	█	█									
7	Compile survey results	Thu 4/1/10	Tue 6/1/10							█	█							
8	Draft Biennial Report content	Tue 6/1/10	Tue 11/23/10									█	█	█	█			
9	Legislative Symposium	Tue 6/1/10	Fri 12/10/10												█	█	█	



<p>2010 Biennial Report Project Timeline October 22, 2009</p>	Task		Project Summary	
	Split		External Tasks	
	Progress		External Milestone	
	Milestone		Deadline	
	Summary			

Future Funding Proposal

Executive Summary

Volunteer-Supported Decision-Making Advocate Pilot

Background:

The Texas Council for Developmental Disabilities (TCDD) has expressed interest in expanding awareness of alternatives to guardianship in the community of judges, attorneys, and other guardianship professionals. In 2007, the Council began reviewing the training and continuing education requirements of judges and attorneys who practice law in guardianship proceedings and determined the process is complex and involves a large number of organizations. In February of 2008 the Council approved an Executive Summary outlining a plan to explore the establishment of partnerships with some of these organizations to provide training to judges and attorneys about alternatives to Guardianship. That Executive Summary is attached.

In 2009, the Texas Legislature passed HB 1454 directing the Health and Human Services Commission (HHSC) to develop a pilot program to promote the provision of supported decision-making services to persons with intellectual and developmental disabilities and other cognitive disabilities who live in the community. HB 1454 also provides for HHSC to establish a workgroup by 1/1/2010 to provide input related to pilot project activities. HHSC directed the Department of Aging and Disability Services (DADS) to develop and implement the pilot program. DADS determined that such a pilot program, if implemented as described in HB 1454, would require \$200,000 per year. However, the legislature provided no additional funding for the program.

Staff from DADS approached TCDD to discuss whether or not TCDD might be willing to provide funding for the initiative. During the August quarterly 2009 meetings, the Project Development Committee asked Council staff to work with DADS to develop a more detailed proposal for further discussion at the November 2009 meeting. The Project Development Committee also asked TCDD staff to work with DADS concerning funding to support people with developmental disabilities and their family members to participate on this workgroup as appropriate.

HB 1454 directs DADS to provide an evaluation report with recommendations to the legislature before each regular session, which will require DADS to publish their first report in December of 2010. DADS staff therefore anticipate that activities related to the implementation of the pilot program will need to begin by spring-summer 2010 in order to meet the reporting requirements set by the legislature.

Council staff and DADS staff have met to outline expectations and discuss ways in which the intended outcomes may be achieved effectively and efficiently. DADS originally proposed for TCDD to provide funds to DADS to sub-contract for the pilot projects through DADS' procurement process. After further discussions, DADS and TCDD staff agree that the option of TCDD directly awarding funds to the pilot project(s) also merits consideration, although DADS staff must have further discussion with the author of the bill before making a final determination that this would meet the intent of the law.

TCDD grants staff suggest that direct funding of the pilots would allow TCDD to monitor project implementation more effectively than to monitor “through” DADS.

TCDD State Plan Goal and Objective:

Goal 10: People with developmental disabilities and family members will have the supports and services they need to be able to participate actively in their communities.

Objective 9: Collaborate with other organizations and agencies to develop and promote innovative systems that support the principles of Self-Determination and/or asset building, through which individuals have the opportunity to self-direct their own lives and to truly be included in their communities.

Expected Outcome: One or two volunteer advocate pilot(s) to promote and provide supported decision-making services developed in accordance with the specifications of HB 1454 (81st Legislature (R)) and with TCDD expectations and/or requirements presented in this Executive Summary.

- The pilot(s) will demonstrate the use of supported decision-making services as one possible alternative to guardianship in at least one rural community and at least one urban community.
- At least 10 individuals with intellectual disabilities will be served in each pilot location (community) each year that project activities take place, with a majority of those individuals also meeting the federal definition of developmental disabilities.
- Information, including pilot project evaluation reports, related to the benefits and the limitations of using supported decision-making advocates as an alternative to guardianship will be provided to the legislature and will be easily accessible to guardianship professionals and service providers, (including social workers, nurses, and psychologists) who work with individuals who have developmental disabilities for at least 5 years after TCDD funding is completed.
- DADS coordinated workgroup will provide input into the pilot projects as appropriate.

Project Description: TCDD staff propose that TCDD fund, through a competitive proposals process, one or two entities to implement one or two pilot program(s) to promote the provision of supported decision-making services to people with intellectual and developmental disabilities. Project activities must take place in at least two sites: at least one in a rural area and one in an urban area. Each program will serve a minimum of 10 individuals each year of funding.

Organizations eligible to apply for funding to coordinate a pilot program include non-profit organizations, self-advocacy organizations (as defined in HB 1454), a local mental retardation authority, or a collaboration of any of these types of entities. The entity/entities must demonstrate a commitment to the principles of Self-Determination (as defined by the Center for Self-Determination); peer-to-peer services training; person-centered planning; and preservation of the rights provided by state and federal law of people with intellectual and developmental disabilities, including those rights defined by the 1999 Olmstead decision.

In TCDD's Request for Proposals process, extra consideration will be given to qualified applicants that propose feasible plans to establish relationships with organizations that provide training to guardianship professionals so that they might have information about supported decision-making services as an alternative to guardianship. These organizations include, but are not limited to:

- Texas Center for the Judiciary (one of the main providers of judicial education for statutory probate and county courts at law)
- The Texas Association of Counties (TAC) (an organization that specifically targets constitutional county court judges, and that works in partnership with Texas Tech School of Law to provide two conferences a year that satisfy the continuing education requirements and to host four regional trainings that offer continuing education)
- At least one private entity that provides CLE courses for attorneys, such as a local bar associations, private organizations such as the Defense Research Institute and the National Business Institute, and law schools

DADS will be responsible to convene a workgroup to develop the general rules and overall structure of the pilot programs as provided in HB 1454. This workgroup must include individuals with developmental disabilities and individuals with other cognitive disabilities and their family members, at least one representative of a self-advocacy organization, and others interested in alternatives to guardianship. DADS and TCDD staff will jointly determine best approaches to apply input from the workgroup to TCDD funded pilot projects. TCDD Public Policy staff may participate as a member of the workgroup. TCDD staff will ensure that DADS receives quarterly reports from the projects, and DADS will provide ongoing assistance to the projects to facilitate project evaluations. DADS staff shall be solely responsible for drafting the required reports to the legislature. Additionally, DADS will make available, in print and/or on their website, information regarding the development and intended outcomes of the pilot programs for interested individuals.

Proposed Funding Amount: Up to \$75,000 per project per year, for up to three years. *TCDD may also provide support for travel expense for public members of the workgroup appointed by DADS for members who do not have organizational support for that participation.*

Proposed Duration: Up to three years of funding will be provided to up to two entities to complete the pilot program activities noted under "Expected Outcome" and "Project Description" in this Executive Summary. Funding may be provided for the full duration to implement the project activities if project milestones are met, and all reports and the continuation requests are submitted within 10 business days of due dates. If milestones or deadlines are not met during any year of the project, the TCDD Executive Committee may determine not to continue funding the project. Funding would also be provided for up to three years for the public members of the workgroup.

Other Considerations:

An interagency agreement would be drafted between DADS and TCDD to outline specific roles and responsibilities prior to the posting of an RFP.



Future Funding Proposal Executive Summary Inclusive Faith Communities Symposium

Background:

The Texas Council for Developmental Disabilities (TCDD) exists to create change so that all people with developmental disabilities are fully included in their communities and exercise control over their own lives. TCDD's numerous grant projects have worked to remove barriers related to the education, housing, employment, transportation, healthcare, and recreation needs of people with disabilities. These categories describe almost all of the needs that people living in a community experience with one notable exception: participation in a faith community of one's choice. TCDD recognizes that a range of issues exist related to specific faith communities' ability and willingness to welcome and fully include people with developmental disabilities. These issues include attitudinal barriers, physical accessibility issues, and inadequate knowledge about supporting people with developmental disabilities. At the same time, TCDD acknowledges that many faith communities in Texas have done a great deal to advocate for and to serve the needs of Texans with developmental disabilities.

In 2008, the Council amended its State Plan to include an objective to collaborate with leaders of faith-based organizations in order to compare experiences and share resources so that formal and informal community supports available to people with developmental disabilities may be increased. Council staff began to explore the issue by connecting with individuals and groups who expressed interest and held two meetings, one in Austin and one in Houston. In addition, Council staff attended a one day symposium held at a church in Houston at which individuals from the surrounding area networked, exchanged information about what was working and what challenges they were having. The organizers were also able to gather enough financial support to bring a nationally recognized expert to the area to speak to them. The symposium was very well received, and many attendees expressed an interest in being able to connect with others on a statewide level.

Prior and subsequent to the symposium, staff heard from individuals in other areas of the state who were interested in having the opportunity to network/connect with others, and who were wanting both to receive training that would enable them to help their own faith communities to be more fully inclusive and to help others when possible by sharing what strategies they have found to be successful. Although some communities are working well together, almost all felt as if they needed more information related to providing behavior supports, accessing other community resources when needed, overcoming attitudinal barriers within their communities, and adapting religious education for individuals with cognitive disabilities. Additionally, a specific barrier identified was the difficulty of forming collaborative relationships between diverse groups – including community-based providers as well as people who are of different denominations and/or religions. Sponsorship of a symposium by an “outside” organization like TCDD might bring together groups that might not otherwise connect.

State Plan Goal and Objective:

Goal 10: People with developmental disabilities and family members will have the supports and services they need to be able to participate actively in their communities.

Objective 11: Collaborate with leaders of faith-based organizations to compare experiences and share resources to increase the formal and informal community supports available to people with developmental disabilities in their communities, by September 30, 2011.

Proposed Activity:

TCDD will fund 2 conferences to be held over 2 years to provide information, networking opportunities, and support to faith-based communities wishing to promote inclusion for people with developmental disabilities.

Expected Outcome:

At least 10 faith-based organizations from at least 4 communities from around the state will actively participate in a Symposium on Creating Inclusive Faith-Based Communities and will return to their communities with 1 year action plans designed to improve the inclusiveness of their particular faith community. Appropriate supports will be provided to assist each community participant to develop a plan specific to their needs, and follow-up support will be arranged to ensure that they are able to implement the plan.

Project Description:

Two Statewide “Creating Inclusive Faith-Based Communities” Symposiums will be held. The planning and implementation of the Symposium will be guided by an ethnically and geographically diverse Project Advisory Committee that will include representatives from multiple denominations and religions, at least two adults with developmental disabilities, at least two parents of children with developmental disabilities, and at least one faith-based initiatives liaison from a governmental or quasi-governmental agency. The topics to be included in the agenda will be developed by the Committee, but must include sessions about providing behavioral support to promote inclusion as well as identifying and addressing other barriers to inclusion. In addition, the Symposium should include sessions designed specifically for the leadership of faith-based communities.

Following the Symposium, the grantee will provide participating communities with the support, technical assistance, and – if necessary - stipends to be able to implement their plans. The Symposium held in the second year should include an added component to allow participants from the first year share their progress, barriers encountered, and solutions discovered.

Proposed Funding Amount:

\$50,000 per year, for two years.

Proposed Duration:

TCDD funding would be offered for two years.

Other Considerations:

A commonly accepted means of reaching ethnic minority communities is through faith-based communities. In fact, the group with whom TCDD staff met in Austin was almost

exclusively African American. Staff expect that a Symposium focused on Faith-Based Communities would be an effective means of increasing the diversity of the communities participating in TCDD activities.

Analysis of Grant Projects Ending in 2010: Inclusive Teacher Training

State Plan Objective 3.2: Promote at least one program to ensure that teachers and other school personnel have the training necessary to be able to educate students with developmental disabilities in the general education classroom, by September 30, 2011.

Strategies to reach Objective:

Prior to the current State Plan: Start-up and intermittent ongoing support provided for Inclusion Works! Conference (still in existence mostly w/o TCDD funds); funded technical assistance provided to middle school teachers to promote academic inclusion; Funded demonstration of inclusive arts-based education.

Approximately 2004 – 2008: Positive Behavior Support projects funded to work with school personnel, funded via RFP

2006: Establish, demonstrate, and promote a teacher training program that prepares ALL teachers to work with ALL students in an inclusive environment. Funded via RFP.

Additional Note: Per the RFP, the Committee has the option to recommend that the full Council approve funding this project for 2 additional years for a total funding duration of 5 years.

Project(s) Start Date(s): 6/2007			End Date(s): 5/31/2010	
Geographical Area / Target Population	TCDD purpose in funding grant	Progress made	Status if no more TCDD funding	Other Relevant Information
Project located at Texas Tech University; Project staff intend project to be reproducible and are working to have the State Board of Educator Certification accept the program when developed.	Redesign university coursework to provide comprehensive training for teacher and administrator candidates to teach ALL students together; work closely with the State Board of Educator Certification (SBEC) to ensure that the curriculum meets or exceeds teacher standards required for special and general education; disseminate information to at least 10 other teacher preparation programs and provide at least 10 in-service trainings around the state.	Project has met milestones and staff continue to work towards having curriculum established and accepted by SBEC (project staff to meet with SBEC staff on November 20).	TCDD funds enable the development of curriculum that can be incorporated into existing teacher training programs and thus will continue to have a positive impact. However, the cultural change and policy change needed will likely require longer, and efforts may not continue at the same level without TCDD funds.	TCDD has been and is aware that the cultural and policy change needed for significant impact beyond one University program will likely take longer than 3 years. Also, additional time would allow for more thorough evaluation. Thus, the RFP stated that "TCDD reserves the right to award funding for two additional years (years four and five)."

TCDD Future Funding Activities Priority List

As of November 13, 2009

#	Organization/Activity (Area of Emphasis)	Possible # of Projects	Funding Amount	Council approved	Expected post date (RFP)	Projected start date (project)	Projected end date (project)
1.	College Education (Edu. & Early Intervention) Develop employment-related secondary education opportunities for students with developmental disabilities	1	\$75,000	02/02/07	Dec 09	June 10	May 12
2.	Outreach Consultant (Cross Cutting) Small Grants to assist TCDD to collaborate with under-represented minority communities *African Am Family Support Conf (in process)	5	\$500,000 \$50/35/15 (Yrs 1-3)	05/14/04 08/07/09	as needed Feb 10	as needed Sept 10	May 11 Aug 13
3.	DADS Volunteer Advocate Pilot (Comm. Support) Activities to promote the use of alternatives to guardianship	1	unknown	02/22/08	contract	Feb 10	Jan 12
4.	Meaningful Relationships RFI (Comm. Support) Solicit ideas for possible projects to promote supports for developing meaningful relationships	1	\$125,000	08/05/05	06/19/09	Nov 10	Oct 13
5.	Parent Transition Guide (Edu. & Early Intervention) If/when need is determined, collaborate to develop resources for parents related to transition issues	1	unknown	02/22/08	unknown	unknown	unknown
6.	Enabling Technology (Comm. Support) Demonstration of using technology to support independence of people with developmental disabilities	1	\$200,000	08/07/09	June 10	Dec 10	Nov 15

LEGEND: ■ **YELLOW** Proposals that have been approved, awarded or are in the process of beginning since last Council meeting.
■ **RED** Not yet approved (open RFP, proposals under review, or needs further approvals).

**COMMITTEE OF THE WHOLE
DRAFT MINUTES
NOVEMBER 12, 2009**

Thursday, November 12, 2009

COUNCIL MEMBERS PRESENT

Brenda Coleman-Beattie, Council Chair	Marcia Dwyer Mary Faithfull, AI	Rene Requenez Joe Rivas
Hunter Adkins	Elizabeth Gregowicz, DARS	Clare Seagraves, HHSC
Kristine Bissmeyer	Kathy Griffis-Bailey, DSHS	Penny Seay, UT CDS
Margaret Christen, TEA	Don Henderson, DADS	Amy Sharp, A&M CDD
Kristen Cox	Cindy Johnston	Lora Taylor
Mateo Delgado	Diana Kern	Rick Tisch
Mary Durham	Deneesa Rasmussen	Susan Vardell

COUNCIL MEMBERS ABSENT

Kimberly Blackmon	John Morris
Andy Crim	Dana Perry

STAFF MEMBERS PRESENT

Roger A. Webb, Executive Director	Joanna Cordry Cassie Laws-Fisher	Angela Lello Carl Risinger
Martha Cantu	Patrice LeBlanc	Koren Vogel

GUESTS PRESENT

Toni Byrd, DPC	Jean Langendorf, UCP-Tx	Jennifer Taylor
James Delbridge, Attendant	Ara Merjanian, Facilitator	
Maria Granados, Attendant	Milo Requenez, Attendant	

CALL TO ORDER:

The Committee of the Whole of the Texas Council for Developmental Disabilities met on Thursday, November 12, 2009, in the Salon Room of the Crowne Plaza Hotel, 6121 North IH-35, Austin, TX 78752. Council Chair Brenda Coleman-Beattie called the meeting to order at 10:40 AM.

I. INTRODUCTION

Committee members, staff and guests were introduced.

II. CHAIR'S REMARKS

Coleman-Beattie provided updates on excused absences, committee assignments, the Nominating Committee process, and tentative plans to schedule time during the February meeting for an informal gathering for members.

III. REVIEW OF KEY AGENDA ITEMS

Project Development Committee Chair Susan Vardell and Public Policy Committee Chair Rick Tisch provided overviews of key discussion items planned for their respective committees. Council Vice-Chair and Audit Committee Chair Mary Durham provided a brief summary of the October Audit Committee meeting and noted the FY 2009 Internal Audit Report and FY 2009 Annual Audit Report have been submitted to the State Auditor's Office (SAO) as required by November 1, 2009.

Executive Director Roger Webb provided an update on staff changes at TCDD.

IV. CONFLICT OF INTEREST OVERVIEW AND FEEDBACK

The discussion on Conflict of Interest was postponed until Friday's full Council meeting when George Noelke, General Counsel for TCDD would be present.

V. FUTURE TCDD PUBLIC POLICY COLLABORATION ACTIVITIES

Coleman-Beattie reviewed the information and discussions the Council has had to date regarding public policy collaboration then introduced Ara Merjanian, the facilitator for the Council's discussion on future TCDD public policy collaboration activities. Each Council member present was asked to share their goals for the Council as well as potential outcomes and strategies for future public policy collaboration activities. A summary of input from members is attached. (Attachment 1) Members agreed by consensus to form an ad-hoc workgroup with two members each from the Public Policy and Project Development Committees to continue work on measures for the desired outcomes of future public policy collaboration projects. Those recommendations will be reviewed at the February Committee of the Whole meeting.

VI. PUBLIC COMMENT

The Committee of the Whole received public comment from Jennifer Taylor, daughter of member Lora Taylor, who serves on the Continuing Advisory Committee for Special Education, and offered comments on TCDD activities as they tie into activities of the Special Education advisory committee.

ADJOURN

Chair Coleman-Beattie adjourned the Committee of the Whole at 5:00 PM

Roger A. Webb, Secretary to the Council

Date

Attachment

TCDD Committee of the Whole

November 12, 2009

Discussion: Future TCDD Public Policy Collaboration Activities

Council Members' Objectives & Values

Rene – projects, services that allow people with disabilities to be independent & have active social lives

Elizabeth (DARS) - public policy & collaboration around employment & related infrastructure (healthcare, transportation, agency collaboration to coordinate support)

Margaret (TEA) – education-related; youth

Marcia - keep an open mind; gain an understanding of the steps that the Council is trying to accomplish to effectively/efficiently use available resources or to find new resource. Address communication issue(s) related to services/supports for people with disabilities and their families

Kristen – see public policy address all facets of life from a non-specific disability focus; addressing youth leadership & empowering youth to have a voice in legislation/activities

Amy S. – address the fact that Texas is low on almost any measure, re: services/supports; collaboration; provide sufficient financial support to reach intended outcomes; suggest addressing functional support needs (rather than specific disabilities)

Hunter – increase pay scale for attendant care, address turnover; improve transportation; address low/slow Medicaid provider reimbursement (drs)

Rick – Greater participation & input from self-advocates, and set public policy accordingly

Mateo – try and use the council resources to benefit the community of Texans w/ disabilities; find effective means to increase collaboration, effectiveness, public awareness of needs, and improve services

Diana – mental health issues; the IDD community has taught us about self-advocacy, empowerment; improve collaboration between hhs agencies, develop good relationships w/ agencies so they understand needs; improve public awareness of people with disabilities as people (“the dd side” is better at focusing on abilities than “the mental health side”)

Mary D. – education & mental health issues; learn to look at people being “differently-abled” rather than “disabled”; public policy collaboration to have greater impact; as a Council focus on our mission & the charge of the DD Council

Brenda – make most of opportunity to innovate; explore change we can initiate (through a collaborative) that would be monumental & focus on that; make a major difference that might serve as a model for all others; be more proactive, less reactive; value: everyone’s opinion matter

Joe – achieve all the Council’s goals, need for increased information at both “high level” & “low level” to be presented in a manner which everyone can understand, so the Council can do better planning

Mary F – be the cutting edge, be the policy voice, and/or work with collaborations that can do that; for strategic planning, including how the DD sister agencies can work together to do our parts and to hold

each other accountable; hold ourselves accountable & work with other organizations to take things up to the next level; begin to think outside of this group, of other organizations/networks

Penny – statewide coordination, collaboration, networking; making sure what we do is cross-disability; push ourselves out – work with new organizations (new to us)

Susan – value the Council’s position statements/beliefs; PP collaboration to promote those visions; be innovative; think out of the box

Lora – acknowledge value/belief that Texas is stingy... Communication/information about available resources is insufficient; public policy needs to address inadequacies due to insufficient funding & lack of understanding that issues are everyone’s issues

Kris – strongly continue to collaborate with other dd groups to help educate legislators; possibly use other state models that have worked to increase funding for community services

Deneesa – public awareness; what do we do to get more funding; “make things personal”; promote self-advocacy – need more self-advocates; fund projects that are cutting edge, effective & efficient; encourage more acceptance for young children with disabilities by including them

Don (DADS) – listen carefully, try to do better on things that can be improved; concentrate on projects/activities that look at practical issues & produce good outcomes for people; develop trust between disability groups & state agencies

Clare (HHSC) – listen, focus on practical, develop trust; improve communication about available resources

Cindy – more peer-to-peer activities among people of all ages across all facets of life; more people providing supports to others; reach out to help those who can’t/don’t want to speak for themselves

Kathy (DSHS) – identify where changes can be made, look at where change can be made rapidly & where they might take more time; as a Council, we need to impact our culture to understand the nature of disability

Summary of Key Themes

Financial resources – Amount; efficient/effective use of resources; employment

Communication – w/in the Council, w/ external stakeholders, to promote awareness, understanding

Collaboration – statewide, range of organizations, including non-traditional partners, self-advocates

Access for all

Innovation & Best Practices

Cross Disability/Functional Support needs/approaches

Practicality – “where the rubber meets the road,”

Structure/Planning

Outcomes	Measures What would success look like?
<p>1. Collaboration (including non-traditional), coordination, and supportive coalitions— organizations</p> <p>2. Inclusion, representation, and active participation (diversity/coverage, all people)—individuals</p> <p>3. Access to and opportunities for quality services (elimination of barriers)</p> <p> A. Self-directed/self-determination (education, choice, and control)</p> <p> B. A. Self-directed/self-determination (education, choice, and control)</p> <p> C. Community-based (local access and best practice)</p> <p>4. Ongoing (sustainability)</p> <p>5. Measurable goals (change or improve lives)</p>	<ul style="list-style-type: none"> • Meetings – review documentation (minutes, attendance, etc.), discussion, consensus recommendations, public comments, identified activities evaluated/completed; provide information/reports; achieve goals (ie., influence, etc.) • Identification of ALL organizations that need to be at the table, assure appropriate representation, avoid duplication or exclusion, create a space so people will come; • Percentage of key organizations that are part of the state public policy collaboration. (need definitions: what are “key organizations,” goals, level of impact, what qualitative measures, role as participant vs convener) • How do we define inclusion and how do we measure it? • Survey individuals (re: how they perceive efforts and impact on their lives/communities – both perception & reality) & compile information; • Percentage of people using internet/mass communication (access to information) • When we reach out to individuals/organizations, do we reach out to a diverse group? and what is their response? • Maintain and analyze demographic data (possible source: a diverse group of providers) <ul style="list-style-type: none"> • Funding per capita • Rankings/ratings • Mortality/morbidity rates • Education levels • Workforce/employment levels • Income levels

Summary thoughts: Council members

1. Contracted entity provides core support for a coalition
2. Multiple organizations take on coordination responsibilities for a coalition
3. Social & Civic engagement with advocacy component (state level coalition(s) exist to advance specific goals w/o funding, but council funds specific activities)
4. Issue-based ad hoc collaborations (a coalition related to a specific issue implement a campaign)
5. Join other collaborative efforts that already exist via other funding
6. The Council is a team.
7. Promote Peer to Peer training/support
8. Malaise... before the brainstorm? Time for change?
9. We need to know what our goal is bf we can get there
10. Emphasize public awareness, public buy-in
11. Possibility of paring things down & focusing more, and if we have a collaboration, one group can take the lead on multiple campaigns;
12. Remember the state plan
13. Change can be fabulous, and you have to be very careful when you make a change. Let's make sure to keep positive components.
14. Regardless of the model, maybe we need to take more leadership in stating our expectations.
15. Let's be careful not to lose ground.
16. We need to know what success looks like. We need to do a better job of engaging the public at large.
17. Hope we can see all the partners as equals and not get caught up in who is in charge.
18. Focus and strategy – be clear about what we want and build on one step with another.
19. I like the way things are now, but we can add other things; I think we need to remember that in the state there are people with a variety of disabilities & they need different things.
20. Focus on the outcome: what is the end result we want? What do we want to be able to impact or make happen? What outcomes and why? And.... Need to do something.
21. There is security in doing what we've done for a long time, and there is fear in change. We don't want to throw the baby out with the bathwater, but we need to look at the current environment & consider new things.
22. We can use different parts from the various models; we need to look at different aspects from the models, and not necessarily stay with the status quo "just because."
23. We need to define specifically what outcome we want or we won't know if we reach it. We need to set a goal & be clear about it if we want the best outcomes.
24. Good – appreciate the opportunity to focus on one thing and work together
25. Everyone had good thoughts, appreciated hearing them.

26. The Council cares, is interested, and I trust the Council will make a good decision (that is consistent with mine).
27. My perception is what we have is a good thing & we've gotten positive feedback. I'm a cautious person. As a business person, if I was going to change direction in a department, I would try to continue to work with the same people to implement the new direction.
28. There is a need to step back and look at the big picture. I hope we can all look at our activities, look forward, and include the possibility of changing.
29. If we look at WHY we want to change, this might lead to a model naturally.
30. Impressive collaboration today. Look at building infrastructure (which is probably already there), future environment, technological changes, and include an evaluation element so there is an opportunity for continuous improvement.
31. Really big decision, issues, problems; there are 2 problems. Think outside the box, be specific about issues. Look at worker retention. Possible solution: scholarships – perhaps try to develop a sponsor for this (TEA?); important to look at use of technology.

Thoughts in Summary: Facilitator

1. Consider what information do you need to make good decisions and to allow the staff to make good decisions on an ongoing basis.
2. Consider how to gather information that will let you tell your story/outcomes.

Next Steps

1. An ad hoc group, 2 people from each committee, will bring to the Council recommendations in February on what "IT" is, to outline next steps (ie., RFI, RFP, neither), and to develop outcome measures.
2. A facilitator familiar with writing outcome measures will assist the group.