

# Meeting Minutes

**Rehabilitation Council of Texas**  
**January 26-27, 2015**  
**Marriott Hotel**  
**Austin, Texas**

## **Present:**

- Martha Garber, Chair, Coppel
- Joyce Taylor, Vice-Chair, Houston
- Brent Pitt, Austin
- Bruce Hooper, San Antonio
- Casey Hertel, Abilene
- Cheryl Fuller, Austin
- Joe Tims, Justin
- Karen Stanfill, Houston
- Mark Schroeder, Grand Prairie
- Rene Gonzalez, McAllen
- Scott Bowman, Austin
- Troy Myree, Houston
- Yvonne Batts, Tuscola

## **Absent:**

- John Cage, Helotes
- Rana Anderson, Snyder
- Roger Cortez, Arlington

## **DARS Reps:**

- David Norman, DRS Liaison
- Jeff Kaufmann, DBS Liaison
- Elizabeth Freaney, DARS RCT Council Staff

## **DARS Staff:**

- Cassie Fisher
- Christy Lerche
- Corey Turner
- Don Roy
- Martha Bagley
- Michelle McCall

- Ron Ayer
- Shiloh Gonzalez

## Guests:

- Raul Ortiz (TWIC)
- Tania Jordanova (UT)
- Beth Gerlach (UT)
- Jim Schwab (UT)
- Monica Faulkner (UT)

## Welcome and Introductions

- Meeting was called to order at 9:00 a.m. by Martha Garber, Chair. New members were welcomed: Yvonne Batts, Casey Hertel and Bruce Hooper.

## Committee Meetings

The following committees met with their members: Policy, Procedures and Personnel Development, Membership and Education, and Consumer Satisfaction and Needs Assessment.

## Public Comment

There was no public comment.

## Sunset Commission Recommendations and DARS Update

DARS Commissioner Veronda Durden provided this information:

- Sunset met January 14 to finalize Texas Workforce Commission (TWC) recommendations.
- There is a new, approved issue recommending the transfer of VR, DDS and BET (Business Enterprise of Texas) from DARS to TWC. This would include:
  - statutory changes, including rule making authority;
  - TWC and DARS coordinating transfer of programs, contingent upon federal approval, no later than September 1, 2016;
  - a provision to allow two additional years for TWC to integrate VR staff from DARS local field offices into TWC's local workforce boards and centers; and
  - management actions to direct TWC to work with DARS and HHSC to ensue efficient transition of the VR and DDS programs that minimizes any disruption to client services and satisfies federal requirements, to ensure federal funds are not jeopardized.
- Other programs operated by DRS and DBS will move to HHSC, including:
  - Office of Deaf and Hard of Hearing
  - Independent Living programs
  - Blind Children's Vocational Development and Discovery Program
  - Blindness, Education, Screening and Treatment Program
  - Criss Cole Rehabilitation Center

- If approved, TWC would assume responsibility for about \$414million annually in VR and DDS funding and 2,800 full-time equivalent positions.
- DARS is procuring an independent contractor to assist the agency implementation of other Sunset management actions, specifically the evaluation of Independent Living services and to develop a transition plan for the integration of DRS and DBS administration, management and oversight.
- DARS staff moved back into the DARS Admin Bldg in December
- The first DARS management summit titled *Waves of Change, Oceans of Opportunity* was held January 6-9 and over 220 DARS managers participated.
- DRS and DBS presented 42 Business of the Year awards to employers throughout Texas for their work with DARS consumers.
- Commissioner Durden continues to travel across the state to meeting with DARS staff and providers.

## RSA-2 Report

Report presented by Assistant Commissioner Cheryl Fuller. This is the annual financial report to the Rehabilitation Services Administration, capturing administrative expenditures for both vocational rehabilitation and supported employment programs, and is due December 31<sup>st</sup> of each year. It breaks down expenditures by categories, such as:

- Expenditures for the VR program by the number of individuals receiving purchased services
- Costs by types of services provided
- Breakdown of staff employed by the VR agency

The report for FY14 requested new data. In the past DARS was required to report encumbrances, the money committed to spend. DARS is now required to report expenditures. It is important to recognize that this report is a snapshot since it takes a while to process all the expenditures and invoices. Another change is that all direct service-delivery travel is now considered an administrative cost. In addition, the definition for direct-service delivery was narrowed. It now excludes the supervisors who have direct supervisory responsibility for the counselors and support staff who directly serve the consumer. DARS is no longer able to count supervisors as direct service-delivery staff, nor can we count program specialists who provide consultation to the direct service-delivery staff.

One of the major purchases is services for consumers from CRPs (community rehabilitation programs) as well as other vendors. In Texas, CRPs are often referred to as contractors and providers that provide employment related services. RSA has a much broader definition; it means everybody purchased from. DARS took the opportunity to study those definitions and make some improvements regarding how to allocate expenditures across four categories, which overlap a bit.

Assistant Commissioner Scott Bowman concurred, and added that one lesson learned is to start on this report sooner. It requires coordination from the Program Reporting & Analysis section, Accounting, and review of data extracted from RehabWorks. It was also noted that the DARS Annual Report contains a lot of data that the RCT may be interested in seeing.

RCT was asked to let DRS know how it can best lay out the report that works best for RCT as an advisory council.

## RCT State Plan and Annual Report

**State Plan** - Nelva Sneed from DRS discussed the state planning process for this year, including the impact of Workforce Innovation and Opportunity Act (WIOA), and reviewed key activities and timeframes. Some changes are:

- Development of a unified state plan with DARS and TWC, and the Governor has to submit by March 3, 2016. This plan will now be done every four years instead of every year.
- Alignment of performance accountability and measures.
- One-stop infrastructure funding, requiring VR to share in the cost of funding the infrastructure.
- Must show how we will provide pre-employment transition services for students with disabilities, and show the types of services DARS will provide.
- Must show how DARS is going to provide supported employment services for youth with disabilities ages 14 to 24 years.
- Must show how we are going to provide training that meets employer needs and how we are going to collaborate with employers.
- Must show how DARS is going to encourage advanced training in a science, technology, engineering or math field, medicine, law or business area.
- WIOA defines competitive integrated employment as full or part-time work at minimum wage or higher with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities.
- WIOA defines customized employment as competitive integrated employment for an individual with a significant disability that is based on an individualized determination of the strengths, needs and interests of the individual with a significant disability.
- VR agencies must state education and experience requirements to ensure that VR personnel have a current understanding of the labor force and the needs of the individual. The minimum education requirement for a VR counselor is a Bachelor's degree in rehabilitation, business or a related field. VR agencies must still prepare a comprehensive plan for personnel development.

Nelva handed out attachment 4.11(e) (2) and 4.11(c)(1) for RCT review for the next conference call, and discussed DARS comments. She also reviewed the timeframe flowchart with attachment review dates. The date for attachment 4.2(c), the RCT recommendations and DARS response, is between May 18-22.

Jeff Kaufman from DBS noted that the attachments being looked at are DRS and DBS will soon have attachments ready for review. There are two separate state plans – one for DRS and one for DBS.

---

Assistant Commissioner Cheryl Fuller stated that DARS has not yet been given guidelines from RSA and expects those by the end of March.

**Annual Report** – The RCT 2014 Annual Report was distributed and received positive feedback from members. The RCT Coordinator noted that it was a group effort. DARS Communications staff wrote and edited many of the articles and edited the entire report, DADS Media provided a new graphic designer, DRS and DBS both contributed articles about their programs, and we received good success stories. The RCT Coordinator participated in a conference call with other state rehab councils about writing the annual reports. Some states include consumer statistics specific to each county that legislators and others find interesting, some states give copies of the annual report to every state legislator, and most state councils use a committee to put their annual report together. Some states feature employers, such as Walgreen's. The 2014 Report is currently being made accessible and will be posted to the DARS website, and a copy is being sent to NCSRC for posting on their site.

**INPUT:** Council suggested that the Executive Committee provide input early and throughout the process, rather than assign entire report to one committee to produce.

## **IRI Chapter Review**

The Institute on Rehabilitation Issues created a book to help state rehabilitation councils understand what and how work needs to be conducted. Mark Schroeder, Chair of the Education and Membership Committee, reviewed the preface and Chapter One. New members will receive a copy of this book.

## **Open Discussion**

After lengthy discussion of Sunset Commission recommendations, including merging DRS and DBS into one division, merging all HHS agencies under the HHSC, and/or moving VR and DDS to the Texas Workforce Commission, it was unanimously agreed to convene an ad hoc committee to draft a letter of concern to state legislators. Committee members include Martha Garber, Karen Stanfill, Mark Schroeder and Joe Tims. Martha will draft the letter and send to committee members for review before sending to entire council for approval.

One Sunset recommendation for DARS that DARS is obligated to work on is the consolidation of DRS and DBS, as well as the possibility of outsourcing independent living services. DARS is trying to get a contractor hired to do a lot of research around those issues. Ms. Stanfill mentioned a study that showed that states that had a separate agency to serve the blind served more consumers and those consumers got better jobs. Ms. Stanfill's agency, CAP, submitted this information to Sunset.

## **Planning and Review Committee, chair Rene Gonzalez**

Regarding the state plan review, we are a little bit ahead of schedule. DRS is ready to move forward and DBS is close. DRS and DBS have separate state plans, and Dr. Gonzalez encouraged members to be familiar with the Texas Administrative Code that was included in

---

the notebook. Attachments for review are in the meeting notebook and will be sent electronically also.

**ACTION:** Dr. Gonzalez set up weekly teleconferences with DARS every Thursday at 10:00am, using Adobe Connect to view documents.

### **Consumer Satisfaction & Needs Assessment Committee, chair Joe Tims**

This committee received great information from University of Texas about consumer surveys and consumer needs. There was good interaction between committee members, DRS, DBS and UT. David Norman discussed CSNA survey feedback on services to transition age youth. WIOA emphasizes transition services and DARS has talked with UT about focusing the survey on this. This is also a RCT recommendation. Some of the methodologies UT will use include focus groups, and talking to parents and to consumers. UT will continue to meet with DARS to further refine the survey.

### **Membership & Education Committee, chair Mark Schroeder**

Six members met and discussed the hold-up of getting DRS and DBS counselors appointed to RCT. Because of legislative session, it may be April or May before someone is appointed. Brent Pitt mentioned he is working on getting an agreement between TEA and DARS. DARS training includes:

- Mental health first aid classes for staff.
- iMedical training for DBS employees
- Three webinars through RehabWorks
  - IDP – individual development plan
  - IEP – individual employment plan
  - Comparable benefits
- Orientation for the three new council members will be held tomorrow

### **Policy, Procedures & Personnel Development Committee, chair Karen Stanfill**

Last year committee focused on Social Security policy and DBS made changes to one area of policy manual but not to another area; will follow up on that. There was an impartial hearing officer (IHO) decision that was in line with the committee's current focus, which is vocational goals. The individual had a conflict with the counselor regarding the vocational goal and the hearing officer agreed and ruled in favor of the individual. Committee also had a conversation about transition and Ms. Stanfill shared her research from other states on policies on employment goals, as well as DRS and DBS policies. The DRS policy had changed and there was no reference to developing goals based on the person's skills, abilities, interests, priorities, concerns. DARS responded that there have been some technical difficulties with the online policy manual, and it will be checked against the in-house policy manual. Ms. Stanfill shared her research with some DARS staff and a conference call will be scheduled to discuss the language to be included in policy on employment goals. She will also refer to RSA guidelines.

---

## DRS Assistant Commissioner Report

DRS Assistant Commissioner Cheryl Fuller provided these updates:

- DRS and DBS working closely together to implement the new federal law and also on Sunset management recommendations.
- One Sunset issue was that DARS did not have a sufficient number of regular case reviews. On December 1st DRS issued a guidance memo to staff increasing the number of case reviews, and provided the methodology by which case reviews would be determined, as well as guidance on frequency of reviews that will be done throughout the year. We will exceed the 10% that Sunset recommends. DBS began using the DRS electronic case review system in November, so now all cases will be reviewed using the same review system.
- DRS developed a monitoring plan that connects to case reviews by reviewing RSA monitoring reports. We looked at basic compliance pieces around eligibility, time to determine eligibility, presumptive eligibility under SSDI. We also looked at common risk areas and have identified priorities, areas we need to improve, and put that into our monitoring plan so that we could run some reports and identify case reviews based on risk criteria. DARS Internal Audit helped a lot with this monitoring plan, and the plan was in place December 1st.
- Developing memorandum of understanding with the Texas Workforce Commission for a formal referral process.
- Working with the Texas Education Agency about our agreement with them about how we're coordinating at the local level between schools and DARS offices.
- Meeting most of the DRS state plan measures, although behind in about five; those will increase towards the target as the year progresses.
- Three high-level goals for DRS this year:
  - Increase the number of consumers served. State plan goal is lower than Legislative Budget Board goal of 84,388, will sync to that goal. Last year we served 80,475 consumers.
  - Increase to 85% the number of successful employment outcomes (13,137)
  - Increase customer service by returning calls by next day to improve counselor-consumer relationship

Ms. Fuller also provided this overview of the Texas Workforce Commission:

- TWC is responsible for overseeing and providing workforce development services to both job seekers and employers
- Three governor-appointed commissioners, one each representing labor, employers and the public; one executive director who reports to the three commissioners; there is no council
- Texas Workforce Solutions refers to the entire system, including local and statewide networks that includes 28 workforce boards, contracted service providers and other community partners
- TWC also provides unemployment benefits through five tele-centers, which also house tax centers for employers to pay their unemployment insurance taxes
- TWC has robust labor market and career information operations, providing a variety of labor market data

- 
- Funding is about 83% federal; FY15 operating budget is about \$1.2 billion. Biggest program in terms of dollars is for child care for parents in the workforce programs
  - Of state general revenue, most is match or maintenance of effort dollars. Of these dollars, most is for skills development fund, which provides funds to community colleges to train employers' new employees
  - TWC also operates
    - TANF, employment and training for people receiving public assistance
    - SNAP, the federal assistance nutrition program
    - Adult education and family literacy program
  - TWC has about 3,100 FTEs; 2,800 DARS FTEs may move to TWC

## **DBS Assistant Commissioner Report**

DBS Interim Assistant Commissioner Scott Bowman provided these updates:

- Pre-employment transition services – new federal requirements that we spend 15% of our VR Title I funds on services for students with disabilities between ages 16-21 and under state law, to age 22. Both DBS and DRS are working together to determine types of services that can be provided as well as tracking. One challenge is the DARS automated case management system, Rehab Works, which does not have tracking capability. We are looking at expanding services to groups, such as programs at the School for the Blind and Visually Impaired.
- Federal requirements state we need to spend 50% of our federal allotment on supported employment for youth with disabilities ages 14-24. DBS struggles with finding enough qualified vendors to work with our supported employment consumers.
- DBS and DRS are working together in the area of business relations.
- Also working with Texas Workforce Investment Council (TWIC) and TWC, looking at the labor market and supply and demand and schools in order to do a better job of matching consumers and business prospects. DARS is committed to get better paying jobs and more sophisticated types of jobs for consumers.
- One project to help with this is a joint database and application set up between DBS and DRS where the business relations teams can enter business contact information to avoid duplication of effort. There are links to local workforce development boards.
- There is a lot of networking and coordination with HHSC about jobs for consumers.
- Working on a joint guidance memorandum regarding “no wrong door” for consumers who may go to the wrong division for services.
- Trying to adapt Rehab Works to create a drop-down site for intake workers to find program specialists within a certain disabilities or a certain topic area.
- Continue to wait on WIOA regulations; getting a network of VR specialists together in the region to share best practices.

## **OLD BUSINESS:**

- A. October 20-21, 2014 RCT Minutes – After confirming the language in the minutes about the DARS attendant care policy, which will be included in the state plan recommendations, Mark Schroeder made a motion to approve minutes, Joyce Taylor seconded. Minutes approved unanimously.

---

**ACTION:** The three attendant care policy recommendations noted in the October minutes will be submitted in a letter to DARS.

- B. Reviewed the January To-Do List
- C. Joyce Taylor to lead a planning group to investigate tying in an RCT quarterly meeting in Houston in FY16 with a CSNA focus group. Expenses would need to be reviewed, accessibility to consumers from the community, availability of DARS staff, and transportation from the airport.

## **NEW BUSINESS:**

- A. Budget Update – the RCT coordinator reviewed expenses from September 1 to date. Discussed if RCT needed the CART expense if no one has requested this accommodation. A recorder is an option and the tapes can be sent to a service for transcription for a few hundred dollars. It was mentioned that during this legislative session, we may have legislative visitors or stakeholders attending our April meeting and it would be prudent to have the meeting accessible to all. Further discussion about CART will be held at a later date.
- B. NCSRC and CSAVR Spring Conferences in Bethesda in April – Martha Garber will attend
- C. Invite Sonja Gaines, Associate Commissioner for Mental Health at HHSC, to speak at April meeting

Meeting adjourned at 4:00 p.m., January 26, 2015.

## **Rehabilitation Council of Texas and State Independent Living Council Joint Meeting January 27, 2015**

RCT Chair Martha Garber and SILC Chair Randel Resneder welcomed both councils. Council member introduced themselves.

### **Guest Speaker from DARS**

Carline Geiger, who works for DARS Division for Rehabilitation Services and is a member of the Employment First Task Force, was introduced. The task force was created by Senate bill 1226 during the 83<sup>rd</sup> legislature. It established integrated, competitive employment with a living wage as a priority for people with disabilities who are working age in Texas. The task force was created as a state interagency effort to implement the bill, and includes non-state members as well. It is responsible for developing recommendations for policies and procedures, and for designing an outreach in education plan.

- Task force adopted vision and mission statement from PIAC (Promoting Independence Advisory Committee)
- 25 task force members, Roger Web is the chair on developmental disabilities; Carline Geiger is the vice-chair and there are seven state agency representatives

- Report due to the Governor and Legislature every other year; copy emailed to council members
- Recommendations to DARS were:
  - DARS should modify policy manuals to ensure staff compliance with eligibility criteria including presumption of eligibility for SSI and SSDI recipients and extended evaluations, and Employment First policies for all eligible persons
  - Prior to rendering a decision of ineligibility based on severity of disabilities, counselors should refer cases for a second review to staff with specialized expertise related to the specific disability of the applicant
  - For counselors and contracted providers DARS should require and provide training on employment first policies, cultural disability competency training, and appropriate methods for assessing, evaluating and communicating. DARS should ensure contracted providers meet established contract requirements.
  - DARS central office program specialists should expand guidance and oversight to staff in disability specific area to help achieve employment outcomes for those with significant disabilities.
  - Require DARS counselors and providers to obtain training in and implement the Discovery Process to assist someone with specific interest obtain a job and trail employment options.
  - Increase emphasis on accountability pertaining to taking applications, determining eligibility, and plan development.
  - DARS should develop and focus on an individualized approach for counselor's use in compliance with employment first policies in completing a comprehensive assessment
  - DARS should clarify supported self-employment policy
  - DARS should clarify policy regarding ability to provide employment services such a job coaching or trail jobs, ability to provide employment services in jobs found without DARS assistance, ability to provide employment services while consumer is receiving vocational or academic training, and ability to apply employment first policies even if consumer needs personal care assistance.
  - DARS should enhance partnerships with local workforce boards and centers
  - DARS should continue to educate staff about outreach to employers
  - DARS and DADS should provide training to enhance partnering and collaboration opportunities
  - DARS should expand and publish data for consumers with significant disabilities
  - DARS should establish a category for those whose needs are considered higher than the category of those classified as "significant disabilities" and report same
  - Under WIOA, additional emphasis will be put on pre-employment services to students with disabilities; 15% of budget this year goes to that

DARS has been very receptive to most of the task force recommendations and will try and implement the recommendations in a timely manner.

---

## Guest Speaker from ADAPT

Bob Kafka spoke briefly about the history of ADAPT, a statewide disability rights group. July 26, 2015, is the 25<sup>th</sup> anniversary of the Americans with Disabilities Act and he spoke about how much has improved because of the ADA. To highlight the anniversary, there is an accessible bus touring the country giving local communities an opportunity to highlight local people and events. The bus will be in Austin at Criss Cole on March 2, Texas Independence Day. Mr. Kafka distributed information on current legislative issues they will be monitoring. Also, on April 1<sup>st</sup> there will be a big disability rally at the capitol on wages for personal attendants.

## Needs Assessment

RCT and SILC discussed joint participation in the needs assessment process. RCT committee and DARS staff met yesterday with University of Texas, School of Social Work. UT has been contracted to conduct the needs assessment, including developing questions, holding focus groups, and analyzing results. This process is mandated every three years by the feds. However, especially in light of WIOA requirements, DARS has learned that it is better to have it as a continuing, on-going process and DARS will be doing comprehensive needs assessments each year. In particular DARS will be focusing on transition services. DARS and UT have identified some underserved and unserved areas, especially in home-schooling. DARS will look at possible opportunities where SILC can collaborate with DARS. SILC mentioned RSA requires collaboration, and they offered to help in any way. DARS will bring this to the attention of UT.

## LIAISON REPORTS:

The following people presented reports or briefings from their agency, and reports were emailed to council members prior to this meeting:

1. Centers for Independent Living – Jim Brocato
2. Client Assistance Program – Karen Stanfill
3. DARS DBS – Martha Bagley
4. DARS DRS – Jonas Schwartz

Members discussed interest lists and waiting lists for independent living services. There are 1,042 individuals on the interest list and 131 individuals on the waiting list.

Individuals on the interest list have completed application and are eligible for services although they may or may not have an independent living plan. Individuals must be on the interest list before moving to wait list. The length of time it takes to receive services once an individual is on the wait list depends on location in state and length of wait list there. Once a consumer has an independent living plan in place they move to the wait list.

5. DARS Stakeholder Relations – Shiloh Gonzalez
6. Texas Department of Housing and Community Affairs – Terri Richard
7. DADS – Wesley Yeager
8. Parent Resource Network – Martha Garber read the report for Rana Anderson
9. Texas Education Agency – Brent Pitt

10. Texas Workforce Investment Council – Joyce Taylor

Joint meeting adjourned at 11:30 a.m.