



CTD  
Coalition of Texans with Disabilities  
316 W. 12th Street, Ste. 405  
Austin, TX 78701  
512. 478.3366  
Fax 512. 478.3370  
[www.cotwd.org](http://www.cotwd.org)

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Eric Bost, Under Secretary  
Food and Nutrition Service  
United States Department of Agriculture  
1100 Commerce St.  
Dallas, Texas 75242-1005

Dear Under Secretary Bost:

As advocates for Texans with disabilities, we write to express our concerns with Texas' plans to implement a new service model for certifying and enrolling people in the Food Stamp Program as well as Medicaid and other critical services. We met with your regional staff, Bill Ludwig and Judy Barron, this month to discuss our concerns with the Texas Integrated Eligibility and Enrollment Services Project (TIEES) and make recommendations for testing the system's ability to serve persons with disabilities.

The Coalition for Texans with Disabilities (CTD), a social and economic impact organization benefiting Texans with disabilities of all ages is a 27 year old cross disability advocacy organization run by people with disabilities. CTD, a statewide membership organization, works to ensure that Texans with all disabilities may live, learn, work, and participate fully in the community of their choice. Effectively accessing services through TIEES is integral to this mission.

The state's implementation of a massive systems change in service delivery to our most vulnerable citizens is one that must be thoughtfully and carefully deliberated, and include concerns of those persons and service organizations with the potential to be most greatly affected.

The Food Stamp Program provides critical support to hundreds of thousands of Texans with disabilities. We are concerned that the move from a personal system based on face-to-face interactions with knowledgeable state employees to a more impersonal, automated system with low-skilled staff could lead to less access for persons with disabilities. Many of the people we represent rely on the human contact they receive to understand and navigate the complex enrollment process. Often, it is the caseworker who identifies an applicant's disability; without this in-person contact, we fear that many people's disabilities will go unnoticed and their needs ignored.

We are very interested in ensuring the new "IE" system is effective for all Texans seeking eligibility for services. We like call centers, web sites and FAX/mail as new channels for submitting information. Those with significant disabilities, aging folks with diminishing capacities and those with limited English will need some human assistance, for which they will likely turn to the community based organizations they know. State Senator Nelson's Capitol Forum on CBOs and IE last fall drew huge interest, with virtually all the CBOs and faith based organizations predicting extra demand for which they lacked capacity. We are aware that HHSC has backed off the 1 million CBO

volunteer hours in the business case published last year. But the current plan to "let CBOs participate as they would like" without any support for real extra expenses doesn't seem realistic, particularly when the State's contractor, Accenture, estimated that 35% of applications would come with CBO assistance. In the two recent public forums, this question was pretty much brushed aside.

The changes in the new service model raise significant accessibility issues for people with disabilities and could lead to violations of the Americans with Disabilities Act (ADA). We therefore believe it is imperative for Texas to demonstrate specifically how its new service model will meet the ADA's effective communication requirements.

We know that USDA shares many of these concerns and is working with Texas to design a phased-in rollout that will test the new system's ability to serve vulnerable populations, including persons with disabilities, as well as realize the general goals of improving access to nutrition assistance and increasing program participation. Based on our meeting with Mr. Ludwig and Ms. Barron, it is our understanding that USDA's approval of Texas' project is limited to three months of funding for the initial roll-out phase, and that funding from USDA for Texas to move beyond the first phase is conditioned on the state achieving certain milestones and meeting specific performance measures. Mr. Ludwig also indicated a willingness on behalf of USDA to consider the input of advocates in Texas in developing these measures and assured us that USDA's Office of Civil Rights would be involved in the decision making process as well.

With this commitment in mind, we offer the following recommendations to assist USDA in determining whether the alternative approach to delivering Food Stamp benefits proposed by Texas is capable of serving persons with disabilities.

1. USDA should require the state to have a plan in place that documents and specifies in detail:
  - How the state will ensure that individuals with disabilities, including those with visual, speech, hearing, cognitive, mobility and other impairments will have a meaningful opportunity to obtain and retain benefits through every facet of the TIEES project;
  - Whose responsibility it will be to assist individuals with disabilities who need assistance with the benefits application process, including individuals who, for disability or other reasons, cannot travel to community-based organizations, libraries and other sites that will serve as access channels for those wishing to apply for benefits.
  - Whose responsibility it will be to screen applicants and recipients for benefits to determine whether they are likely to have disabilities, health conditions or other barriers that limit the ability to work or comply with other program requirements (such as attending appointments). The plan should describe in detail how this screening process will occur and submit a protocol describing how and when information obtained from this screening will be shared with state agency staff so the state can follow up on it during the face-to-face interview;
  - How state and contractor (subcontractor) staff will be trained on ADA compliance, and how the state will monitor its own compliance, and that of subcontractors, (with the ADA) in every facet of the TIEES project; and
  - How it will inform the public about all of the access channels so that individuals with disabilities who cannot use one point of access will be aware of alternative points of access. At a minimum, these outreach campaign should include radio and television announcements, posters, outreach to service providers (such as

hospitals, mental health clinics, shelters) community-based organizations, and organizations operated by or for people with disabilities.

2. USDA should require the state should document its reasonable modification policies, consumer documentation informing individuals of their rights under the ADA, and other materials relevant to compliance with the ADA. In particular, the state should document that web sites operated by vendors and subcontractors are operated in a manner that enables individuals with vision impairments to have equal and meaningful opportunity to obtain information and start the application process through the web sites.
3. USDA should require the state to maintain and provide monthly data regarding access to the Food Stamp program for persons with disabilities that will allow the state to monitor the contractor's compliance with the various elements of its ADA plan. For example, the state (or its contractor) should be required to keep data on its outreach efforts; requests for and provision of reasonable modifications; grievances filed about disability access; the number of requests for home visits by individuals with disabilities who are unable, for disability-related reasons, to travel to and attend appointments at local offices, the number of such requests that are granted, and the average length of time lapsed between the request and the visit; the number of telephone, fax, or Internet inquiries that lead to the filing of an application, the number of inquiries for which there is no follow-up, the number of applications accepted, withdrawn, and denied, and the processing time for applications (with applications for expedited and non-expedited Food Stamps broken out separately) and recertifications for each group. The data collected above should be disaggregated by type of disability (speech, hearing, cognitive, mobility, etc.).
4. USDA should require the state to develop a means to monitor call center access for people with speech and hearing impairments. For example, the state (or its contractor) should collect data on the number of persons with a speech or hearing impairment who access the system through the call center and compare average time required to serve these applicants to the time needed to serve applicants without speech or hearing impairments.
5. To the extent possible, USDA should require the state to provide data comparable to those collected during the pilot phase area for a pre-project baseline period (for example, previous five years) to enable it to examine the experience serving persons with disabilities under both the current system and the pilot.
6. USDA should require Texas to quantify the cost to CBOs of their involvement in the new system.
7. USDA should require the state to survey community-based organizations to determine if those which would likely assist people with disabilities in accessing the TIEES can do so within their current capacity. If not, the survey should ask what level of financial or other assistance from the state would be necessary.
8. The state should report all of the above to USDA.

Whatever measures or milestones USDA ultimately uses to evaluate TIEES, we urge you to use them in every subsequent roll-out phase approved by USDA. Because the initial roll-out is limited to five offices, which include less than 3% of the Food Stamp caseload, it will be difficult during the first three months to identify all potential

deficiencies or flaws in the new service model, as well as to assess the experiences of persons with disabilities in navigating the new system. Further, no staff reductions or office closures are planned during the first three months, which will make it even harder to determine to what extent phone and Internet channels are capable of replacing face-to-face contact.

We recognize the difficulty of measuring and evaluating access for specific populations, for whom little baseline data may exist. During our meeting with your regional office staff, Mr. Ludwig agreed to meet regularly with advocates both during and upon completion of the initial three-month roll-out, before USDA approves funding for Texas to proceed to the second phase. These meetings will give us the opportunity to share with USDA our impressions and the experiences of our clients with TIEES, which we hope will inform your decision whether to allow Texas to move forward.

We would appreciate a response that details the steps USDA will take to measure access for persons with disabilities during the TIEES roll-out. Please call on us should you have any questions regarding our concerns and recommendations.

Sincerely,

Dennis Borel  
Executive Director  
Coalition of Texans with Disabilities

ORGANIZATIONS SIGNING ON:  
National Association of Social Workers/Texas Chapter  
Heart of Central Texas Independent Living Center  
Austin Resource Center for Independent Living  
Disabled Not Unable  
COIL/Center for Independent Living  
Institute for Disability Access  
Marcia and John Ingram, Midland  
Brain Injury Association of Texas  
Coalition for Barrier Free Living/  
Houston Center for Independent Living,  
Brazoria County Center for Independent,  
Fort Bend Center for Independent Living  
Texas Association of Goodwills

Cc: Kate Coler, Deputy Under Secretary, Food and Nutrition Service, USDA  
Bill Ludwig, Regional Administrator, Southwest Region, Food and Nutrition Service, USDA  
Judy Barron, Regional Food Stamp Director, Southwest Region, Food and Nutrition Service, USDA  
Vernon B. Parker, Assistant Secretary for Civil Rights, USDA  
Al Escoto, Director, Civil Rights Division, Southwest Region, Food and Nutrition Service, USDA  
Albert Hawkins, Executive Commissioner, Texas Health and Human Services Commission