



Policy Council for Children and Families Bylaws

1. Name and Legal Authority

The Policy Council for Children and Families ("Council") is established in accordance with Texas Government Code § 531.012 and Texas Administrative Code Title 1, § 351.815, and governed by Texas Government Code Chapter 2110 (State Agency Advisory Committees).

Texas Government Code § 2110.008 (Duration of Advisory Committees) applies to the Council. This Council will be abolished on December 31, 2024, unless Texas Administrative Code Title 1, § 351.815 is amended to provide a later date of abolition.

2. Purpose and Role

The Council works to improve the coordination, quality, efficiency, and outcomes of services provided to children with disabilities and their families through the state's health, education, and human services systems.

A. **Tasks.** The Policy Council performs the following tasks:

1. Studies and makes recommendations to improve coordination between the state's health, education, and human services systems to ensure that children with disabilities and their families have access to high quality services;
2. Studies and makes recommendations to improve long-term services and supports, including community-based supports for children with special health and mental health care needs, as well as children with disabilities and their families receiving protective services from the state;
3. Studies and makes recommendations regarding emerging issues affecting the quality and availability of services available to children with disabilities and their families;
4. Studies and makes recommendations to better align resources with

- the service needs of children with disabilities and their families;
5. Studies and makes recommendations to ensure that the needs of children with autism spectrum disorder and their families are addressed, and that all available resources are coordinated to meet those needs;
 6. Makes recommendations regarding the implementation and improvement of the STAR Kids managed care program; and
 7. Performs other tasks consistent with its purpose as requested by the Executive Commissioner.

B. Reporting requirements

1. By December of each fiscal year, the Council files a written report with the HHS Executive Commissioner that covers the meetings and activities in the immediately preceding fiscal year. The report includes:
 - a. A list of the meeting dates;
 - b. The members' attendance records;
 - c. A brief description of actions taken by the Council;
 - d. A description of how the Council accomplished its tasks;
 - e. A summary of the status of any Council recommendations to HHSC;
 - f. A description of activities the Council anticipates undertaking in the next fiscal year;
 - g. Recommended amendments to this section; and
 - h. The costs related to the Council, including the cost of HHSC staff time spent supporting the Council's activities and the source of funds used to support the Council's activities.
2. By November 1st of each even-numbered year, the Council submits a written report to the HHS Executive Commissioner and Texas Legislature that:
 - a. Describes current gaps and barriers to the provision of services to children with disabilities and their families through the state's health and human services system; and
 - b. Provides recommendations consistent with the Council's purposes.

3. Definitions

Council: Policy Council for Children and Families

HHS: Texas Health and Human Services system, comprised of the Texas Health and Human Services Commission and the Texas Department of

State Health Services

HHSC: Texas Health and Human Services Commission

High Level of Integrity: For purposes of these bylaws, this means that the member is honest and behaves in a morally upright way, at a level above a normal or average level, such that the public's trust in the member is warranted. A high level of integrity includes disclosing conflicts of interest as required by HHS policy and these bylaws.

4. Council Composition

The Council is composed of 24 members.

This membership includes:

- A. Eleven voting members appointed by the Executive Commissioner from families with a child under the age of 26 with a disability, including:
 - 1. At least one adolescent or young adult under the age of 26 with a disability receiving services from a health and human services system agency;
 - 2. At least one member of a family of a child with mental health care needs; and
 - 3. at least one member of a family of a child with autism spectrum disorder.
- B. Eight voting professional members, appointed by the Executive Commissioner, one each to represent the following types of organizations or areas of expertise:
 - 1. A faith-based organization;
 - 2. An organization that is an advocate for children with disabilities;
 - 3. A physician providing services to children with complex needs;
 - 4. An individual with expertise providing mental health services to children with disabilities;
 - 5. An organization providing services to children with disabilities and their families;
 - 6. An organization providing community services;
 - 7. An organization or professional that advocates for or provides services or resources to children and the families of children with

- autism spectrum disorder; and
8. One at-large position for an individual with expertise or experience relevant to the Council's purposes and tasks.
- C. Five non-voting, ex officio members, one from each of the following state programs and agencies or their successors, as selected by the represented agency:
1. HHSC Medicaid and CHIP Services;
 2. HHSC Health, Developmental & Independence Services;
 3. Texas Council on Developmental Disabilities;
 4. Texas Department of Family and Protective Services; and
 5. Texas Department of State Health Services.

To the greatest extent possible, the HHS Executive Commissioner appoints voting members who reflect the geographic diversity of Texas.

5. Member Terms

All members except ex officio members will serve staggered terms of four years, except when appointed to complete the remaining unexpired term of an outgoing member. Terms are staggered so that the terms of approximately one-quarter of these members' terms expire on December 31 of each year. Individuals may apply to serve one additional term. These terms may be served consecutively. Regardless of the term limit, a member serves until his or her replacement has been appointed. This ensures enough, appropriate representation.

6. Resignations and Vacancies

If any voting member of the Council wishes to resign, the member will contact, in writing, the current Chair and HHS Council Liaison requesting the appointment of a successor member.

If an ex officio member wishes to resign, the member will contact, in writing, the head of the organization that designated the member, current Chair and HHSC Council Liaison requesting the appointment of a successor member.

In the event of a vacancy for any reason, agency staff will work with the HHS Executive Commissioner to solicit applications as appropriate to fill the vacancy with a representative of the same membership category to serve the unexpired portion of the term of the vacant position. People who submitted applications within the previous year through HHSC may be reconsidered for membership.

7. Presiding Chair and Vice-Chair

The Council will elect a Chair and Vice-Chair from among its members appointed as family representatives.

- A. The Chair and Co-Chair will serve a term of two years, with the Chair serving until December 31st of each odd-numbered year and the Vice-Chair serving until December 31st of each even-numbered year.
- B. The Chair and Vice-Chair will serve no more than two consecutive terms.
- C. The Chair and Vice-Chair remain in their positions until the Council selects a successor; however, a presiding officer may not remain in office past his or her membership term.
- D. In the event the Chair and Vice-Chair offices are vacant simultaneously, the election for Chair will precede that for Vice-Chair.

The role of the Chair and Vice-Chair is to:

- A. Report to HHSC;
- B. Participate in agenda planning and preparation for Council meetings;
- C. Provide leadership in conducting Council meetings;
- D. Promote, maintain, and encourage a participatory environment;
- E. Identify the need for, and work with Council Liaison, to call meetings to accomplish the work of the Council;
- F. Ensure the Council adheres to its charge;
- G. Call for the establishment of subcommittees (if applicable and with approval of agency staff); and
- H. Confer with HHS staff to acquire the support needed for Council operations.

8. Council Operations and Meetings

A. Meetings

1. The Council meets during regular business hours at least two times per year, but no more frequently than bi-monthly, by agreement with HHSC staff.
2. The Council is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act) as if it were a governmental body.

B. Quorum

Thirteen voting members constitutes a quorum for the purpose of transacting official business. If less than a quorum of the Council is present, members may not vote upon action items but may take testimony and public comments so long as the meeting is being conducted in accordance with the Texas Open Meetings Act.

C. Voting

1. Voting members have the right to vote on any subject that is listed on the agenda. However, all members must abstain from deliberating or voting on issues that would provide monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest.
2. The Council may determine procedural matters by majority vote of the voting members attending the meeting or may use Robert's Rules of Order as a guide to its operations and proceedings.
3. A member may participate and, if the member is a voting member, vote by telephone conference as deemed necessary by agency staff.
4. A member, other than an ex officio member, may not authorize another individual to represent the member by proxy.
5. For all business except adopting or amending bylaws, a simple majority is needed on a motion duly made and seconded. (A simple majority is defined as more than half of the votes cast by persons entitled to vote who are in attendance with a quorum, excluding abstentions.)

D. Adoption and Revision to Bylaws

1. Bylaws will be adopted and amended pursuant to a two-thirds vote (of voting members attending the meeting) on a motion duly made and seconded.
2. Council members or HHSC staff may propose changes to these bylaws. All proposed changes from Council members, along with the rationale for the changes, should be submitted in

writing to the HHSC Council Liaison at least 30 days before the next Council meeting for inclusion in the publication of the agenda in the *Texas Register* and distribution to the members for their consideration. The Council will review the Bylaws by December 31 of every even-numbered year. Council-proposed amendments that occur as a result of the biennial review will be considered in a meeting and will be passed and become effective based on a two-thirds vote of members attending the meeting, pending review and approval by HHSC staff.

3. All proposed changes are subject to review and approval by HHSC staff.
4. The Bylaws will become effective as of the date they are adopted by the Council. The Council will make note of the date of the adoption of the Bylaws in its minutes. Members will sign a Statement by Members when bylaws are amended (see attached Statement).

9. Responsibilities of Members

A. Attendance

Members are encouraged to attend all meetings in person. A member unable to attend a meeting should notify the Council Liaison in advance. The Council Liaison will notify the Chair and appropriate program staff. Members, other than ex officio members, may not send a substitute to attend a meeting in their place.

Except for ex officio members, any member missing two meetings within a one-year period with or without notice to the Council Liaison may be removed from the Council.

B. Member expectations:

1. Attend meetings in person;
2. Participate in committee(s) as assigned;
3. Review agendas and other information sent by staff prior to each meeting;
4. Participate in discussions at meetings;
5. Submit travel expenses within 30 calendar days of the meeting;
6. Abstain from deliberating or voting on issues that would provide

monetary or other gain to the member, or the member's family, or that could present, or reasonably appear to present, a conflict of interest;

7. Attend/participate in an orientation session for the Council;
8. Complete the Texas Open Meetings Act Training and Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Council Liaison. If a member has taken the trainings within the last five years, a copy of the Certificates of Completion may be submitted to the Council Liaison in lieu of taking the trainings;
9. Sign and submit to the Council Liaison the Statement by Members document (attached) within 30 days after appointment. This document includes a Conflict of Interest Statement and a Nondisclosure Agreement to which Council members must agree;
10. Notify the Council Chair and Council Liaison if a change of status alters the category of membership that the member was filling or if any circumstance occurs that prevents the member from being able to discharge his or her duties;
11. Maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act; and
12. Hold and maintain in strictest confidence all confidential information and all agency-generated information, including information in draft form, until such time as the information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Council. In addition, the member must confirm that he or she will require the member's attendants, if any, to comply with this requirement. For purposes of these bylaws and the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.

Failure to comply with member expectations numbers 6-12 above by a voting member is grounds for dismissal and may result in removal from the Council. If an ex officio member does not comply with expectation numbers 6-12, the HHS Executive Commissioner may request the agency that appointed the member to appoint another individual to the position.

C. A Council member may not:

1. Claim or appear to represent HHSC or the Council in any legislative or advocacy activity without written approval from the Council Chair and the HHS Ethics Office in coordination with the HHS Government and Stakeholder Relations Office and the Council Liaison. A member is not prohibited from discussing a report that has been formally adopted by this Council, so long as he or she does not purport to represent HHSC. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process.
2. Accept payment for any services offered to the member because of his or her position on the Council.
3. Disclose confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through his or her participation on the Council until such time as that information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. Members cannot disclose information using any form of communication including written, verbal, and social media.
4. Fail to require the member's interpreters, attendants or support persons, if any, to keep confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through the member's participation on the Council until such time as that information or document is released and made public, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This includes all forms of communication including written, verbal, and social media.

A violation of any of these items are grounds for dismissal and may

result in removal from the Council.

10. Removal from the Council

The HHS Executive Commissioner may remove a member from the Council, or may request the appointing agency to appoint a new individual, for the following reasons:

- A. A member votes or deliberates on an issue that would provide monetary or other gain or that presents a conflict of interest to the member, the member's family, or an entity with which the member is closely affiliated.
- B. A member refuses to sign or violates the Statement by Members, which includes the Conflict of Interest statement and Nondisclosure Agreement, or another Nondisclosure Agreement.
- C. A member does not maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act.
- D. A member changes status that alters the category of membership that the member was filling.
- E. A member claims or appears to represent HHSC or the Council in a legislative or advocacy activity without approval from the council Chair and the HHS Ethics Office in coordination with the HHS Government and Stakeholder Relations Office and Council Liaison. (A member is not prohibited from discussing a report that has been formally adopted by this Council, so long as he or she does not purport to represent HHSC. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process.)
- F. A member receives payment for any services requested because he or she holds a position on the Council.
- G. A member discloses confidential or draft information acquired through his or her participation on the Council not in accordance with the Bylaws.
- H. A member fails to require his or her interpreter, attendant, or support person, if any, to keep confidential any information or draft information acquired through the member's participation on the Council as required by the Bylaws.

- I. A member, in a 12-month period, misses two meetings with or without notice to HHSC staff.
- J. The HHS Executive Commissioner may remove a member who has violated the conflict-of-interest provisions or made a statement in violation of the Statements by Members form. Decisions to remove a member of the Council due to violations of this nature will require input from HHS legal counsel.

11. Committees

The Chair, with the approval of agency staff, may establish committees that meet at other times for purposes of studying and making recommendations on issues the Council determines appropriate to the charge of the Council. A committee may be created for a limited period and will cease to exist when the assigned tasks are completed or upon determination of the Chair or HHS Executive Commissioner, or it may be a standing committee. The Chair and agency staff will evaluate the need for all existing committees annually.

Committee Operations and Meetings

- A. Unless otherwise noted in statute or required by a grant document, members of committees are required to be members of the Council.
- B. Except as set out in #D below, committee(s) will follow the general rules of the Council as applicable.
- C. Committee(s) must keep minutes of the meetings and report back to the full body.
- D. The presence of a quorum of the full Council at a committee meeting:
 - 1. Constitutes a full Council meeting that requires posting appropriate notice of the meeting as a full Council meeting in accordance with the Texas Open Meetings Act; and
 - 2. Requires the committee meeting to be held in compliance with the Texas Open Meetings Act to include posting appropriate notice of the committee meeting.

12. Subject Matter Experts

HHSC recognizes the value of subject matter experts (SMEs) to provide information to the Council as it develops recommendations and initiatives relative to its charge(s). The primary role of a SME is to provide objective, independent information and analysis to be considered by the Council. SME participation will be subject to the request of voting Council members and will fall within the following guidelines:

- A. A SME may be invited to provide information on specific subjects and topics at the discretion of voting Council members, the Chair or Vice-Chair, and HHSC staff;
- B. An invited SME may be recognized by staff, the Council Chair, or Vice-Chair to provide information or analysis during allotted time periods at a specified Council or committee meeting;
- C. SMEs will participate in questions and answers at the direction of the staff, Council Chair, or Vice-Chair;
- D. All SMEs will participate and serve at the pleasure of the Council;
- E. SMEs do not hold any official capacity on the Council or committee and do not have rights of deliberation or the right to vote on any Council activities or decisions;
- F. SMEs should disclose any conflicts of interest they may have prior to providing information to the Council; and
- G. None of the information or guidance contained in this section shall prevent any individual from participating in or providing comments to the Council as allowed under the Texas Open Meetings Act.

13. Responsibilities of Support Staff

The Health Quality Institute will be present at and will provide reasonable administrative and technical support and coordination for all Council and committee activities. HHSC will coordinate as needed to provide the accommodations and supports needed by a Council member requiring accommodations to enable him or her to fully participate in Council and committee meetings and activities.

Staff is expected to perform the following tasks:

- A. Develop effective working relationships with Council members;

- B. Solicit nominations for membership in accordance with the appropriate HHS procedures;
- C. Facilitate completion of Council legislative reports; HHSC staff may provide project management services such as developing timelines and milestones, providing an accessible report template and other report development tools, coordinating work by Council members to draft the report, obtaining requested data and information from agency programs, and tracking progress. However, Council members are responsible for authoring and approving the report, which does not reflect the views of HHSC or its staff.
- D. Serve as liaison between members and operating agencies' staff; and
- E. Plan, coordinate, and organize Council and committee meetings and activities, including:
 - 1. Schedule meeting dates and ensure meeting sites are set up;
 - 2. Notify members of upcoming meeting dates, times, and locations;
 - 3. Develop agenda and support materials for each meeting;
 - 4. Prepare and oversee that the agenda is posted in the *Texas Register* in a timely manner and on the HHS website;
 - 5. Serve as point of contact for the public including ensuring contact information, agendas, and meeting support materials are easily accessible on the HHS website;
 - 6. Prepare and distribute information and materials for member review;
 - 7. Prepare and maintain Council records and documentation in accordance with the HHS records retention policy; and
 - 8. Assist eligible members with travel arrangements and reimbursement.
- F. Coordinate as needed to provide any reasonable accommodations and supports required for a Council member who has a disability to enable the member to fully participate in Council meetings and activities; and
- G. Staff may perform other duties within staff discretion provided the necessary resources are available.

14. Compensation and Travel Reimbursement

To the extent permitted by the current General Appropriations Act, a Council member appointed as a representative from a family with a child under the age of 26 years, including an adolescent or young adult member, who travels 50 or more miles for a full council meeting may be reimbursed for his or her travel to and from meetings if funds are available and in accordance with the HHS Travel Policy. Other members are responsible for their own travel expenses.

Members eligible for such reimbursement are subject to rates established in the General Appropriations Act. Staff will assist members in requesting reimbursement. Council members are responsible for providing the required information as per instructions provided within 30 calendar days of the meeting.

A member who would like to seek travel reimbursement must:

- A. Keep accurate record of allowable travel expenses (as per the HHSC Travel Policy) during travel to attend Council meetings; and
- B. Submit receipts and appropriate documentation to the Council Liaison in a timely manner.

Bylaws approved on 09/10/2020 by a two-thirds vote of members attending the meeting of the Council.

Chairperson
Printed Name

Signature

HHSC
Printed Name

Signature

Statement by Members

- The Health and Human Services Commission (HHSC) and the Policy Council for Children and Families ("Council") are not bound in any way by any statement or action on the part of any Council member except when a statement or action is in pursuit of specific instructions from HHSC or the Council.
- The Council and its members may not claim or appear to represent HHSC or the Council in any legislative or advocacy activity without approval from the Council chair and the HHS Ethics Office in coordination with the Government and Stakeholder Relations Office. Council members are not prohibited from discussing a report that has been formally adopted by this Council, so long as members do not purport to represent HHSC. Council members are not prohibited from representing themselves or other entities in the legislative or advocacy process.
- A Council member may not accept payment for services that are requested because of the members' title or position on this Council.
- A Council member shall not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official Council duties.
- A Council member shall not knowingly solicit, accept, or agree to accept any benefit for having exercised the member's official powers or duties in favor of another person.
- A Council member shall complete the Texas Open Meetings Act Training and the Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Council Liaison. If a member has taken the training within the last five years, a copy of the Certificate of Completion may be submitted to the Council Liaison in lieu of taking the training.
- Nondisclosure agreement. A Council member may not disclose confidential information or agency-generated information, including information in draft form, acquired through his or her Council membership, unless HHSC has released and made public the information or document, the HHS Executive Commissioner has approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Council. In addition, the member must confirm that he or she will require the member's interpreters, attendants, or support persons, if any, to comply with this requirement. For purposes of the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.
- Conflict of Interest Statement. I agree to disclose any personal or private interest that myself or my family have in a measure, proposal, or decision pending before HHS. ("Personal or private interest" does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.) If there is a direct personal or financial interest in a motion under consideration, I further agree to disclose that fact in a public meeting and will recuse myself from any Council deliberations or decisions on that matter.

I have been provided a copy of the Policy Council for Children and Families bylaws. I understand that as a member of the Council I must adhere to the bylaws.

Advisory Board Member Signature

Date

Printed Name

Revisions Tracking Page

Document Version #	Revision Date	Revisions / Purpose	Author
1	9/10/2020	Approved updated bylaws	Viral Khakkar