

TITLE 40 SOCIAL SERVICES AND ASSISTANCE

PART 21 TEXAS COUNCIL FOR DEVELOPMENTAL DISABILITIES

CHAPTER 877 GRANT AWARDS

The Texas Council for Developmental Disabilities (TCDD) proposes amendments to §877.1 concerning General Provisions, §877.2 concerning Application and Review Process, and to §877.4 concerning Appeal of Funding Decisions.

The purpose of the amendments to §877.1 and §877.2 is to apply consistent language to all sections regarding the Council Request for Applications process. The purpose of the amendment to §877.4 is to clarify the source material for the agency appeals process.

FISCAL NOTE

Beth Stalvey, PhD, Council Executive Director, has determined for each year of the first five years that the rules will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the rules as proposed.

GOVERNMENT GROWTH IMPACT STATEMENT

TCDD has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of TCDD employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to the agency;
- (5) the proposed rules will not create a new regulation;
- (6) the proposed rules will not expand, limit, or repeal an existing regulation;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Dr. Stalvey has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rules do not apply to small or micro-businesses, or rural communities.

PUBLIC BENEFIT

Dr. Stalvey has also determined that for each year of the first five years the rules are in effect, the updates will further efforts to create change so that all people with disabilities are fully included in their communities and exercise control over their own lives.

Comments on the proposal may be submitted to Koren Vogel, 6201 E. Oltorf, Suite 600, Austin, Texas 78741-7509, or e-mail comments to: koren.vogel@tcdd.texas.gov. Comments must be submitted by October 25, 2021, 31 days from publication in the *Texas Register*.

The proposed amendments are authorized under the Texas Human Resources Code, §112.020, which provides authority for the Council to adopt rules as necessary to implement the Council's duties and responsibilities.

The amendments will affect Texas Human Resources Code, Title 7, Chapter 112, Developmental Disabilities.

<rule>

§877.1. General.

(a) As authorized by Texas Human Resources Code, Title 7, Chapter 112, §112.020(a)(3), the Council may contract or provide grants to public or private organizations to implement the TCDD State Plan for Texans with Developmental Disabilities, if funds are available.

(b) The Council may solicit applications ~~proposals~~ from state agencies, non-profit organizations, or private for profit organizations that have organizational expertise related to the requirements of the solicitation ~~proposal~~.

(c) The Council may accept unsolicited ~~proposals or unsolicited~~ ideas for future projects consistent with Council policies and procedures.

(d) The Council may develop projects with organizations without competitive applications ~~proposals~~ as allowed by state and federal requirements and Council policies.

(e) All grantees shall comply with applicable state and federal requirements including the Texas Uniform Grant Management Standards, Office of Management and Budget (OMB) circulars, and Council grants procedures.

(f) Independent audits of grantees are required for each year of funding in accordance with the requirements of OMB Circulars and Texas Uniform Grant Management Standards. Project specific independent reviews and other procedures may be required of grantees not subject to annual independent audit requirements of OMB or UGMS consistent with Council policies. The Council shall reimburse the grantees for the reasonable cost of the required audit activities.

(g) Grant awards shall contain appropriate provisions for program and fiscal monitoring and for collection and submission of evaluation data and related reports.

(h) The Council may limit by policy the amount of Council funds allowed to reimburse indirect costs of projects. Any indirect costs of a grantee above those amounts may be allowed as part of the required non-federal participant share.

(i) The Council may by policy reduce reimbursements to grantees when required reports or final expenditure reports are not submitted within at least 60 days following the established due date.

(j) Donated time and services may be included as a financial match contribution unless otherwise restricted by a specific request for applications ~~proposals~~ or by state or federal requirements.

(k) No organization shall receive more than three (3) direct grants from the Council at any time.

§877.2. Application and Review Process.

(a) All requests for applications ~~proposals~~ will be published in the *Texas Register* and posted on the Council's website, and a notice will be provided to interested parties.

(b) Application ~~Proposal~~ information for each request for application ~~proposal~~ shall be available upon request from Council offices and will be made available at the Council's website.

(c) Proposals received after the closing date will not be considered unless an exception is approved in a manner consistent with Council policies.

(d) Projects seeking continuation funding may have separate application forms, instructions, and procedures, as determined by Council staff.

(e) Grants shall be awarded based on guidelines that reflect state and federal mandates. Selection criteria shall be designed to select applications that provide best overall value to the state and to the Council and meet the requirements and intent of the Council as provided in the request for [applications proposals](#).

(f) Final approval of organizations to receive grant funding shall be determined by the Council consistent with Council policies.

(g) Council staff may negotiate with selected applicants to determine the final terms of the award.

§877.4. Appeal of Funding Decisions.

Appeals may be submitted from applicants for grants who did not receive funding, or from grantees whose grants have not been awarded continuation funding. The appeals process adopted by the Council shall be included in [the agency grants manual](#) ~~grant application materials~~.