

# Legislative Issues for the 80th Texas Legislative Session



*1016 La Posada, Suite 145*

*Austin, Texas 78752*

*Phone: (512) 371-1783*

*Facsimile: (512) 472-8026*

*Website: [www.dpctexas.org](http://www.dpctexas.org)*

*E-mail: [info@dpctexas.org](mailto:info@dpctexas.org)*

The Disability Policy Consortium of Texas (DPC) is an independent group of health and disability advocacy organizations committed to promoting the rights, inclusion and independence of Texans with disabilities. United Cerebral Palsy of Texas provides administrative support for the DPC.

Financial support for the Disability Policy Consortium is provided to United Cerebral Palsy of Texas by the Texas Council for Developmental Disabilities. The views contained herein do not necessarily reflect the position or policy of the funding agency.

# TABLE OF CONTENTS

<b>Summary of Legislative Issue Briefs</b> .....	4
<i>Long Term Services and Supports</i> .....	4
<i>Housing</i> .....	5
<i>Education</i> .....	5
<i>Employment</i> .....	6
<i>Health Care</i> .....	8
 <b>Long Term Services and Supports</b>	
Necessary Revision to Chapter 166.046 of the Texas Health & Safety Code in support of continued treatment .....	10
Consolidation of Waivers .....	11
Policy Statement on Community Services and Supports .....	12
Policy Statement on State Institution Closure and Consolidation (also known as “state schools for the “mentally retarded” ) .....	13
 <b>Housing</b>	
Protection of ‘504’ in Low Income Housing Tax Credit (LIHTC) deals .....	14
Support all efforts to create more ‘real’ affordable housing to meet the needs of Texans with disabilities at 50% and below area median income .....	15
Support efforts to establish a “discount or reduction” in homeowner’s insurance rates for homes that are built ‘visitable’ through the ‘EasyLiving Home Texas’ certification program .....	16
Include homeowners with disabilities in the recently enacted property tax reduction and any future legislation that reduces property taxes .....	17
Support a legislative solution for support from the Texas Department of Housing and Community Affairs (TDHCA) for programs to address the housing needs of people with disabilities. ....	18

**Education**

Oppose Public School Vouchers or any similar program..... 19

Participation of Students with Disabilities in Graduation Ceremonies with their Same-age Peers .....20

Discipline of Students with Disabilities ..... 21

**Employment**

Independent Living Centers ..... 22

Department of Assistive & Rehabilitative Services (DARS) Vocational Rehabilitation program ..... 23

Improving Employment Programs for Texans with Disabilities ..... 24

Address Barriers to Public Transportation ..... 25

Funding for Assistance with Relocation from Institutions..... 26

Workforce Issues for Personal Attendant Services ..... 27

**Health Care**

Department of State Health Services (DSHS) Legislative Appropriations Request for FY 07 & 08..... 28

Children’s Mental Health Services within the Department of State Health Services (DHS) ..... 29

Mental Health Services and Initiatives for Youth in the Juvenile Justice System ..... 30

# SUMMARY OF LEGISLATIVE ISSUE BRIEFS

## ***LONG TERM SERVICES AND SUPPORTS***

### **Necessary Revision to Chapter 166.046 of the Texas Health & Safety Code in support of continued treatment**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature make revisions to Chapter 166.046 of the Texas Health & Safety Code to provide “treatment pending transfer” with no time limit which allows the individual or family the opportunity to find other treatment arrangements.

### **Consolidation of Waivers**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports efforts to improve and consolidate home and community-based Medicaid waivers to more efficiently and effectively provide individuals with disabilities the services they need to remain in their communities. An improved system must result in maintaining, expanding, and increasing access to appropriate services across populations based on the functional needs of the individual. An improved system must also provide services with waiver reimbursement rates appropriate to the level of need of the individual receiving services based on their functional level.

### **Community Services and Supports**

The Disability Policy Consortium (DPC) supports the Texas Legislature fully funding community services and supports that ensure Texans with disabilities have an equitable opportunity to live in their communities. This includes:

- Funding increases sufficient to provide services and supports to individuals currently on waiting lists for Medicaid waiver programs.
- Funding to accommodate anticipated demographic growth in Medicaid waiver programs.
- Funding for other federally and State funded community programs.
- The immediate re-direction/re-allocation of resources from State Institutions (including nursing facilities, Intermediate Care Facilities for the Mentally Retarded (ICF/MR) and “state schools” for the “mentally retarded”) to community living programs.

### **State School Closure and/or Consolidation**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature direct the Department of Aging and Disability Services (DADS) to develop and implement a plan to close at least three state institutions, also known as “state schools for the mentally retarded,” within the next two biennia. All funds saved through these closures should be directed to support the transition process for individuals from state institutions to community services and to fund community based Medicaid waivers.

## ***HOUSING***

### **Protection of '504' in Low Income Housing Tax Credit (LIHTC) deals**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature ensures that current state fair housing laws and Section 504 accessibility standards in tax credit developments are not weakened or eliminated.

### **Support all efforts to create more 'real' affordable housing to meet the needs of Texans with disabilities at 50% and below area median income**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature promotes legislation that addresses the housing needs of extremely low income households, including people with disabilities

### **Support efforts to establish a "discount or reduction" in homeowner's insurance rates for homes that are built 'visitable' through the 'EasyLiving Home Texas' certification program**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports efforts to lower insurance rates for home that promote visitability.

### **Include homeowners with disabilities in the recently enacted property tax reduction and any future legislation that reduces property taxes**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports legislation that ensures that homeowners with disabilities and senior citizens be included in recent and any future property tax reductions.

### **Support a legislative solution for support from the Texas Department of Housing and Community Affairs for programs to address the housing needs of people with disabilities.**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature directs the Texas Department of Housing and Community Affairs to establish set-aside funding for Olmstead Tenant Based Rental Assistance and the Texas Home of Your Own Program programs. The DPC further recommends that the Texas Legislature directs TDHCA to maintain a \$2.5 million per year funding level for these programs to serve people with disabilities.

## ***EDUCATION***

### **Oppose Public School Vouchers or any similar program**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature oppose public school vouchers or any similar programs that takes money from already underfunded public schools that will continue to serve the majority of students with disabilities.

### **Participation of Students with Disabilities in Graduation Ceremonies with their Same-age peers**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports state legislation requiring school districts to allow students with disabilities to participate in graduation ceremonies with their same-age peers, even if they will continue to receive special education services from the district after high school.

## **Discipline of Students with Disabilities**

The Disability Policy Consortium recommends that the Texas Legislature to amend Chapter 37 of the Texas Education Code as needed to:

- Require school districts considering the removal of a student with a disability to a DAEP for a violation of the Student Code of Conduct to first determine whether the student's disability impaired his/her capacity to understand the wrongfulness of their conduct;
- Require school districts to report to TEA the number of students with disabilities given tickets for misbehavior at school. The report should identify the student's disability and the behavior for which he/she was ticketed;
- Require school resource officers and other school-based police who are used to enforce school discipline policies to participate in training developed by the Texas Commission on Law Enforcement Standards and Education (TCELOSE) on de-escalation techniques and other alternatives to physical restraint when intervening with a student with a disability. The legislature should allocate resources to TCELOSE to develop this training; and
- Require TEA to analyze the data it collects on DAEP placements to identify those campuses and districts that place students with disabilities in DAEPS for discretionary offenses at a higher rate than the incidence of disability at the sending campus or in the district. The list of those campuses and districts should be made available to the public through the TEA's website.

## ***EMPLOYMENT***

### **Independent Living Centers**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports full funding of Exceptional Items 3 & 4 in the DARS Legislative Appropriations Request.

### **Department of Assistive & Rehabilitative Services (DARS) Vocational Rehabilitation program**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports full funding of Exceptional Items 1 & 2 in the DARS Legislative Appropriations Request.

### **Improving Employment Programs for Texans with Disabilities**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature direct the Health and Human Services Commission and Texas Workforce Commission to analyze all programs and services that impact employment of Texans with disabilities to determine:

1. Opportunities to consolidate or improve employment programs such that resources are shifted to the most successful programs while maximizing federal funding;
2. Progress to date and required steps to transform segregated work programs and any state-funded programs that do not result in competitive employment;
3. Best practices for determining provider rates for a range of employment services;
4. Opportunities to apply principles of self-determination in employment programs, including opportunities for self-employment, telecommuting, and other non-traditional employment outcomes;
5. Opportunities to increase hiring of people with disabilities by state agencies.

## **Address Barriers to Public Transportation**

The Disability Policy Consortium recommends that the Texas Legislature to direct the Texas Department of Transportation (TxDOT) to establish standards in the continuing development of public transportation services, namely:

1. Key goals of any proposed changes in transportation services must include greater availability, accessibility, and affordability of transportation services for Texans with disabilities
2. All transportation programs must demonstrate full compliance with standards of accessibility for people with disabilities as a condition for receipt of state funds, and services designed to exceed minimum standards of accessibility must be given significant value in any competitive application processes;
3. Each Regional Transportation Coordination Committee plan submitted must verify multiple opportunities for public input and significant participation of people with disabilities in the planning process;
4. All proposed changes in transportation services must include comments by people with disabilities and organizations that serve people with disabilities;
5. All transportation programs must follow statewide guidelines to ensure consistent implementation of complaint and appeals processes.

## **Funding for Assistance with Relocation from Institutions**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature to fully fund the Department of Aging and Disability Services (DADS) Promoting Independence relocation initiatives in the amount of \$1,166,482 (GR) per year. This funding will continue a statewide network of contracts providing relocation assistance to individuals in nursing facilities seeking to transition to community residences with appropriate services and supports. This funding also includes Transition to Life in the Community grants to eligible individuals for expenses such as rent and utility deposits, furniture and basic household goods, and moving costs.

## **Workforce Issues for Personal Attendant Services**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature:

- Appropriate sufficient funds to recruit the necessary number of qualified Personal Attendants to meet the growing need for self-directed as well as agency delivered community services;
- Equalize the pay scales for Personal Attendants in all public and private programs (Equal Pay for Equal Services);
- Develop a mechanism to allow Personal Attendants to purchase health as well as other benefits; and
- Direct the Health and Human Services Commission (HHSC) and the Department of Aging and Disability Services (DADS) to develop an outreach, retention and orientation program to assure that there will be an adequate number of Personal Attendants in the future to meet the growing demands for self-directed as well as agency delivered community services.

## **HEALTH CARE**

### **Department of State Health Services (DSHS) Legislative Appropriations Request for FY 07 & 08**

The DPC recommends that the Texas Legislature fund the following DSHS exceptional items:

- Restoration to base level funding for FY 05 & 06. Texas is currently 47th in terms of funding for mental health services. That level of funding allows the Department to serve only 28% of the targeted priority population in Texas. It is essential that we increase rather than decrease capacity. Exceptional item # 1.
- Mental health community services, which totals \$82,336,430 over the biennium which relates to the crisis services re-design package. This exceptional item will provide for a range of effective community-based interventions designed to intervene in or avoid crisis and the need for hospitalization. Exceptional item # 4.
- Recruitment and retention of critical professional staff, which totals \$9, 131, 197. Retention and recruitment of licensed medical professionals continues to be a challenge for DSHS as it fails to keep pace with compensation and benefits offered in the private sector and in other states, with which it competes for the limited pool of available licensed medical professionals. This funding request will allow DSHS to ensure a skilled/competent public and mental health workforce, address equity issues within the agency, establish residency programs in the state mental health hospitals, provide stipends and support continuing education. Exceptional item # 8.
- Medicaid Substance Use Disorder, which totals \$26,043,048. Research indicates that a substantial number of individuals with a mental health diagnosis also suffer from a substance abuse disorder. We support the DSHS exceptional items for community based substance abuse services and the adult outpatient Medicaid substance abuse services. Exceptional item # 9.
- Replacement of transportation which totals \$4,245,740 over the biennium. DSHS State Hospitals and Regions operate a combined total of 678 vehicles at 20 statewide sites. These vehicles are used to satisfy statutory requirements and provide for the daily life needs of the clients/consumers housed and cared for by the facilities as well as supporting direct service delivery in the regions. Exceptional item # 12.
- Substance Abuse Prevention and Treatment which totals \$15,344,972 over the biennium. In 2005, DSHS estimated that 1,020,102 adults and 78,243 youth were eligible for treatment; however only 36,924 (4%) and (7%) received services. This funding request will provide more youth with substance abuse prevention services and increase the number of adults and youth that receive substance abuse treatment. Over 1,800 Texans per year would benefit from the expanded treatment capacity. Exceptional item # 15.
- Medicaid Rate Restoration. For Medicaid rates, HHSC is currently considering reinstatement of the 2.5% reduction. DSHS has administrative rules for certain programs that base reimbursement of services on the Medicaid rates. An increase in the Medicaid rates would have a financial impact on these programs. The rates would be increased and without the additional dollars reflected in the exceptional item request, would require the program to scale back services for these program to account for the additional cost. Exceptional item #18.

## **Children's Mental Health Services within the Department of State Health Services.**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature to direct the Department of State Health Services by a rider to re-establish a children's mental health unit and should require that the Department publish quarterly child mental health services data reports in order to ensure that children's mental health services/behavioral health services and policy receives adequate focus within the larger mental health/behavioral health service delivery system.

## **Mental Health Services and Initiatives for Youth in the Juvenile Justice System.**

The Disability Policy Consortium (DPC) recommends that the Texas Legislature should:

- Require that a common comprehensive health screening and assessment tool be utilized by the Texas Juvenile Probation Commission (TJPC), the Texas Youth Commission (TYC) and the Department of Family and Protective Services (DFPS), so that youth who are involved with the juvenile justice system and other child serving systems can be accurately identified and provided with appropriate mental health and substance abuse services;
- Direct the Health and Human Services Commission to allow for the temporary suspension rather than termination of Medicaid benefits for youth who are in detention so that they can have access to community mental health services when they are released from detention.
- Fund the Texas Juvenile Probation Commissions and the Texas Youth Commissions LAR exceptional item request to fund mental health and substance abuse services for youth who are in detention;
- Increase the funding for the Texas Youth Commission aftercare programs that help to ensure that youth with mental health/behavioral health needs will successfully transition from TYC to the community.
- Increase prevention funding to the Department of Family and Protective Services, Prevention and Early Intervention Division for community-based programs that prevent youth from entering the juvenile justice and Texas Youth Commission system; and
- Fund the Texas Youth Commissions LAR exceptional item request to lower its staff to youth ratios to national standards and to increase staff training.



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Necessary Revision to Chapter 166.046 of the Texas Health & Safety Code in support of continued treatment.

**Background:** Several DPC member organizations have been participating as members of the Advance Directives Coalition to consider changes to The Texas Advance Directives Act of 1999. There was an ‘interim charge’ to the House Public Health Committee to “Review issues relating to Chapter 166.046 of the Texas Health & Safety Code, and assess if patients and/or their loved ones have a sufficient opportunity to obtain transfer to an alternate facility and subsequent care in end-of-life situations.” This chapter currently provides for a “10-day” time period for another facility to be found when the hospital providing the treatment determines the treatment to be ‘futile’. Texas is one of the few states that have a legislated time period.

With respect to the value of all people, including those with disabilities, we oppose the premise of futility laws and legislation supporting involuntary euthanasia. The ability of the doctor to overrule both the patient and their surrogate in withdrawing life-sustaining treatment is in conflict of the principle of patient autonomy.

No change to the current legislation would continue the current system that has been recognized by many stakeholders to be problematic.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature make revisions to Chapter 166.046 of the Texas Health & Safety Code to provide “treatment pending transfer” with no time limit which allows the individual or family the opportunity to find other treatment arrangements.

**Contact:** Colleen Horton, Long Term Services & Supports Committee Chairperson, Texas Center for Disability Studies, 4030 West Braker Lane, Building 2, Suite 220, Austin, Texas 78759, Telephone: (512) 232-0754 and Facsimile: (512) 232-0761, Email: [colleen.horton@mail.utexas.edu](mailto:colleen.horton@mail.utexas.edu).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children’s Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

**Allies:** Texas Right to Life



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Consolidation of Waivers

**Background:** The Disability Policy Consortium supports efforts to improve and consolidate home and community-based Medicaid waivers to more efficiently and effectively provide individuals with disabilities the services they need to remain in their communities. An improved system should provide services across populations based on their level of functional needs with waiver reimbursement rates appropriate to the level of need of the individual receiving services based on their functional need.

Texas currently has eight 1915(c) waivers (including Star+Plus) providing long term supports and services to individuals with disabilities. The majority of these waivers were developed over time to address the needs of specific populations. As a result, while the waivers are similar in the services they provide (Community supports and services) they are vastly different in administration, reimbursement rates, dollar caps, service coordination, and more. Each program was developed based on a specific population and not based on maximizing services for people with disability in general. The result is a fragmented system that causes confusion for consumers, limits services based on diagnosis, and prevents many who need services from getting the appropriate services.

Recommendations have been made by the Promoting Independence Advisory Committee, the Children's Policy Council, and through the SDS process at DADS to analyze the feasibility of consolidating various waiver programs. Recommendations have been made to ensure, regardless of the disability, that those providing services to those individuals needed more extensive support needs are paid at a level appropriate to the support provided. No recommendation has been made as to how many waiver programs would be appropriate or which ones to consolidate.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports efforts to improve and consolidate home and community-based Medicaid waivers to more efficiently and effectively provide individuals with disabilities the services they need to remain in their communities. An improved system must result in maintaining, expanding, and increasing access to appropriate services across populations based on the functional needs of the individual. An improved system must also provide services with waiver reimbursement rates appropriate to the level of need of the individual receiving services based on their functional level.

**Contact information:** Colleen Horton, Long Term Services & Supports Committee Chairperson, Texas Center for Disability Studies, 4030 West Braker Lane, Building 2, Suite 220, Austin, Texas 78759, Telephone: (512) 232-0754, Facsimile: (512) 232-0761, Email: [colleen.horton@mail.utexas.edu](mailto:colleen.horton@mail.utexas.edu) and Jeff Garrison-Tate, Policy Service Manager, Advocacy, Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, Email: [jtate@advocacyinc.org](mailto:jtate@advocacyinc.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Policy Statement on Community Services and Supports

**Background:** Nursing facilities and ICF/MR continue to keep thousands of Texans of all ages from living in their communities at a higher average cost than community programs. Furthermore, Texas operates 13 State Institutions for the “Mentally Retarded” also known as State Schools, keeping more than 5000 people institutionalized. More than 100,000 Texans with disabilities continue to wait for Community Medicaid Waiver Services, as hundreds of millions of dollars are spent to keep people institutionalized. (See attachment) In an era of scarce resources it is a waste of limited funds and a human tragedy to continue placing people in nursing facilities and state institutions.

The Health and Human Services Commission (HHSC) and the Department of Disability and Aging Services (DADS) have requested funding increases to reduce the waiting lists for all Medicaid waiver programs. The agencies have requested funding increases necessary to provide waiver services to 20% of the individuals on the waiting lists for those programs, each biennium, over the next three legislative biennia’s. Additionally, the recent McCarthy lawsuit settlement agreement is expected to result in the end of the waiting lists for waiver programs within the next decade. Even with this settlement agreement, thousands of Texans continue to remain institutionalized, locking up hundreds of millions of dollars in resources that could be re-directed to home and community service options.

Moreover, state expansion of Money Follows the Person (MFP) to ICF/MR facilities and federal MFP initiatives should offer additional opportunities for Texas to support people with disabilities to transition from institutions to their communities.

**Recommendation:** The Disability Policy Consortium (DPC) supports the Texas Legislature fully funding community services and supports that ensure Texans with disabilities have an equitable opportunity to live in their communities. This includes:

- Funding increases sufficient to provide services and supports to individuals currently on waiting lists for Medicaid waiver programs.
- Funding to accommodate anticipated demographic growth in Medicaid waiver programs.
- Funding for other federally and State funded community programs.
- The immediate re-direction/re-allocation of resources from State Institutions (including nursing facilities, Intermediate Care Facilities for the Mentally Retarded (ICF/MR) and “state schools” for the “mentally retarded”) \* to community living programs.

**Contact information:** Jeff Garrison-Tate, Policy Service Manager, Advocacy, Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, Email: [jtate@advocacyinc.org](mailto:jtate@advocacyinc.org) and James Meadours, Staff Liaison, Texas Advocates, 8001 Centre Park Drive, Suite 100, Austin, Texas 78754, Telephone: (512) 454-6694, Facsimile: (512) 454-4956, Email: [jmeadours@thearcoftexas.org](mailto:jmeadours@thearcoftexas.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children’s Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

\* See Texas Health and Safety Code § 531.002 *et seq.*



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Policy Statement on State Institution Closure and Consolidation (also known as “state schools for the “mentally retarded”)<sup>†</sup>

**Background:** Texas operates 13 state institutions for people with intellectual and other related conditions warehousing more than 5000 children and adults. These state institutions are named in law “state schools” and/or large residential congregate care facilities that segregate large numbers of individuals labeled with a wide range of intellectual disabilities.

Texas continues to warehouse more people in these 13 state institutions than any other state. It costs the state of Texas more than two times the amount to keep a person in a state institution as compared to a Medicaid Home and Community Services (HCS) waiver living options. Limited resources continue to pour into segregated, congregate care facilities as more than 100,000 people wait on Medicaid waiver waiting lists to live in their community.

DADS is the State agency with responsibility to operate these state institutions and has provided very limited leadership in the consolidation or downsizing of these state facilities. In the current DADS Legislative Appropriation Request, DADS is requesting 78 million dollars to maintain these state institutions in addition to the high annual cost of individual placement in a state institution, as thousands of Texans with disabilities continue to wait for community services.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature direct the Department of Aging and Disability Services (DADS) to develop and implement a plan to close at least three state institutions, also known as “state schools for the mentally retarded,” within the next two biennia. All funds saved through these closures should be directed to support the transition process for individuals from state institutions to community services and to fund community based Medicaid waivers.

**Contact information:** Jeff Garrison-Tate, Policy Service Manager, Advocacy, Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, Email: [jtate@advocacyinc.org](mailto:jtate@advocacyinc.org) and Linda Parrish, The Center on Disability and Development at Texas A&M University, 4225 TAMU, Department of Educational Psychology, College Station, Texas 77843-4225, Telephone: (979) 709-7264, Email: [l-parrish@tamu.edu](mailto:l-parrish@tamu.edu).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

---

<sup>†</sup> See Texas Health and Safety Code § 531.002 *et seq.*



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Protection of '504' in Low Income Housing Tax Credit (LIHTC) deals

**Background:** During the 77<sup>th</sup> Legislative Session, the Housing Committee of the DPC and DPC member organizations advocated for an amendment to the Texas Department of Housing and Community Affairs (TDHCA) 'sunset' legislation (SB 322) to mandate that the Department follow design standards outlined in Section 504 of the Rehabilitation Act of 1973 for housing developed through the Low Income Housing Tax Credit program. Adoption of these design standards were meant to increase the actual accessible and usable units and more effectively address the needs of people with disabilities. With Section 504 design standards tax credit projects will have consistent standards with projects that are developed using Housing Trust Funds, HOME, CDBG or other federal funding supports. Section 504 design standards eliminate discriminatory practices towards persons with disabilities and provide for physical access in all programs or activities receiving federal funds.

During the 79<sup>th</sup> Legislative Session, the DPC members were successful in preventing weakened provisions proposed in HB1167, as well as, other challenges to current programs to serve people with disabilities. No legislation was passed that changed the current system.

The current state law needs to remain in place to continue to develop more accessible housing units through the State of Texas' Low Income Housing Tax Credit program.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature ensures that current state fair housing laws and Section 504 accessibility standards in tax credit developments are not weakened or eliminated.

**Contact:** Jean Langendorf, United Cerebral Palsy of Texas, 1016 LaPosada, Suite 145, Austin, Texas 78752, (512) 472-8696 (Phone), (512) 472-8026 (Fax), email: [jeanL@ucptexas.org](mailto:jeanL@ucptexas.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Support all efforts to create more 'real' affordable housing to meet the needs of Texans with disabilities at 50% and below area median income

**Background:** Many people with disabilities needing affordable housing receive their income from Supplemental Security Income (SSI), approx. \$604/month. Most federal, state and local funding for housing goes to the development of housing at rental rates above the federal affordability standard for people at this income level. Rental assistance programs have an average waiting list of 2-3 years, leading to unnecessary institutionalization at a much higher cost to taxpayers. People with disabilities share this struggle with many others who have extremely low incomes.

During the 79th Legislative Session, the DPC members joined with advocates for the development of more housing for people with low-incomes such as Texas Low Income Housing Services, Texas Housing Forum, Texas Association of CDCs, CPP and others and were successful in defeating HB1167, as well as, other challenges to programs designed to serve people with low incomes.

The Texas Housing Forum is undertaking a campaign to increase the funds allocated to the state's Housing Trust Fund administered by Texas Department of Housing and Community Affairs. Currently the fund receives approximately \$3 million in general fund appropriations annually. The majority of the funds are allocated to the 'Bootstrap' program to support development in the colonias and self-help programs. The Forum is exploring options to expand the source of funding for the Trust Fund potentially to 'dedicated fees' (real estate transfer fees, special license plate fees, etc.).

With an increase in the funds dedicated to the Housing Trust Fund, program models such as Iowa's housing voucher program may be options for support for increase support to address the affordability of housing facing many Texans with disabilities. In addition, support from the Trust Fund could promote the development of barrier removal programs for people with disabilities needing home modifications to live independently or to leave institutions.

Increased funding would provide the opportunity to support more programs to address the need for accessible and affordable housing for people with disabilities.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature promotes legislation that addresses the housing needs of extremely low income households, including people with disabilities

**Contact:** Jean Langendorf, United Cerebral Palsy of Texas, 1016 LaPosada, Suite 145, Austin, Texas 78752, (512) 472-8696 (Phone), (512) 472-8026 (Fax), Email: [jeanL@ucptexas.org](mailto:jeanL@ucptexas.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Support efforts to establish a “discount or reduction” in homeowner’s insurance rates for homes that are built ‘visitable’ through the ‘EasyLiving Home Texas’ certification program

**Background:** The ‘EasyLiving Home Texas’ Project Advisory Committee members are exploring the potential for a discount or reduction in the homeowner’s insurance rates due to the increased ‘safety’ of a home without ‘steps’. With such a discount as an additional selling point for such homes, there could be a demand for more homes with such features. The EasyLiving Home Texas project supports access for everyone through the promotion of accessibility in single-family homes through a voluntary certification of homes. The features of an EasyLiving Home Texas include a step-free entrance from a driveway or sidewalk for access to the home; widened doorways throughout the house to allow for easy passage from room to room and larger bathrooms.

The EasyLiving Home Texas certification should offer enhanced marketability for prospective buyers to demonstrate that they can live in this home today and tomorrow. With the addition of a reduced homeowner’s insurance rate, the homes would be more marketable and builders would have an extra incentive to create more of these homes under this certification. This effort could be legislative or a policy effort through the State Board of Insurance. More research is underway.

A change in legislation or state agency rule could lead to the promotion of more accessible single family housing being developed across Texas

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports efforts to lower insurance rates for home that promote visitability.

**Contact:** Jean Langendorf, United Cerebral Palsy of Texas, 1016 LaPosada, Suite 145, Austin, Texas 78752, (512) 472-8696 (Phone), (512) 472-8026 (Fax), Email: [jeanL@ucptexas.org](mailto:jeanL@ucptexas.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children’s Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Include homeowners with disabilities in the recently enacted property tax reduction and any future legislation that reduces property taxes

**Background:** During the recent special legislative session, property taxes were reduced for the general population but did not include reductions for homeowners with disabilities or senior citizens who have property tax exemptions. Homeowners with disabilities were largely excluded from the reduction in property taxes and were not excluded from paying the accompanying increases in other forms of taxation. The result of this action caused homeowners with disabilities and senior citizens to not benefit from the tax reductions given to homeowners in the general population.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports legislation that ensures that homeowners with disabilities and senior citizens be included in recent and any future property tax reductions.

**Contact:** Jean Langendorf, United Cerebral Palsy of Texas, 1016 LaPosada, Suite 145, Austin, Texas 78752, (512) 472-8696 (Phone), (512) 472-8026 (Fax), Email: [jeanL@ucptexas.org](mailto:jeanL@ucptexas.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas, REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Support a legislative solution for support from the Texas Department of Housing and Community Affairs (TDHCA) for programs to address the housing needs of people with disabilities.

**Background:** During 2003-2005 TDHCA responded to the needs of people with disabilities by supporting these two programs to directly address the needs of people with disabilities:

- The Department's Olmstead set aside (**\$2 million annually**) addresses the housing needs of persons with disabilities residing in nursing homes or other institutional settings but who desire to transition back into the community. The funds are used to help eligible tenants pay rent, including security and utility deposits, as well as utility allowances for the rental of dwelling units. The HOME Program's Olmstead set aside was created in response to the Supreme Court's Olmstead v. L.C. decision and is part of TDHCA's larger effort to assist persons with disabilities access decent, affordable housing outside an institutional environment. Governor Rick Perry released an Executive Order on Community Based Alternatives for People with Disabilities, required TDHCA to work with Texas Health and Human Services Commission (HHSC) to assure accessible, affordable, and integrated housing for people with disabilities.
- TDHCA will allocate **\$500,000** to the Home of Your Own (HOYO) Coalition for homeownership activities for persons with disabilities. The HOYO Program coordinates existing homeownership services, which streamlines the process homebuyers must follow, including homebuyer counseling, down payment assistance, and architectural barrier removal. These funds may be used statewide, including in participating jurisdictions.

For FY 2007, the department's commitment to serve people with disabilities has been **reduced** from approximately \$2.5 million annually (out of a \$40 million HOME award) to \$750,000 and **eliminate the Olmstead and HOYO programs set-aside**. The administrative funds for the activities will be reduced from **6% to 4%** and will require organizations to compete for funds under a regional allocation - \$750,000 divided by 13 regions for three different activities. This action will destroy the ten year HOYO partnership and eliminate the availability of downpayment and barrier removal funds through the six local HOYO projects coordinated through the HOYO set aside. It will also eliminate the opportunity for the current Olmstead TBRA projects to continue there projects at the level currently being provided thus potentially requiring individuals who were unable to secure other housing to return to the nursing home.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature directs the Texas Department of Housing and Community Affairs to establish set-aside funding for Olmstead Tenant Based Rental Assistance and the Texas Home of Your Own Program programs. The DPC further recommends that the Texas Legislature directs TDHCA to maintain a \$2.5 million per year funding level for these programs to serve people with disabilities.

**Contact:** Jean Langendorf, United Cerebral Palsy of Texas, 1016 La Posada, Suite 145, Austin, Texas 78752, (512) 472-8696 (Phone), (512) 472-8026 (Fax), Email: [jeanL@ucptexas.org](mailto:jeanL@ucptexas.org). Stephanie Thomas, ADAPT of Texas, 1339 Lamar Square, Suite 101, Austin, Texas 78704, (512) 442-0252 (Phone), (512) 442-0522, Email: [stephanie.adapt@sbcglobal.net](mailto:stephanie.adapt@sbcglobal.net).

**MEMBER ORGANIZATIONS:** Statewide Members: Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. Local Members: Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Oppose Public School Vouchers or any similar program.

**Background:** Students with disabilities and their families have achieved important educational rights under federal law in America's public schools. Given that private schools do not have to comply with laws, such as IDEA, Section 504 of the Rehabilitation Act and No Child Left Behind, public schools has been the school of choice for the majority of families with students with disabilities. Public School Vouchers or any similar program that take funds and children from the public schools will weaken that system.

Private schools might offer specialized services to students with disabilities but they are likely to charge more than the amount of the voucher, thus limiting low income families from participating in this option. Private schools could also make it a practice to accept only the students with the mildest disabilities, leaving the students with the most significant educational needs in the public schools depleting the public school budget even further than the voucher amount.

Public school vouchers or any similar programs that would selectively target only students with disabilities as a pilot test for other such programs would necessarily treat students with disabilities differently than all other students, a practice that has been ruled discriminatory in the past.

The best way to enhance the education of students with disabilities is to strengthen the programs available in the public schools and not to decimate the system by siphoning funds and separating children.

Based on information gathered from other states that have a public school vouchers or similar programs is that most students with disabilities will remain in the public schools.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature oppose public school vouchers or any similar programs that takes money from already underfunded public schools that will continue to serve the majority of students with disabilities.

**Contact information:** Linda Parrish, Texas A&M University Center on Disability, 4225 TAMU, Department of Educational Psychology, College Station, Texas 77843 (979) 709-7264, Email: [l-parrish@tamu.edu](mailto:l-parrish@tamu.edu) and/or Kay Lambert, Advocacy, Incorporated, 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, (512) 454-4816, Email: [klambert@advocacyinc.org](mailto:klambert@advocacyinc.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

**Allies:** Unlocking Autism, The Arc of Texas and the Texas Silverhaired Legislature



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Participation of Students with Disabilities in Graduation Ceremonies with their Same-age Peers

**Background:** In Texas, participation in high school graduation ceremonies is governed by local school district policies. Some school districts have policies restricting participation in graduation to only those students receiving a diploma.

Students with disabilities who still need special education services are allowed to continue receiving services from the school district through the school year in which they turn 21. Typically these services are provided at a setting other than a public school, such as a community college or job site. However, these students often want to participate in graduation activities with the students their age who have been their high school classmates. Some school districts are not allowing them to do so.

**Impact of Legislation:** Advocacy, Inc. represented a student on this issue several years ago. He had already ordered his cap and gown, as well as invitations. The district then told him he couldn't participate, but could instead come back at age 20 or 21 (whenever he finished services) and participate with those students. Advocacy, Inc. lost the due process hearing, and again in federal court because no federal or state law had been violated.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports state legislation requiring school districts to allow students with disabilities to participate in graduation ceremonies with their same-age peers, even if they will continue to receive special education services from the district after high school.

**Contact Information:** Kay Lambert, Advocacy Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, (512) 4545-4816 Phone, email: [klambert@advocacyinc.org](mailto:klambert@advocacyinc.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas, REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

**Allies:** The Arc of Texas and Unlocking Autism



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Discipline of Students with Disabilities

**Background:** Every Texas school district has one or more DAEPs (Disciplinary Alternative Education Programs) for students who commit certain offenses. Some more serious offenses require mandatory DAEP placements. However, the majority of placements (75%) are for discretionary offenses, which are typically violations of a school's student code of conduct. Since schools are allowed to develop their own codes of conduct, they have almost unlimited discretion to send students to DAEPs. Students with disabilities, especially those with an emotional/behavioral disability, too often end up in DAEPs for "serious and persistent misbehavior."

Though students with disabilities make up only 11% of the school population, they are approximately 25% of the students in DAEP's. In some districts the percentage is much higher. Most are there for serious and persistent misbehavior, offenses which could and should have been dealt with through the provision of positive behavior supports and teacher training. However, the option of DAEP placement has become too easy and too tempting.

Another equally egregious problem for this same population of students is the issuing of "tickets" that require the parent and student to appear in juvenile and/or municipal court. If the parent cannot hire an attorney, the result is typically a fine to be paid by the parent and/or community service for the student. Again, the "offenses" are often ones that could and should have been handled by the school district. Districts are not required to keep data on the number of students it has ticketed.

School districts should significantly reduce the number of students with disabilities who are removed from regular classrooms and campuses to Disciplinary Alternative Education Programs (DAEP's) and/or given tickets for minor infractions that should have been handled by the school through the use of Positive Behavior Supports, effective Behavior Intervention Plans, and adequate teacher training.

**Recommendation:** The Disability Policy Consortium recommends that the Texas Legislature to amend Chapter 37 of the Texas Education Code as needed to:

- Require school districts considering the removal of a student with a disability to a DAEP for a violation of the Student Code of Conduct to first determine whether the student's disability impaired his/her capacity to understand the wrongfulness of their conduct;
- Require school districts to report to TEA the number of students with disabilities given tickets for misbehavior at school. The report should identify the student's disability and the behavior for which he/she was ticketed;
- Require school resource officers and other school-based police who are used to enforce school discipline policies to participate in training developed by the Texas Commission on Law Enforcement Standards and Education (TCELOSE) on de-escalation techniques and other alternatives to physical restraint when intervening with a student with a disability. The legislature should allocate resources to TCELOSE to develop this training; and
- Require TEA to analyze the data it collects on DAEP placements to identify those campuses and districts that place students with disabilities in DAEPs for discretionary offenses at a higher rate than the incidence of disability at the sending campus or in the district. The list of those campuses and districts should be made available to the public through the TEA's website.

**Contact information:** Monica Thyssen, Advocacy, Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, email: [mthyssen@advocacyinc.org](mailto:mthyssen@advocacyinc.org) and Angela Lello, Texas Council for Developmental Disabilities, 6201 E. Oltorf, Suite 600, Austin, Texas 78741, Telephone: (512) 437-5417, Facsimile: (512) 437-5434, email: [angela.lello@tcdd.state.tx.us](mailto:angela.lello@tcdd.state.tx.us).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas, REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

**Allies:** Children's Mental Health Consortium and Unlocking Autism



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Independent Living Centers

**Background:** Independent Living Centers are community-based, non-residential nonprofit corporation operated by and for people with disabilities, providing direct services that promote independence and community integration for people of all ages with all types of disabilities. Services address individual needs in areas such as housing, financial assistance, employment, medical services and personal care. Fourteen organizations operate Independent Living Centers in twenty locations across the state, with federal funding at \$4.5 million, state general revenue funding in 10 grants totaling about \$1.4 million, and \$4 million developed from other grants, contracts and other activities (FY 2005).

Funding of Exceptional Item 3 in the DARS Legislative Appropriations Request will allow operation of 2 new Independent Living Centers in unserved areas of the state. Funding of Exceptional Item 4 will bring several under-funded Independent Living Centers up to the nationally-recognized standard necessary for successful operation.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports full funding of Exceptional Items 3 & 4 in the DARS Legislative Appropriations Request.

**Contact:** John Meinkowsky, TACIL Representative, ARCIL, Inc. 825 East Rundberg Lane, Suite A-1, Austin, Texas 78751, Telephone (512) 832-6349, Facsimile (512) 832-1869, email: [johnm@arcil.com](mailto:johnm@arcil.com)

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Department of Assistive & Rehabilitative Services (DARS) Vocational Rehabilitation program

**Background:** Vocational Rehabilitation is the federal/state program that assists people with disabilities in achieving employment and economic self-sufficiency. The Department of Assistive & Rehabilitative Services is requesting funds to restore services lost due to previous budget cuts and to meet increased demand related to population growth.

Full funding of DARS Exceptional Items will improve employment opportunities for Texans with disabilities and maximize federal funding. A commitment of \$21,472,185 in State General Revenue will bring \$98,988,412 in Federal Funds to Texas.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature supports full funding of Exceptional Items 1 & 2 in the DARS Legislative Appropriations Request.

**Contact:** John Meinkowsky, TACIL Representative, ARCIL, Inc. 825 East Rundberg Lane, Suite A-1, Austin, Texas 78751, Telephone (512) 832-6349, Facsimile (512) 832-1869, email: [johnm@arcil.com](mailto:johnm@arcil.com)

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas, REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Improving Employment Programs for Texans with Disabilities

**Background:** Since the inception of the Americans with Disabilities Act of 1990, the employment prospects of Texans with disabilities have not significantly improved. This is despite greater awareness among many employers of the rights of employees and applicants with disabilities, effective employment assistance programs, a shift from segregated work programs to competitive employment, and overall improved access and participation in community life by people with disabilities. While these gains have been a benefit to individuals, Texans with disabilities have not gained statistically in overall employment, employment in state agencies, or self-sufficiency as seen in dependence on public assistance.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature direct the Health and Human Services Commission and Texas Workforce Commission to analyze all programs and services that impact employment of Texans with disabilities to determine:

1. Opportunities to consolidate or improve employment programs such that resources are shifted to the most successful programs while maximizing federal funding;
2. Progress to date and required steps to transform segregated work programs and any state-funded programs that do not result in competitive employment;
3. Best practices for determining provider rates for a range of employment services;
4. Opportunities to apply principles of self-determination in employment programs, including opportunities for self-employment, telecommuting, and other non-traditional employment outcomes;
5. Opportunities to increase hiring of people with disabilities by state agencies.

**Contact:** John Meinkowsky, TACIL Representative - ARCIL, Inc. 825 East Rundberg Lane, Suite A-1, Austin, TX 78751, Telephone: (512) 832-6349, Facsimile: (512) 832-1869, Email: [johnm@arcil.com](mailto:johnm@arcil.com)

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Address Barriers to Public Transportation

**Background:** The Texas Legislature in 2001 passed H.B. 3588 which mandated coordination of a broad range of public transportation services targeted to different populations, existing in various state agencies, and supported by multiple funding streams. A total of 28 Regional Transportation Coordination Committees (RTCC) began a planning process to identify and address local barriers. A number of barriers have emerged which are common to each region.

Legislation will emerge from the RTCC process that may seek to eliminate bureaucratic obstacles to allow greater sharing of vehicles and other transportation resources, reduce duplication, improve connectivity of adjoining transportation systems, and reduce confusion by integrating eligibility, scheduling, and operational functions.

**Recommendation:** The Disability Policy Consortium recommends that the Texas Legislature to direct the Texas Department of Transportation (TxDOT) to establish standards in the continuing development of public transportation services, namely:

1. Key goals of any proposed changes in transportation services must include greater availability, accessibility, and affordability of transportation services for Texans with disabilities
2. All transportation programs must demonstrate full compliance with standards of accessibility for people with disabilities as a condition for receipt of state funds, and services designed to exceed minimum standards of accessibility must be given significant value in any competitive application processes;
3. Each Regional Transportation Coordination Committee plan submitted must verify multiple opportunities for public input and significant participation of people with disabilities in the planning process;
4. All proposed changes in transportation services must include comments by people with disabilities and organizations that serve people with disabilities;
5. All transportation programs must follow statewide guidelines to ensure consistent implementation of complaint and appeals processes.

**Contact:** John Meinkowsky, TACIL Representative, ARCIL, Inc., 825 East Rundberg Lane, Suite A-1, Austin, Texas 78751, Telephone (512) 832-6349, Facsimile (512) 832-1869, email: [johnm@arcil.com](mailto:johnm@arcil.com)

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas, REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Funding for Assistance with Relocation from Institutions

**Background:** In response to Promoting Independence Advisory Committee recommendations, the Department of Disability and Aging Services (DADS) began a series of contracts in 2001 for Relocation Assistance Services for individuals in Nursing Facilities seeking to transition to community residences with appropriate services and supports. Relocation Assistance Services is intensive case management to coordinate acquisition of housing, eligibility for community-based services and supports, and establishment of a household.

The Relocation Assistance Services program have assisted over 830 individuals per year who complete transition to the community, comprised of individuals who need extensive assistance to access the money-follows-the-person strategy for entry to a Medicaid waiver program. The need for Relocation Assistance Services occurs when an individual residing in an institution who wishes to move into the community but has no home or family, no natural community supports, and no funding to establish a household. Relocation Assistance Services contractors identify housing solutions, resolve problems in accessing waiver services, provide training in independent living skills, coordinate the physical move, and follow-up during adjustment to community life.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature to fully fund the Department of Aging and Disability Services (DADS) Promoting Independence relocation initiatives in the amount of \$1,166,482 (GR) per year. This funding will continue a statewide network of contracts providing relocation assistance to individuals in nursing facilities seeking to transition to community residences with appropriate services and supports. This funding also includes Transition to Life in the Community grants to eligible individuals for expenses such as rent and utility deposits, furniture and basic household goods, and moving costs.

**Contact information:** John Meinkowsky, TACIL Representative, ARCIL, Inc. 825 East Rundberg Lane, Suite A-1, Austin, Texas 78751, Telephone (512) 832-6349, Facsimile (512) 832-1869, email: [johnm@arcil.com](mailto:johnm@arcil.com) and Judy Telge, Coastal Bend Center for Independent Living, 1537 Seventh Street, Corpus Christi, Texas 78404, Telephone: (361) 883-8461, Facsimile: (361) 883-4820, email: [judyt@acicbcil.org](mailto:judyt@acicbcil.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Workforce Issues for Personal Attendant Services

**Background:** There is a growing recognition of the critical role played by the people who provide the hands on services that allow people with disabilities to live and receive support services in their own homes and communities. The growing number of people with disabilities of all ages who need community services and supports will make the demand for Personal Attendants even greater over the next few years. However, due to low wages and the lack of health and other benefits, there is a crisis in recruiting and retaining qualified individuals to serve as Personal Attendants.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature:

- Appropriate sufficient funds to recruit the necessary number of qualified Personal Attendants to meet the growing need for self-directed as well as agency delivered community services;
- Equalize the pay scales for Personal Attendants in all public and private programs (Equal Pay for Equal Services);
- Develop a mechanism to allow Personal Attendants to purchase health as well as other benefits; and
- Direct the Health and Human Services Commission (HHSC) and the Department of Aging and Disability Services (DADS) to develop an outreach, retention and orientation program to assure that there will be an adequate number of Personal Attendants in the future to meet the growing demands for self-directed as well as agency delivered community services.

**Contact information:** Bob Kafka, ADAPT of Texas, 1339 Lamar Square, Suite 101, Austin, Texas 78704, (512) 442-0252 (Phone), (512) 442-0522, Email: [bob.adapt@sbcglobal.net](mailto:bob.adapt@sbcglobal.net) and Dennis Borel, Coalition of Texans with Disabilities, 316 West 12th Street, #405, Austin, Texas 78701, Telephone: (512) 478-3366, Facsimile: (512) 478-3370, Email: [dborel@cotwd.org](mailto:dborel@cotwd.org)

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas, REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Department of State Health Services (DSHS) Legislative Appropriations Request for FY 07 & 08.

**Background:** According to the DSHS strategic plan, an estimated 900,000 adults in Texas met the DSHS mental health priority population definition in 2005. Approximately 450,000 are estimated to have the greatest need (targeted priority population). DSHS program service utilization data indicates that less than half of those with the greatest need received mental health services from the state authority (173,983) in 2005. In addition, 38,752 children and adolescents were served representing an estimated 14% of the potentially eligible youth population. In total, the Department has been able to serve only 28% of the priority population in Texas. Accordingly it has been a long time since behavioral health services have received a fair share of funding based on the need. The cost is being felt across the state in other systems including city, county, and other agencies.

**Recommendation:** The DPC recommends that the Texas Legislature fund the following DSHS exceptional items:

- Restoration to base level funding for FY 05 & 06. Texas is currently 47th in terms of funding for mental health services. That level of funding allows the Department to serve only 28% of the targeted priority population in Texas. It is essential that we increase rather than decrease capacity. Exceptional item # 1.
- Mental health community services, which totals \$82,336,430 over the biennium which relates to the crisis services re-design package. This exceptional item will provide for a range of effective community-based interventions designed to intervene in or avoid crisis and the need for hospitalization. Exceptional item # 4.
- Recruitment and retention of critical professional staff, which totals \$9, 131, 197. Retention and recruitment of licensed medical professionals continues to be a challenge for DSHS as it fails to keep pace with compensation and benefits offered in the private sector and in other states, with which it competes for the limited pool of available licensed medical professionals. This funding request will allow DSHS to ensure a skilled/competent public and mental health workforce, address equity issues within the agency, establish residency programs in the state mental health hospitals, provide stipends and support continuing education. Exceptional item # 8.
- Medicaid Substance Use Disorder, which totals \$26,043,048. Research indicates that a substantial number of individuals with a mental health diagnosis also suffer from a substance abuse disorder. We support the DSHS exceptional items for community based substance abuse services and the adult outpatient Medicaid substance abuse services. Exceptional item # 9.
- Replacement of transportation which totals \$4,245,740 over the biennium. DSHS State Hospitals and Regions operate a combined total of 678 vehicles at 20 statewide sites. These vehicles are used to satisfy statutory requirements and provide for the daily life needs of the clients/consumers housed and cared for by the facilities as well as supporting direct service delivery in the regions. Exceptional item # 12.
- Substance Abuse Prevention and Treatment which totals \$15,344,972 over the biennium. In 2005, DSHS estimated that 1,020,102 adults and 78,243 youth were eligible for treatment; however only 36,924 (4%) and (7%) received services. This funding request will provide more youth with substance abuse prevention services and increase the number of adults and youth that receive substance abuse treatment. Over 1,800 Texans per year would benefit from the expanded treatment capacity. Exceptional item # 15.
- Medicaid Rate Restoration. For Medicaid rates, HHSC is currently considering reinstatement of the 2.5% reduction. DSHS has administrative rules for certain programs that base reimbursement of services on the Medicaid rates. An increase in the Medicaid rates would have a financial impact on these programs. The rates would be increased and without the additional dollars reflected in the exceptional item request, would require the program to scale back services for these program to account for the additional cost. Exceptional item #18.

**Contact information:** Aaryce Hayes, Advocacy, Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, email: [ahayes@advocacyinc.org](mailto:ahayes@advocacyinc.org)

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Children's Mental Health Services within the Department of State Health Services (DHS)

**Background:** The 78<sup>th</sup> legislature enacted House Bill 2292 which consolidated many state agencies into one. The Department of State Health Services became the new agency responsible for mental health services. This reorganization eliminated the Children's Mental Health Unit. Without this Unit, there is not clear accountability to ensure children's mental health services/behavioral health services and policy receives adequate focus within the larger mental health/behavioral health service delivery system.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature to direct the Department of State Health Services by a rider to re-establish a children's mental health unit and should require that the Department publish quarterly child mental health services data reports in order to ensure that children's mental health services/behavioral health services and policy receives adequate focus within the larger mental health/behavioral health service delivery system.

**Contact information:** Monica Thyssen , 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, email: [mthyssen@advocacyinc.org](mailto:mthyssen@advocacyinc.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

**Allies:** Children's Mental Health Consortium



# DPC Issue Brief

...promoting progressive public policy  
for Texans with disabilities.

**Title:** Mental Health Services and Initiatives for Youth in the Juvenile Justice System

**Background:** According to the National Center for Mental Health and Juvenile Justice, youth with serious emotional disturbances are over-represented in the juvenile system. Too often, children who do not receive mental health services in the community end up in the juvenile justice system and many families feel forced to have their child arrested in order to obtain mental health services. The Office of Juvenile Justice and Delinquency Prevention estimates that fifty to seventy-five percent of the children involved in the juvenile justice system are youths of color who have never had access to mental health screenings or treatments.

According to the Texas Juvenile Probation Commission (TJPC), 47.5 % of TJPC youth have a mental health disorder. In FY 2005, 48% of the youth committed to the Texas Youth Commission (TYC) had a serious mental illness. Also, a total of 4692 youth from local juvenile probation departments could benefit from this change.

**Recommendation:** The Disability Policy Consortium (DPC) recommends that the Texas Legislature should:

- Require that a common comprehensive health screening and assessment tool be utilized by the Texas Juvenile Probation Commission (TJPC), the Texas Youth Commission (TYC) and the Department of Family and Protective Services (DFPS), so that youth who are involved with the juvenile justice system and other child serving systems can be accurately identified and provided with appropriate mental health and substance abuse services;
- Direct the Health and Human Services Commission to allow for the temporary suspension rather than termination of Medicaid benefits for youth who are in detention so that they can have access to community mental health services when they are released from detention.
- Fund the Texas Juvenile Probation Commissions and the Texas Youth Commissions LAR exceptional item request to fund mental health and substance abuse services for youth who are in detention;
- Increase the funding for the Texas Youth Commission aftercare programs that help to ensure that youth with mental health/behavioral health needs will successfully transition from TYC to the community.
- Increase prevention funding to the Department of Family and Protective Services, Prevention and Early Intervention Division for community-based programs that prevent youth from entering the juvenile justice and Texas Youth Commission system; and
- Fund the Texas Youth Commissions LAR exceptional item request to lower its staff to youth ratios to national standards and to increase staff training.

**Contact information:** Monica Thyssen, Advocacy, Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, email: [mthyssen@advocacyinc.org](mailto:mthyssen@advocacyinc.org) and Jeff Miller, Advocacy, Inc., 7800 Shoal Creek Blvd., Suite 171-E, Austin, Texas 78757, Telephone: (512) 454-4816, Facsimile: (512) 323-0902, email: [jmiller@advocacyinc.org](mailto:jmiller@advocacyinc.org).

**MEMBER ORGANIZATIONS:** *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas, REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

**Allies:** Children's Mental Health Consortium