

1999 LEGISLATIVE PLATFORM FOR THE ARC OF TEXAS November, 1998

Budget Priorities

Texas Department of Mental Health and Mental Retardation (TDMHMR)

- Home and Community Based Services (HCS) Program
- In Home and Family Support Program
- Supported Employment
- MR Children's Services and Supports Initiative

Texas Department of Human Services (DHS)

- Community Living Assistance and Self Support Services Program (CLASS)

Texas Department of Health (TDH)

- Medically Dependent Children's Waiver

Interagency Council on Early Childhood Intervention (ECI)

Texas Education Agency (TEA)

- Continuation of Texas Education Agency budget rider directing funds to be used to train school personnel to work with students with disabilities in integrated settings
- Continuation of TEA budget rider directing funds to be used for provision of non-educational community based support services for students at risk of institutionalization

Substantive Legislative Priorities

Maintaining TXMHMR as a Separate MR Agency

Background: The Arc of Texas is aware of a number of efforts underway to seek legislation that will establish a single long-term care agency with authority to respond to the long term needs of all Texans, including persons with mental retardation and other developmental disabilities.

Position: The Arc of Texas supports the continued status of TXMHMR as an independent agency and is not in favor of consolidating TXMHMR and its services in a comprehensive long-term care agency.

State School Placements

Background: The Arc of Texas anticipates that two key state school parent organizations will advocate that the number of state school placements *be increased*. These organizations are convinced that persons with severe and profound mental retardation cannot be served in the community and thus have a right to be placed in a state school.

Position: The Arc of Texas strongly opposes any legislative effort designed to increase the number of state school placements. Instead, The Arc of Texas will advocate for increased funding for community-based services and supports necessary to enable individuals to remain in their homes or in the community.

Compliance with Special Education Laws

Background: Current state law gives the Commissioner of Education and the Texas Education Agency (TEA) broad authority to enforce federal special education requirements and to assure local school districts carry out their responsibility to students with disabilities. However, some areas of the law are too vague or not specific enough to ensure accountability.

Position: The Arc of Texas supports amendments to the Texas Education Code to strengthen TEA's responsibility and processes for assuring that local school districts are complying with state and federal special education requirements, including the requirement that students receive and benefit from appropriate services.

Continuing Advisory Committee for Special Education

Background: The federal Individuals with Disabilities Education Act (IDEA) requires each state to have a panel to advise the state education agency on special education issues, and requires a majority of the panel to be "parents." In Texas, the panel is called the Continuing Advisory Committee for Special Education and the Governor appoints its members. Due to the state's interpretation of the term "parent," the parent majority currently on the committee does not appear to meet the intent of the federal law.

Position: Support legislation requiring parent members of the committee to be parents of school-aged students currently eligible for special education services under the IDEA, *and* prohibiting them from being current employees of an agency or program (such as a school district) that is a provider of IDEA services. In addition, support legislation strengthening the role of the committee.

District Level and Site Based Decision Making

Background: State law requires District and Campus Improvement Plans to include objectives for "special needs populations." However, the needs of special education students are often not included in these plans, and parents of special education students are often unaware of the activities of their local teams.

Position: Amend the Texas Education Code to require district level teams to include parents of students who receive special education services, and require both the district and campus improvement plans to address the needs of those students as well.

Other Legislative Issues

Greater Cross-Agency Collaboration

Background: Persons with mental retardation and developmental disabilities may receive services from more than one state agency. Often, agencies providing such services fail to collaborate in planning, budgeting, and policy development. Such failures result in significant barriers to consumers.

Position: The Arc of Texas supports legislative action to promote greater cross-agency collaboration in the areas of strategic planning, biennial budgeting and policy development to insure effective delivery of comprehensive services to consumers.

Expanding the Scope of TDMHMR's Mental Retardation Services Division

Background: The Arc of Texas Mission Statement calls for pro-active public policy on behalf of persons with developmental disabilities. Currently, services for people with developmental disabilities other than mental retardation are limited, non-comprehensive, and scattered among several state agencies. No comprehensive service delivery system, public policy focus, or funding stream responds to the needs of this population.

Position: The Arc of Texas supports legislative action to expand the authority of TDMHMR's Mental Retardation Services Division to serve Texans with related developmental disabilities, subject to the following:

1. Service to people with developmental disabilities other than mental retardation would only be phased in as specific funding for such purposes becomes available.
2. Current funding in other state agency budgets committed to serving persons with related developmental disabilities shall be transferred to TDMHMR to provide/continue services to persons currently served.
3. The Legislature appropriates additional funding to TDMHMR to support delivery of services to persons with developmental disabilities other than mental retardation.
4. TDMHMR expansion of services to this population is initiated via a pilot project in an urban area which includes:
 - Assessment of need
 - Establishment of a qualified provider network
 - Development of effective service definitions and service delivery protocols
 - Development of quality assurance mechanisms, and
 - Development of appropriate mechanisms for consumer input to policy development, planning, and service delivery processes.

Consolidation of Vocational Training and Employment Services

Background: Currently people with mental retardation and other disabilities may receive vocational training and employment services from at least five state agencies. Some advocates propose the consolidation of all vocational training and employment services for people with disabilities into a single state agency.

Position: The Arc of Texas does not support the consolidation of vocational training and employment services for people with disabilities into a single state agency. The Arc does support greater cross-agency collaboration between TDMHMR and the Texas Rehabilitation Commission to ensure that the needs of people with mental retardation and other developmental disabilities are effectively met.

Consumer and Family Representation on Local MHMR Centers

Background: Current state law requires that the Board of Trustees of a local MHMR Center include “one or more persons otherwise qualified under this chapter who are consumers of the types of services the center provides or who are family members of the types of services the center provides.” (Section 534.005 Texas Health and Safety Code)

Position: The Arc of Texas supports a change in state statute to require more consumer and family representation on local MHMR Center Boards of Trustees.

Funding Weights

Background: In 1993, The Arc of Texas supported legislation that removed some of the financial incentive to segregate students with disabilities. The Arc of Texas has long supported moving to a funding system which is not based on placement or disability label, but would adequately provide support for students based on their level of need for services and supports. Several governmental entities are studying school finance issues and may make recommendations for changes to special education funding.

Position: Monitor and respond as needed to any recommended changes in how Texas provides state funds for special education.

Teacher Training/Preparation Teacher Training/Preparation

Background: Teacher associations have repeatedly indicated that lack of adequate training for regular education personnel and lack of time for collaboration is one of the primary barriers to the inclusion of students with disabilities in regular classrooms and schools.

Position: Support efforts/initiatives by education groups for more collaborative planning time for teachers, improved professional development requirements, more planning days a year, etc.

Early Childhood Intervention

Background: The Texas Sunset Commission has just completed a review of the Early Childhood Intervention agency (ECI) which serves children with developmental delays from birth until age 3. Some of the issues from that report which may be turned into legislation include: a recommendation to once again explore charging families for some ECI services and adding “respite care” to the ECI services available. In addition, attempts may be made during the session to alter the state’s implementation of federal “natural environment” requirements for ECI.

Position:

1. Support the addition of “respite” as a service that can be provided directly or indirectly by ECI when the child’s team identifies it as a need.
2. Oppose the charging of fees to families because preliminary studies show that the income generated from fees is not sufficient to offset the administrative costs and it might deter families from seeking services.
3. Monitor any legislation that impacts ECI’s ability to assure compliance with federal laws and regulations for delivering early intervention services to children aged 0-3 and their families.