



## **The 81st Texas Legislature Weekly Review: Week Eleven**

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### **1. State Schools**

**House Bill 748 by Representative Drew Darby** was voted favorably without amendments by House Human Services on 3/19/2009, reported, printed and sent to calendars on 3/26/2009. SB 748 will likely be heard and debated on the House floor this upcoming week. As a recap, this bill would allow state schools or state centers to contract their services out to community providers who provide disability services.

**Senate Bill 639 by Senator Lucio:** We provided testimony in support of SB 639 which establishes a State Residential Care Facility Resident Bill of Rights to protect the safety and civil rights of state residential care facility residents. SB 639 strengthen current document that reflect the rights of individuals by specifically addressing issues outlined in the US Department of Justice Report. We will continue to update you as this bill progresses.

### **2. Employment**

**House Bill 785 by Representative Eddie Rodriguez** which will greatly improve current employment services for people with intellectual and developmental disabilities and would require the department to develop a plan to reduce the over-reliance on segregated/sheltered employment was voted favorably out of the House Human Services on 3/26/2009. It will now be in the process of being sent to calendars and we will continue to update you as this bill moves through the process.

### **3. Volunteer Advocate Program**

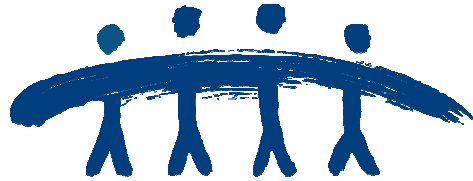
**House Bill 1454 by Representative Elliott Naishtat** was voted favorably without amendments by House Human Services on 3/19/2009, reported, printed and sent to calendars on 3/26/2009. SB 748 will likely be heard and debated on the House floor this upcoming week. In review, HB 1454 would provide individuals with supported decision-making services to help make those choices while preserving their own self-determination.

### **4. Autism**

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## The Arc of Texas

This week we provided testimony in support of House Bill 1905 by Representative Guillen which requires DADS to conduct a study to determine the costs and benefits of initiating a pilot program to provide services to adult persons with autism.

We also provided written testimony in support of House 1574 by Representative Thompson which creates a “one stop shop” Autism Resource Center.

### 5. Budget Update

The budget meetings schedule slowed down this week--a much appreciated change of pace for all involved! Both the Senate and House have been hard at work for the past few weeks developing their versions of the state budget. There have been many early mornings and late nights!

This week, the House Appropriations subcommittee on Article 2 (HHS Agency Budgets) finalized its recommendations for the full committee. The full House Appropriations Committee was set to meet this weekend to consider and vote on its version of the state budget (HB1), but we've just learned that the hearings scheduled for this Saturday and Sunday have been cancelled. Committee staff will likely continue tying up loose ends until the full committee meets again on Wednesday, April 1st. The full Senate Finance Committee is scheduled to meet and vote on their version of the state budget (SB1) on Monday morning.

As soon as both bills are passed out of committee, an analysis of HHS proposed funding levels will be developed. This analysis will be included in next Friday's update.

For more information about the budget, contact Amy Mizcles ([amizcles@thearcoftexas.org](mailto:amizcles@thearcoftexas.org)).

#### A Special Session?

Some circles are speculating that Governor Perry will call a special session this summer. The topic? The State Budget. The three reasons are: (1) the late start, given the presidential inaugural events; (2) the many provisions that must be analyzed in order to utilize and maximize federal stimulus funds; and, (3) the 2010 Texas gubernatorial race is heating up!

For more information about the budget, contact Amy Mizcles  
([amizcles@thearcoftexas.org](mailto:amizcles@thearcoftexas.org)).

### 6. Education

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The following bills will be heard in the House Public Education Committee on Tuesday, March 31 in Room E2.036 upon adjournment of the full House:

**House Bill 3614 by Representative Rodriguez** will improve Transition Services for students with disabilities. The bill will: Require transition planning as part of the students IEP to begin by age 14. Requires TEA to ensure each district or co-op designates a transition and employment services specialist. Requires TEA to develop state performance based monitoring indicators for students in special education that will measure the success of students transitioning to life outside of the public school including secondary transition and post school outcomes. Requires TEA to develop, update and make available a Texas-specific comprehensive, transition and employment manual

This bill is very important to ensure that students with disabilities are prepared for post school life. IDEA requires that students with disabilities be prepared for further education, employment and independent living skills.

It is important for the student's IEP to focus on their post school goals at every step along the way and as students grow older (by age 14) it becomes more vital that they have targeted and specific plans for transition that will prepare them to be post school ready.

It requires many years to establish the necessary supports and community connections necessary to ensure a successful transition.

Ineffective transition planning in schools is due to inconsistencies in expertise, skills, resources, quality standards and accountability, inefficient communication with youth and families, lack of coordination and collaboration with appropriate agencies, lack of comprehensive information needed, lack of supported employment services while still in school, delayed transition planning and scarcity of follow up and outcome data

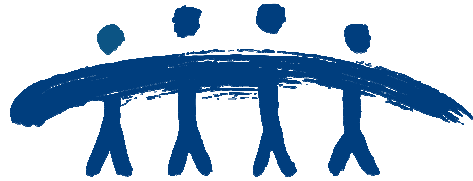
Developing a transition and employment resource manual and requiring the school district to have personnel that are knowledgeable about transition and employment services will help parents, students and schools better prepare students for post school opportunities. Parents/students will get accurate and consistent information and have someone at the school who can provide them counsel and advise about implementing a successful transition process.

It is important to include data about transition and employment services that are provided to students while they are still in school as part of the Performance Based Monitoring and Analysis System so school districts that need further support and training to implement successful transition programs will be identified

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**House Bill 171 by Representative Olivo** requires schools to consider a student's disability when making a decision about suspension, removal to a disciplinary alternative education program or expulsion. This bill requires schools to consider as a factor, a student's disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's actions, when making a decision about suspension, removal to a disciplinary alternative education program or expulsion. Currently the law allows a school to consider the student's disability but does not require them to consider it. This should eliminate the zero tolerance, my hands are tied stance that some schools have taken based on local policy and reduce the number of students with disabilities who are sent to disciplinary placements for discretionary student code of conduct violations.

**House Bill 2817 by Representative Madden** allows a teacher to request an ARD meeting to discuss the placement of a student or the student's behavior intervention plan if the student is a threat to other students or to the teacher. This bill would allow the teacher and the school to circumvent the required procedures that must be followed to discipline a student with disabilities. The teacher and the school must follow all state and federal requirements before a student with disabilities is disciplined. The current law provides adequate protection for teachers and students. The Arc of Texas does not support this bill.