



## **The 81st Texas Legislative Session Weekly Review: Week Eighteen**

**NINE days to go!**

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**In this issue:**

- 1. Settlement Agreement Between Department of Justice and Texas Regarding State Schools**
- 2. Join us on TWITTER!**
- 3. Education Update**
- 4. State Schools**
- 5. Employment**
- 6. Autism**

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### **1. Settlement Agreement Between DOJ and Texas Regarding State Schools**

On Friday, May 22nd, the House Human Services and Senate Health and Human Services Committees held a joint hearing where David Morales, Deputy Attorney General, and Commissioners of DADS and DFPS presented the settlement agreement details. The settlement agreement, which focuses on improving conditions at state schools in order to ensure the health and safety of residents, adds 1,160 new staff and will cost the state \$112 million over five years. The agreement must be approved by the legislature; Rep. Rose and Sen. Nelson filed resolutions (HCR255 and SCR77) to approve the agreement.

Commissioner Addie Horn says, in a DADS website statement: "This negotiated settlement agreement allows DADS to continue with a clear action plan for ensuring the safety and well-being of the vulnerable Texans in our care...it is important to know that we have not been waiting of an agreement to start making changes. We initiated improvements to our state schools before the Department of Justice's first visit to our state, and we continue to make additional significant improvements." To read the entire statement, go to <http://www.dads.state.tx.us/homepage/index.cfm?storyid=54>.

To read the settlement agreement: [settlement agreement](#)

The Arc of Texas is glad that the state is making a greater commitment to protect the health and safety of the 4,600 state school residents. Individuals with intellectual and developmental disabilities have a right to be safe and free from abuse and neglect wherever they chose to receive services. While we are disappointed that the DOJ agreement does not take advantage of this historic opportunity to promote significant reform in how and where Texas provides services to individuals with intellectual and developmental disabilities, we continue to underscore the importance of Senator Ogden's commitment to reshape the entire

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service delivery system for this population. Ogden's Rider 48 is a monumental and comprehensive initiative that responsibly reforms the entire IDD service delivery system.

If you have questions or would like more information about this section, contact Amy Mizcles (amizcles@thearcoftexas.org).

## **2. Join us on Twitter!**

If you are interested in receiving short and frequent messages from The Arc of Texas regarding legislative happenings, go to <http://twitter.com/> to create your free account. Next, search for "Amy Mizcles" and "Dawn Choate" and click "follow" to receive messages from The Arc of Texas.

If you have a cell phone, you can have "Twitter" messages sent directly to your phone. If you do not have an unlimited text/calling plans, please know you will be charged for every text you receive from The Arc of Texas Twitter accounts.

## **3. Education Update:**

The House Public Education Committee met this week and favorably voted out SB 100 (professional development institutes for teachers and paraprofessionals who teach students with disabilities) and SB 1489 (pilot program to establish an alternative dispute resolution option called Independent IEP facilitation). The committee did not vote on SB 1490 (moved TEA due process hearings to the State Office of Administrative Hearings) which means this bill has died.

We worked to get SB 100, SB 1489 and SB 1125 (transition planning and services for students with disabilities) set on the House Calendar for a vote but none of these bills have been set on the House Calendar.

SB 987 (changes the age to 14 to begin transition planning for students with disabilities) was set on the House Calendar for a vote by the full House.

SB 2270 (companion to HB 171 - schools must consider mitigating factors, including disability in determining appropriate disciplinary action) was also set on the House Calendar for a vote by the full House.

Since some of our most important special education bills did not make it on the House Calendar we have been working to find other bills that these bills could be amended to on the house floor, which is a common practice at the end of the session when the Calendar gets very backed up.

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Unfortunately as of Friday afternoon we have been told that many bills that are already on the House Calendar may not be voted on because of political maneuvering on the Voter ID bill. We are looking for other ways to get these important bills passed by the Senate.

**SB 451** (training for regular education teachers who teach students with disabilities) was passed by the House this week.

On the Senate side,

**HB 1322** (online resources for teachers of students with special health care needs) was favorably voted out by the Senate Education Committee

**HB 171** (companion to SB 2270 - schools must consider mitigating factors, including disability in determining appropriate disciplinary action) was favorably voted out by the Senate Committee on Administration and recommended for the Senate local/uncontested Calendar.

If you have any questions or need more information contact Rona Statman at [rstatman@thearcoftexas.org](mailto:rstatman@thearcoftexas.org)

#### **4. State Schools**

**SB 643** was heard on the floor of the Texas House of Representatives and passed on 2nd and 3rd readings. This bill is the legislation which was declared an emergency item by the Governor in January and increases oversight in our Texas institutions and community placements for people with intellectual and developmental disabilities. This bill will now go to conference committee to work out the differences between the Senate and House versions. We will continue to update you as this bill comes to its final version.

For more information please contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org)

Last week, we gave you an update on Senate Bill 2407 by Senator Zaffirini which passed the Senate with a vote of 27 to 3 on Friday, May 8th. This bill was the accompanying legislation for Senator Ogden's "Rider 48"—a \$200 million (GR) package that reshapes the service delivery system for persons with intellectual and developmental disabilities. This bill was further strengthened on the Senate Floor with two amendments by Senator Ogden and Senator Ellis.

Unfortunately, this bill was completely stripped of all its provisions as passed on the Senate floor. The House sponsor, Representative Rose substituted the Senate version of 2407 with language from his bill HB 1589. This bill went from a comprehensive package to requiring the Health and Human Services Commission to develop a comprehensive strategic plan to

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help improve Texas' system of long-term care services and supports for individuals with disabilities across all programs and settings. CSSB 2407 was heard in the House Human

Services committee on May 19th and 20th. It was passed on May 20th and placed on the general calendar. We will continue to update you as this bill progresses.

*For more information please contact Amy Mizcles at [amizcles@thearcoftexas.org](mailto:amizcles@thearcoftexas.org)*

**Senate Bill 1520 by Senator Shapleigh** which addresses issues relating to the inappropriate use of restraints and psychoactive medications that were outlined in the Department of Justice (DOJ) report was passed out of the House Human Services Committee on May 19, 2009. We will keep you posted to its movement.

For more information please contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org)

**HB 748 by Representative Darby**, which allows community providers to contract with state schools and centers for services, was passed out of the Senate Health and Human Services committee on May 18, 2009.

*For more information please contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org)*

## **5. Employment for Persons with Disabilities**

Last week we informed you of HB 3232 by Representative John Davis. This bill would provide incentives to current providers of segregated/sheltered workshops to allow them to increase supported employment options for people with intellectual disabilities. Unfortunately, since its arrival in the Senate, the Fiscal Note (FN) has been keeping this bill from moving forward. We are currently working with key staffers and legislators to determine possibilities for passage of this bill.

*For more information please contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org)*

## **6. Autism**

**HB 451 by Representatives Allen, Lucio III, and Thompson**, requires a health benefit plan to provide coverage to an enrollee who is diagnosed with autism spectrum disorder from the date of diagnosis through the child's 9th birthday. This bill was passed on the House floor on May 15, 2009 and has been referred to the Senate State Affairs. We will continue to inform you to its progress.

**HB 1574 by Representative Thompson**, which creates an Autism Spectrum Disorders Resource Program, has been signed by the senate and sent to the governor's office where it awaits signature from the Governor. We will let you know when this bill becomes law!

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