

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

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Two very important things happened this week. First, President Barack Obama was sworn in as the 44<sup>th</sup> president of the United States. I hope you enjoyed the historical coverage as much as we did! The second thing is that the Texas Senate filed SB1—the senate’s version of the budget for Fiscal Years 10-11. In addition to this filing, the house version of the budget bill was also released. Both versions can be found on the homepage of the Legislative Budget Board ([www.lbb.state.tx.us](http://www.lbb.state.tx.us)).

### **Budget Bill Filed**

The Arc of Texas staff is still working through the large documents to identify differences and points of interest. Our findings will be shared with you in next Friday’s update. For now, we want to bring attention to a contingency rider (contingent on funding) relating to reforming the system that provides services for persons with intellectual and developmental disabilities found in SB1. The proposed provision has made the headlines given that it addresses Texas State Schools—a much talked about hot-button topic for months!

In a nutshell, the budget rider allocates \$200 million in General Revenue to:

- Fund 6,000 Home and Community Based Services (HCS) Medicaid Waiver Program “slots” to help address the significant wait times for this waiver.

In addition to addressing the disproportionate wait times, the “slots” are also supposed to address the ongoing and newly proposed promoting independence initiatives. See the notes for more information. For example, a minimum of 500 “slots” will be used to move state school residents to the community by the end of the 2010-11 biennium. See the next bullet for more information. Therefore, it is not known at this time how many individuals will actually move off the 8-9 year HCS waiting lists. As more information is gathered, we will pass it along to you.

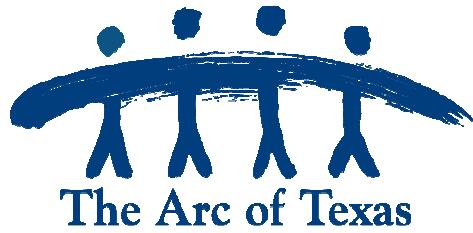
**NOTE:** People on the HCS waiting list are still waiting as long as 8-9 years. The wait time is much shorter in other waivers. For more information about actual wait times for waivers, go to the “Time on the Interest List, Number of Persons By Waiver” Table at <http://www.dads.state.tx.us/services/interestlist/index.html>.

**NOTE:** The specific promoting independence initiatives that would be addressed via the 6,000 “slot” allocation are: (1) individuals moving out of medium and large ICFs/MR, (2) children

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aging out of foster care services at the Department of Family and Protective Services, (3) children who are at risk of being institutionalized in ICFs/MR, and (4) individuals who are at imminent risk of institutionalization as a result of emergency or crisis situations.

- Move a significant number of state school residents to the community via the HCS waiver program. Specifically, the language requires DADS to move approximately 1,500 individuals out of state schools and to the community over four years (Fiscal Years 2010-11 and 2012-13). The senate proposal states that a minimum of 500 state

school residents must be moved to the community by the end of the FY2010-11 biennium. These 500 “slots” would come from the 6,000 “slots” discussed previously. Furthermore, at the end of the four years, the state school census is capped at no more than 3,000 individuals total with the census per state school campus being capped at no more than 350 individuals.

The rider also removes the case management function from HCS providers to Mental Retardation Authorities (MRAs), thereby establishing an independent case management model such as that seen previously in the MRLA pilot project in the late 1990s and early 2000s.

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

## **2. Education Update:**

Following are several bills that have been filed that effect special education services for students with disabilities:

**SB100 by Lucio** - will require the Texas Education Agency (TEA) to develop Professional Development Institutes for teachers and paraprofessionals that address research based services for students with disabilities. The institutes will address disability specific information, effective and scientifically based instructional techniques, and behavior management. A stipend will be provided to participants.

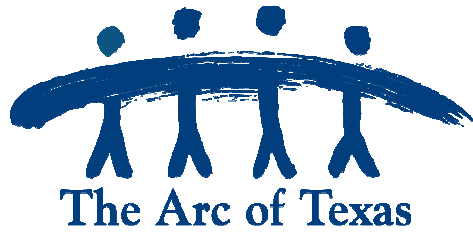
**SB 451 by Van De Putte/HB 511 by Patrick** – will require school districts to provide research based training for regular education teachers who provide instruction to students with disabilities on the recommendation of the Admission Review and Dismissal Committee (ARD).

**SB 38 by Zaffirini** – requires schools to report to the Texas Education Agency for Accountability purposes, and be included in the schools report card, data on the percentage of students, disaggregated by the percentage of students in special education, who are placed in In School Suspension, Suspension from School, Placement in a Disciplinary Alternative Education Program, Expulsion from School, Placement in a Juvenile Justice Alternative Education Program.

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We are also working on several other bills that will address teacher training, transition services for students with disabilities and the TEA dispute resolution system including alternative dispute resolution. When these bills are filed we will let you know. For questions contact Rona Statman at [rstatman@thearcoftexas.org](mailto:rstatman@thearcoftexas.org)

### **3. Responsible Reform of State Schools**

The Arc of Texas urges the Governor and 81<sup>st</sup> Legislature to direct the Executive Commissioner to develop and implement a responsible reform plan and provide appropriate sufficient funds to support such a plan. This plan should include the following.

#### ***Recommendations***

- Make it a state priority to bring our system up to date with national policies and practices in developmental disabilities systems.
- Adopt a multi-year plan to transition persons with intellectual and developmental disabilities to the community. The plan must promote responsible reform and must take into consideration multiple variables including the needs of the individuals, the community's capacity and infrastructure to meet those needs, as well as the state school employees who currently serve those individuals.
- Begin the transitioning immediately by focusing on two priority populations: children and adults (and their legally authorized representatives) choosing to move into the community via the new Community Living Options Information Process (CLOIP).
- Take State School beds off-line as current residents leave the institutions for community placement, so that those dollars can be redirected and utilized to meet current service trends and demands (i.e. community).
- Expand the new CLOIP to community ICFs/MR to ensure that every individual residing in an institution is provided unbiased information about community living options by an independent third party.
- Place a moratorium on all State School and State Center Admissions.
- Pilot a downsizing model, such as the Colorado model, to ensure that the individuals' quality of life is improved and to minimize loss of jobs for the surrounding com

### **4. Media Update:**

The Arc of Texas, in an effort to promote organizational public awareness and inform people, policy makers and other vested parties as to the importance of the waiting list issue, has solicited the assistance of a media consultant. To date we have updated and refined our 2 PSA's, constructed an up to date press release containing the most recent numbers and figures, and are exploring print and television opportunities. The driving force of this campaign are our local volunteers, with their help and assistance we are able to relay the in depth realities of this issue to the public. I look forward to keeping everyone informed as this project continues to develop. Contact Chris Rodriguez for any questions at [crodriguez@thearcoftexas.org](mailto:crodriguez@thearcoftexas.org)

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**Interviews:**

KXAN January 13<sup>th</sup> 2009  
TV and Website Release

**5. What can you do right now?**

We are eagerly awaiting the committee appointments. The House of Representatives will be taking up the house rules next Wednesday, so committee appointments are expected to be made shortly after that. The Senate committee appointments should also be released soon. For now, we urge you to contact your legislators. If you haven't already, build a relationship with your legislators and key staffers in their offices. Share your personal story! Tell them why you care about disability policy issues like:

- reducing/ending the waiting lists for Medicaid Waiver services and supports
- responsibly reforming state schools (see the state school section below for specific talking points)
- ensuring students are being taught in inclusive classrooms and are afforded their rights under the IDEA (see the section on education below for more information)

To find your legislators, go to: <http://www.fyi.legis.state.tx.us/>.

**6. Come Make a Difference in 2009: Tuesday's @ the Capitol**

The Arc of Texas will not be hosting an Advocacy Day this year; instead we will be hosting Tuesdays @ The Capitol. Instead of a large one-time rally at the capitol, The Arc of Texas would like to be more strategic in its advocacy efforts.

Tuesday's @ the Capitol will be an opportunity for local Arc chapters and other interested communities to come to Austin and meet with their local legislators about specific issues. We would like to use this as an opportunity to train advocates on Basic Legislative Advocacy, if needed, in their community first and then have those advocates come to Austin. This is a great way to learn and practice skills in effective advocacy. If you would like to participate in a training and/or a Tuesday @ the Capitol, please contact Ginger Mayeaux at [gmayeaux@thearcoftexas.org](mailto:gmayeaux@thearcoftexas.org).

We will continue to keep you informed as to what's happening at the capitol with weekly updates. Should you have any questions, concerns, or want to get involved this legislative session please contact Dawn Choate at [dchoate@thearcoftexas.org](mailto:dchoate@thearcoftexas.org).