

## The 81st Texas Legislature Weekly Review: Week Four

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#### 1. Federal Budget Update

As of noon today, Democratic and Republican Senators were still negotiating the biggest federal economic stimulus package of all time. At last report, negotiators were attempting to reduce by \$100 billion a funding proposal that had ballooned to more than \$930 billion. The House of Representatives has already adopted their version of the bill. However, the Senate version is likely to be much larger and much different than the House version. Although specifics of the stimulus package will not be known until a final bill is passed by both houses of Congress, we can say that both the House and Senate versions of the bill have proposed major increases in spending for disability services. Among these are spending increases for Medicaid (which funds most adult disability services in Texas), special education, Early Childhood Intervention, and jobs training. However, even if such funds are approved, it appears that states will have wide discretion on whether to access those funds and how the funds will be used. Final approval of the Senate version of the package is expected over the weekend.

#### 2. Tuesdays at the Capitol! What are you doing on Tuesdays??

Come make a positive difference for people with intellectual and developmental disabilities at the Texas State Capitol! The Arc of Texas invites anyone who is interested in legislative issues that effect people with intellectual and developmental disabilities to sign up for a **Tuesday @ the Capitol**. We will meet in the capital cafeteria and then The Arc of Texas staff will assist people with legislative visits and other needed advocacy. If you are interested in an advocacy training and/or attending a **Tuesday @ the Capitol** contact Ginger Mayeaux at [gmayeaux@thearcoftexas.org](mailto:gmayeaux@thearcoftexas.org) or by phone: 512-454-6694.

#### 3. Upcoming Advocacy Trainings

Basic Advocacy Training in El Paso: February 12, 2009 from 10a.m.-2p.m.

For additional information contact Sandie Sparks Olivar at [solivar@thearcoftexas.org](mailto:solivar@thearcoftexas.org)

Advanced Advocacy Training in Houston: February 24 & 25, 2009 from 9a.m.-2p.m.

For additional information contact Pam Bullock at [pbullock@thearcoftexas.org](mailto:pbullock@thearcoftexas.org)

\* If you are interested in hosting an advocacy training contact Ginger Mayeaux at [gmayeaux@thearcoftexas.org](mailto:gmayeaux@thearcoftexas.org)

#### 4. State School Bills of Interest

SB 643 by Sen. Nelson

Senator Nelson filed SB 643 relating to the protection and care of individuals with mental retardation who

reside in certain state-operated facilities on Wednesday. Overall, this legislation does the following:

- Changes the name of State School to State Developmental Center
- Changes the name of the Superintendent to State Developmental Director
- Gives access to criminal history information regarding employees or volunteers to The Department of State Health Services and the Department of Aging and Disability Services (DADS).
- Requires the Office of Inspector General to employ commissioned peace officers to assist local law enforcement agency for investigations involving and alleged criminal offenses of a resident or client.
- Creates one state school for criminal commitments
- Requires DADS to execute random drug tests of employees
- Requires competency training and course instruction for employees
- Gives authority for the use of video surveillance in common areas
- Creates an Office of an Independent Ombudsman and Assistant Ombudsman
- Creates a toll-free hotline
- Requires FBI and DPS fingerprint background checks for employees
- Requires an independent party to contract with HHSC and conduct mortality reviews

We applaud the Senator's efforts to address the issues of abuse and neglect in state institutions and support a number of items in this bill. We do however; have some concerns which we expressed to the Senator's office this week. We will continue to work closely with Senator Nelson and her staff to address these issues and will continue to update you.

SB 639 by Senator Lucio

Senator Eddie Lucio, Jr., filed SB 639 relating to the rights of persons with intellectual and developmental disabilities residing in state residential care facilities. Although Texas has the Persons with Mental Retardation Act (PMRA) this additional Bill of Rights is necessary as it clearly defines the rights of people with intellectual and developmental disabilities living in state residential care facilities. This bill:

- Ensures the freedoms and rights of persons with intellectual and developmental disabilities
- Protects the civil and constitutional rights of residents
- Ensures freedom of choice
- Requires the department to provide a written copy of the Bill of Rights in English and Spanish to the residents, Legally Authorized Representative, and Parent.
- Prohibits the placement of an individual younger than 22 years of age

## **5. Special Education Bills of Interest**

HB. 171 by Olivo

Olivo's HB 171 will require 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.

HB 615 by Turner / SB 648 by Van de Putte

The companion HB 615 and SB 648 by Turner and Van de Putte allow an employee who is a parent of a student enrolled in a special education program, who has been an employee of a company for more than one year, up to 10 hours of unpaid leave in a 12 month period, to meet with a teacher, counselor, or principal. This bill will help working families to plan for and attend their child's Admission, Review and

Dismissal (ARD) meetings or other meetings at the request of the teacher, principal or counselor during the year.

HB 828 by Hochberg

Hochberg's HB 828 allows the Commissioner of Education to make grants to school districts to cover the cost of education for students with disabilities. Schools can apply for the grants if they do not have sufficient funds to pay for special education services provided to an individual student or they do not receive sufficient funds to pay for special education services provided for all students with disabilities in the district. The funds can be used for the cost of training personnel to provide special education services. The districts who receive funds must provide special education services in the least restrictive environment. This program is currently referred to as High Cost Funds but has been a rider in the Texas Education Agency budget and not a law. Approximately 8 million dollars in federal funds have been used to provide grants the past two years. TEA has received 30 million dollars in requests for these funds.

## **6. Next Week's Senate Budget Hearings Regarding Health and Human Services Agencies**

Wednesday, Feb. 11, 2009, at 8:30 AM - Agency presentations and possible public testimony

Thursday, Feb. 12, 2009, at 8:30 AM - Public testimony

Friday, Feb. 13, 2009, at 8:30 AM - Reserved in the event additional time is needed

The Senate Finance Committee will begin hearings on Article II of the General Appropriations Act ([Senate Bill 1](#)), on Wednesday, Feb. 11, 2009, at 8:30 AM in Room E1.036 of the Texas State Capitol (Extension). Article II will set the budget for the state's five health and human services agencies for fiscal years 2010-2011. A map of the Capitol is at <http://www.tspb.state.tx.us/spb/plan/FloorPlan/FlorPlan.htm>.

Agency presentations should take a majority of Wednesday's hearing. However, if agency presentations finish early on Wednesday the Senate Finance Committee will begin hearing public testimony that afternoon. The afternoon session of the Committee is expected to reconvene 30 minutes after adjournment of the Senate, which meets in the late morning.

Thursday, Feb. 12, 2009, at 8:30 AM is scheduled for public testimony; however timelines are flexible and can change. We ask that you attend on this day and express your opinions on the many issues affecting children and adults with intellectual and developmental disabilities and their families!

HHSC Budget issues include: funding waiting lists for Medicaid Waivers, creating a Medicaid Buy-In Program for Children with Disabilities and establishing a Hospital Level of Care Medicaid Waiver Program for children aging out of Programs

DADS budget issues include: rebalancing of funds from state schools to community programs, increasing wages for direct care workers and funding for promoting independence initiatives

DARS budget issues include: funding for Early Childhood Intervention, funding for employment programs for person with disabilities,

Those wishing to give public testimony need to limit prepared remarks to three minutes. If submitting written testimony, please submit 30 copies, with your name on each copy, to the Committee during the hearing.

If you need help writing your testimony, contact The Arc of Texas Governmental Affairs Team:

Amy Mizcles, Director of Governmental Affairs ([amizcles@thearcoftexas.org](mailto:amizcles@thearcoftexas.org))

Dawn Choate, Governmental Affairs Specialist ([dchaote@thearcoftexas.org](mailto:dchaote@thearcoftexas.org))  
Rona Statman, Director of Family Support Services ([rstatman@thearcoftexas.org](mailto:rstatman@thearcoftexas.org))  
Ginger Mayeaux, Local Advocacy Coordinator ([gmayeaux@thearcoftexas.org](mailto:gmayeaux@thearcoftexas.org))

## **7. Resources**

To find your legislators and to read the bills discussed in this update, go to [www.capitol.state.tx.us](http://www.capitol.state.tx.us). Look for the “search legislation” and “who represents me” links.