

The 81st Texas Legislature Weekly Review: Week Six

The 81st Texas Legislature Weekly Review: Week Six

Items in this Issue:

1. Federal Budget Update
2. State School Legislative Update
 3. Education Update
 4. New Education Bills Filed
 5. Budget Update
 6. Subcommittees Named
 7. Tuesdays at the Capitol
8. Current Situation Concerning the Iowa Turkey Processing Plant Issue
 9. Media Update
 10. Resources

1. Federal Budget Update:

Last Tuesday, President Obama signed the \$787 Billion economic stimulus package. The bill contains numerous provisions which increase funding for services benefiting people with disabilities. Below is a link to an analysis of how the stimulus package will impact disability services and benefits.

[analysis](#)

2. State School Legislation

Last week, we informed you that SB 643 by Senator Jane Nelson was referred to the Health and Human Services Committee. This week, SB 643 has been scheduled for a committee hearing on Tuesday, February 24, 2009. The Committee will begin at 9:00 am in the Senate Chamber. We plan to provide testimony in support of the bill with changes.

As we informed you in the previous weeks, we expressed concerns to the Senator's office. There will be a committee substitute laid out on Tuesday but at this time there are no further details as to what has changed. We will continue to keep you updated the progress of this bill. Please go to the link below to view the hearing notice and a list of all other bills that will be heard.

<http://www.legis.state.tx.us/tlodocs/81R/schedules/html/C6102009022409001.HTM>

Representatives Rose, Ortiz, Jr., Phillips, and Herrero filed HB 1317 relating to the protection and care of individuals with mental retardation who reside in certain state-operated facilities. This piece of legislation is almost identical to SB 643 with one exception which is highlighted below Overall, this legislation does the following:

- Amends the health and safety code to move the authority of reporting abuse and neglect from the Department of Aging and Disability Services to the Department of Family and Protective Services.
- Amends the health and safety code to moves the authority of the investigation and report to receiving agency from the Department of Aging and Disability Services to the Department of Family and Protective Services.

- 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

This legislation is likely to have significant changes throughout the legislative process. We thank all of the Representatives for their efforts to address the issues of abuse and neglect in state institutions and support a number of items in this bill. Just like SB 643, we have some concerns which we provided to the Representatives and their staff regarding this legislation. We will continue to work closely with the Representatives and their staff to address these issues and keep you informed as to the progress.

For more information, contact Dawn Choate at dchoate@thearcoftexas.org

3. Education Update

The Senate Education Committee will meet on Tues. Feb. 24 at 8:30 a.m. in room E1.028. The committee will hear testimony on SB 100 by Lucio SB100 will require the Texas Education Agency (TEA) to develop Professional Development Institutes for teachers and paraprofessionals who provide instruction to students with disabilities, with an emphasis on teachers and paraprofessionals who serve students with Autism. The training institutes will address research based services for students with disabilities, disability specific information, effective and scientifically based instructional techniques, and behavior management. A stipend will be provided to participants. This bill is modeled after the successful reading and math academies that provide a more intensive training opportunity for teachers to learn to effectively educate students with disabilities. Providing stipends for teachers to attend is important to ensure success of the program. Please contact Rona Statman if you are interested in testifying or need more information about the hearing or the bill. rstatman@thearcoftexas.org

4. New Education Bills filed

SB 987 by Shapiro requires that transition planning for students with disabilities begin not later than when the student turns 14 years of age. The current requirement is to begin not later than when the student turns 16 years of age. It is important to start transition planning as early as possible to ensure a successful transition to employment, independent living and further education when the student leaves school.

HB 1322 by Hochberg requires TEA in conjunction with HHSC to develop an online website that will provide resources for teachers of students with special health care

needs and will address the treatment and management of chronic illnesses.

HB 1108 by Rodriguez will require local school districts to provide parents of students with disabilities with a written and audio taped copy of the students Individual Education Plan translated into Spanish and to make a good faith effort to provide a written and audio taped copy of the IEP translated into other languages. The law currently allows the school to provide a written or audio taped copy of the IEP translated. Giving parents both a written and audio taped copy will help them to understand the content of the IEP and to keep accurate records from year to year of the students IEPs and the students' progress in meeting their IEP goals.

5. BUDGET UPDATE

What a week! If you had any doubt, the numerous Senate Finance Committee (SFC) and House Appropriations Committee (HAC) hearings over the past week are proof that the 81st Legislature is in session! Both committees have been meeting for long hours to hear invited testimony from the Legislative Budget Board and the State Agencies on their proposed budgets.

It is important that you continue to contact your legislators and members of the SFC and HAC to remind them about funding priorities like significantly reducing all waiting lists, reshaping the service delivery system for persons with intellectual and developmental disabilities by moving a significant number of individuals out of state schools, significantly increase HCS Medicaid Waiver Program funding to ensure that "slots" are available to prevent the institutionalization (in state schools) of children and adults, and much more!

Now that State Agencies have updated their legislative appropriations request exceptional items, The Arc of Texas will be compiling all of our funding priorities and sharing that document with you in the next week. The document will include information about who you need to contact. Thank you in advance for asking legislators to support The Arc's funding priorities!!

6. Subcommittees Named

Both the SFC and HAC Chairs (Sen. Ogden and Rep. Pitts) appointed their fellow committee members to subcommittees that are ultimately responsible for writing sections of the state budget.

The following is a list of SFC subcommittees of interest:

SFC s/c on Article 2 (Health and Human Services): Deuell (lead), Nelson, Lucio, Williams

SFC s/c on Article 3 (Education): West (lead), Zaffirini, Shapiro, Duncan

The following is a list of HAC subcommittees of interest:

HAC s/c on Article 2 (Health and Human Services): Zerwas (chair), Dukes (vice chair), Cohen, Eiland, Isett

HAC s/c on Article 3 (Education): Hochberg (chair), Morrison (vice chair), Aycock, King, Villareal

7. Come Advocate in Austin!

With the 81st legislative session already in swing, it is important for advocates to come make their voices heard. The Arc of Texas is excited to assist people in coming to Austin to share their story with legislators. We want to make this

experience as enjoyable and easy for advocates as possible. We will therefore provide talking points on important issues, monetary assistance, and support people in scheduling appointments. If you are interested in participating in this great opportunity, contact: Ginger Mayeaux at gmayeaux@thearcoftexas.org or by phone at 512-454-6694 ext.125

8. Current Situation Concerning the Iowa Turkey Processing Plant Issue

With in the previous week, The Arc of Texas sent out a press release expressing our extreme unrest concerning the situations of gross neglect inflicted upon 21 men with intellectual disabilities living in Iowa. Since that time, The Arc of Texas has continued to monitor this issue in so far as it relates directly to Texas and have actively expressed our support to The Arc of the United States and The Arc of Iowa as they act in greater detail to address this overwhelming concern.

At this time, The Arc of Texas believes that swift action, in the form of multiple investigations conducted by both local and federal agencies, is being taken in an appropriate manner. We will continue to support the efforts of these investigations and will continue to update our membership as details develop.

Thank you for your attention, interest, and concern regarding this severe incident of negligence.

9. Media Update:

It continues to be my privilege to coordinate The Arc of Texas's media campaign surrounding the waiting list issue here in Texas. I am sincerely pleased to report that we have successfully cultivated multiple relationships with media outlets resulting in a wide array of television, print and radio exposure. Specifically we have had representation in The Statesmen (State School Issue), KUT Radio (Waiting List), KXAN (Waiting List), and KVUE (Waiting List/Sweeps Piece*). One of our prominent goals of this campaign is to "bring this issues home", with ever interview and testimony we are striving to put a face with this ominous issue. With that said, I feel confident that we are attaining this aspect of our advocacy efforts and will continue to do so thanks to the commit of our outstanding volunteers.

It goes without saying but, we have worked diligently to express the importance of this issue, and others related to it, to the media community. At this time we ask for your support in reinforcing our newly established relationships between disability issues and media outlets. We strongly encourage you to provide input, commentary, and general support whenever you come across a disability issue being highlighted in the media. Please do not hesitate to take action in the forms of letters to the editor and/or "feedback" on news websites. It is our responsibility as disability advocates to heighten the awareness of these issues in an effort to influence change for the better.

Thank you,

Chris Rodriguez

10. Resources

To find your legislators and to read the bills discussed in this update, go to www.capitol.state.tx.us Look for the "search legislation" and "who represents me" links.

