

The Arc of Texas 81st Session Weekly Update: Week Seven

The 81st Texas Legislature Weekly Review: Week Seven

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1. State Schools

This week, the Senate Human Services Committee heard testimony on committee substitute 643 relating to the protection and care of individuals with mental retardation who reside in certain state-operated facilities. Clay Boatright, a board member of The Arc of Texas and President of The Arc of Dallas provided comments regarding our continued concerns about the committee substitute. After the committee heard testimony from a great deal of advocates, CSSB 643 was passed out of committee. It will now go to the Senate floor for a vote. We will continue to work with the committee members and Senator Nelson to improve the bill.

Representative Patrick Rose also filed HB 1589 relating to the creation of a strategic plan to reform long-term services and supports for individuals with disabilities. We are currently analyzing this bill and a more detailed report will be included in next weeks update.

Also this week, the House Human Services Committee held the first committee hearing where they met for an organizational meeting and heard invited testimony from the Health and Human Services Commission (HHSC), Department of Aging and Disability Services (DADS), Department of Rehabilitative Services (DARS), Department of Family and Protective Services (DFPS), and Department of State Health Services (DSHS). We will continue to keep you posted on upcoming hearings.

2. Education Update:

The Senate Education Committee will hear testimony on SB 38 by Zaffirini on Tues. Mar. 3 at 8:30 a.m. at the capitol Room E1.028. SB 38 will require local school districts to report to TEA and include on their school report card the number of students with disabilities placed in In-School Suspension, Suspension from School, Placement in a Disciplinary Alternative Education Program, and Placement in a Juvenile Justice Alternative Education Program. This bill is important to make school administrators, school boards, parents and community members aware of the schools discipline actions for students with disabilities. Currently many school districts have a much higher percentage of students with disabilities in disciplinary placements. Research has shown that implementation of school wide positive behavior intervention and support training can reduce the total number of referrals to disciplinary settings including students with disabilities.

Please contact the Senate Education Committee members (see list below) to let them know that you support this bill. If you would like to testify at their hearing

please contact Rona Statman at rstatman@thearcoftexas.org

A new bill was filed; SB 1125 by Zaffirini will improve Transition Services for students with disabilities. Transition planning as early as possible is important to prepare the student for success in post school life. It is important for students and families to get information about adult services and supports including employment services and post secondary education. It is important for school districts to help students and families understand and access appropriate transition services and it is important for TEA to monitor school district implementation of transition services. The bill will:

1. Require transition planning as part of the students IEP to begin by age 14. (Currently transition planning is required beginning by age 16.)
2. Require TEA to develop, update and make available on their website and at ARD meetings, a Texas-specific comprehensive, transition and employment manual that would include information regarding: transition services and employment and supported employment programs; social security benefits and services; community services and long-term services and supports; post secondary educational programs and services; guardianship and alternatives to guardianship; contacts for all relevant agencies; and information on self-advocacy, person-directed planning, and self-determination.
3. Require TEA to ensure each district or co-op designates a transition and employment services specialist.
4. Require 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 system including secondary transition and post school outcomes.

[Senate and House Education Committee](#)

3. 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. Be sure to find "Amy Mizcles" 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, then you will be charged for every text you receive from The Arc of Texas' Twitter account.

4. The State Budget Writing Process

Last week, the Senate Finance Committee subcommittee on Health and Human Services (Deuell (lead), Lucio, Nelson, Williams) and the House Appropriations subcommittee on Health and Human Services (Zerwas (chair), Dukes (vice-chair), Cohen, Eiland, Isett) set a pretty steady, aggressive schedule for reviewing Legislative Budget Board recommendations, reviewing agency budget requests and writing the HHS state budget. The Senate subcommittee even held several meetings that went well into the evening. Well, that came to a screeching halt this week--with good cause! Texas leadership is working diligently on analyzing The American Recovery and Reinvestment Act (ARRA) of 2009, as signed into law on February 17th by President Obama, and determining the impact of the economic stimulus to the state and the state's budget for the next two years. The ARRA

contains \$787 billion in tax cuts and program funding. Of that figure, approximately \$87 billion is related to Medicaid services.

In a presentation to the House Committee on Public Health on February 24th, Executive Commissioner Albert Hawkins (HHSC) explained that the ARRA's "across-the-board" increase of 6.2 percentage points of the federal match would result in an additional \$4.63 billion in federal funding over FY09, 10 and 11. The agency's estimate will be adjusted according to the state's unemployment rate. [NOTE: Every Texas dollar allocated for Medicaid services is matched with a certain percentage of federal funds. The formula changes on at least a yearly basis and is typically in the 60 (state)/40 (federal) range. The 6.2 percentage point increase is significant, given the immense Texas Medicaid caseloads. The percentage point increase is short term.]

The significant increases in federal match funds will "free-up" state dollars (GR funds) for a few years. Therefore, as members of the SFC and HAC subcommittees work through the ARRA provisions, they asked agencies to submit proposals for one-time expenditures. Because the increase in federal match funds is temporary, the state cannot expand programs since the influx of federal funds will end in FY11. At this point, agencies have submitted proposals from their exceptional items lists such as upgrading IT systems, purchasing vehicles, addressing construction needs of buildings (i.e. state schools and state hospitals) to ensure the health and safety of individuals with disabilities.

For more information, contact Amy Mizcles (amizcles@thearcoftexas.org).

[A Repeat of the ARRA Act of 2009 Major Disability Provisions and Funding \(from last week's update\)](#)

HEALTH

- Medicaid: An \$87 billion increase in the Federal government's share of Medicaid spending (FMAP) which runs from October 1, 2008 to December 31, 2010. Sixty-five per cent of the funds will be given to all states. Thirty-five per cent will be used for additional payments (in the form of a decrease in a state's match) for states with high unemployment rates. Each state will receive a "base" 6.2% increase. A state specific analysis can be accessed at <http://www.cbpp.org/2-13-09sfp.htm>. There is a "maintenance of effort" requirement which prohibits states from changing eligibility. However there is NO maintenance of effort provision for benefits or services. Therefore it is critical for affiliates and chapters to meet with their State MR/DD and Medicaid agencies, their Governor's office, and State Legislature immediately to urge them to use this increased funding for disability services. The Act extends a moratoria on Medicaid regulations which are in "final" form (i.e. the school based services/transportation, the targeted case management, and the outpatient rules) from April 1 through June 30, 2009. The bill also contains a "Sense of the Congress" that the Secretary of the Department of Health and Human Services shall not publish any pending Medicaid rule (including the rehabilitative services option proposed rule) in final form. COBRA: 65% premium subsidy for 9 months. Health Information Technology: \$19 billion to jumpstart computerized health records. Prevention and Wellness: \$1 billion to prevent chronic diseases and to increase immunization programs. Lead-Based Paint Removal: \$100 million - competitive grants to localities and nonprofits to remove lead paint in low

- income housing
- NIH Biomedical Research: \$10 billion for increased research.

EDUCATION

- Special Education: \$11.3 billion for the IDEA State Grant Program and \$500 million for the IDEA Part C Early Intervention Program. (\$400 million for the pre-school program)

SOCIAL SECURITY

- SSI: A one-time emergency payment of \$250 to people who receive Supplemental Security Income (SSI), Social Security, disabled veterans, and other selected benefits. SSA Disability Backlog and Claims: \$500 million to help the Social Security Administration reduce the processing time for claims and appeals decisions
- SSA Modernization: \$500 million to replace the antiquated National Computer Center.

EMPLOYMENT

- Vocational Rehabilitation: \$540 million for VR State Grant. Unemployment Insurance: Funding is provided to modernize the unemployment compensation program, to add \$25 to the weekly benefit, to continue the current up to 33 weeks of extended benefits through December 31, 2009 and to temporarily suspend federal income tax on the first \$2,400 of unemployment benefits per recipient for 2009.
- Job Training: \$500 million for adult, \$1.2 billion for youth services.

INDEPENDENT LIVING

- Centers for Independent Living: \$140 million to assist people with disabilities to live in their communities.

HOUSING

- Public Housing Capital Fund: \$4 billion for building repair and modernization \$250 million for a new program to fund energy retrofits of Section 811 Supportive Housing for Persons with Disabilities, Section 202 for the Elderly and Project Based Section 8 units to make them for energy efficient. HUD will publish a Notice of Funding Availability shortly announcing details of the program. HOME Investment Partnerships: \$2.25 billion with \$2 billion targeted to fill gaps in approved Low Income Housing Tax Credit projects and jump start these stalled projects. Community Development Block Grant: \$1 billion to support housing and services to help hard pressed localities. Community Services Block Grant: \$1 billion for housing, food, employment and healthcare to serve areas hardest hit by the recession. Low-Income Energy Assistance: Not Funded. Neighborhood

Stabilization: \$2 billion for communities to purchase and rehabilitate foreclosed, vacant properties to create more affordable housing.

- Home Weatherization: \$5 billion to weatherize homes of low income households to reduce energy costs.

CHILD CARE and HEAD START

- Child Care Development Block Grant: \$2 billion to serve an additional 300,000 children in low income working families. \$93.6 million is targeted to improve infant and toddler care.
- Head Start: \$2.1 billion to provide services to 110,000 additional children.

5. 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.