



Highlights

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70th Legislature

Regular session ends; governor signs family support bill



Governor Clements signs HB 1154 which provides supports such as respite care, transportation, attendant care and counseling to persons with disabilities and their families.

Of the 6,250 bills and resolutions that were introduced into the legislative maze during the recent session and the 2,828 that eventually made their way out again, intact or amended, several will have positive effects on the lives of Texans with disabilities. The new legislation addresses a wide range of concerns—from fire safety to family support, and from smoke detectors to protective services.

The Texas Planning Council actively supported 16 bills during the 70th session, 10 of which the governor

signed into law. The Council also closely monitored several others, including sunset legislation on the Texas Department of Human Services (TDHS), Texas Department of Mental Health and Mental Retardation (TDMHMR), and Texas Commission for the Deaf (TCD).

The most significant legislation for persons with disabilities passed this session is an In-Home and Family Support bill sponsored by Rep. Frank Madla, D-San Antonio (HB1154) and carried by Sen. Chet Brooks (D-Pasadena) in the Senate. The bill, which

becomes effective Sept. 1, 1987 authorizes TDMHMR to offer a variety of support services, such as respite care, transportation, counseling, attendant care, and architectural modifications to persons with mental disabilities or their families. Eligible clients could be awarded up to \$3600 a year to purchase services from the provider or program of their choice. In addition, they could be awarded a one-time grant of up to \$3,600 to be used for

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Federal Update

DD Act

The bill (S. 1417) that would reauthorize the Developmental Disabilities Assistance and Bill of Rights Act, which creates DD Councils to assist states in developing a comprehensive service system for persons with disabilities, has been introduced in the Senate. The proposed legislation reflects recommendations of the National Association of Developmental Disabilities Councils (NAADC) and other advocacy groups designed to fine tune the program and to enhance its effectiveness. Key changes include:

- ▶ focusing on systemic change in the priority activities, rather than on the provision of direct services to clients.
- ▶ requiring states to do a comprehensive review and analysis of the services available to all persons with developmental disabilities. The purpose of this recommendation is to address gaps in services for persons with developmental disabilities other than mental retardation.
- ▶ ensuring the autonomy of DD Councils by empowering them to prepare personnel budgets and hire, supervise and direct the activities of staff. The bill would also assure that Council's are able to carry out their advocacy function.
- ▶ allowing states to choose three priority areas in addition to the mandated employment area and giving them the option of selecting a state priority to fund.
- ▶ authorizing the program's appropriations at \$62.2 million for FY 1988.

In addition, the legislation emphasizes attention to the desires and competencies of persons with developmental disabilities as well as their needs. It underscores the preeminent role of the family in the lives of these persons and recognizes the continued importance of educating employers and the general public about the skills and abilities of persons with developmental disabilities. ★

Medicaid reform

The actions of the 100th Congress could produce legislation that would have the most significant impact on the lives of persons with disabilities of any laws that have been passed in the last decade.

Medicaid reform legislation is expected to be introduced soon with Sen. John Chafee (R-RI) and Sen. Lowell Weicker (R-CT) as its lead sponsors. The proposed legislation complements current philosophies of community living, support and training for persons with disabilities: it would eliminate the institutional bias of Medicaid and give states the opportunity to underwrite an array of community and family support services.

Services described in the Community and Family Living Amendments of 1986 would essentially remain the same. However in order to receive Medicaid reimbursement the following services would be mandatory for the states to provide: case management, protective intervention services, individual and family support services and day habilitation services.

Within two years of enactment states would be required to develop a plan on how they would comply with the law's provisions, which would be subject to public comment, DD Council review, and approval by the Secretary of Health and Human Services. ★

New grant award

Laredo to develop MSS project

Laredo State Center has been awarded a grant by the Texas Rehabilitation Commission on behalf of the Texas Planning Council to establish a Multidimensional Support System (MSS) project. The project will assist individuals with developmental disabilities who are capable of living in the community but who don't yet have the skills to work in a sheltered workshop.

The project, funded with federal and state matching dollars totalling \$170,224 for the first year, is the second for South Texas. Earlier this year Tropical Texas MHMR received a DD grant to start an MSS project in the lower Rio Grande Valley. Both are components of Project NETS and offer training in the entry level skills necessary to function in the vocational environment.

"The Council wholeheartedly supports the concept of providing transition services to individuals with developmental disabilities. We are particularly interested in developing services for individuals with the most severe disabilities — persons who in the past were not given any chance to become independent and productive members of their community," said Executive Director Roger Webb.

The project will serve 15 clients in its first year. In addition teaching vocational skills, the project will provide training in independent living, using community resources, and developing social skills. Clients will also receive occupational, physical, and speech therapy and transportation and medical services. ★

Calendar

July 24-25, state conference, Partnerships for Progress: Lifelong Learning and Independence for Persons with Spina Bifida, San Antonio. For more information, contact Margaret Drouillard, P.O. Box 33446, San Antonio TX 78265.

July 29-31, RSA Conference on Independent Living, Dallas. For more information, call Jerry W. Doyle at (214) 767-2961.

August 4-7, Texas Association of Vocational Adjustment Coordinators Conference, Tyler. For more information, call Deborah Gaddis at (409) 829-3100.

August 7-9, annual conference, Texas Head Injury Foundation, Houston. For more information, call Marj Gordon at (713) 797-5940.

August 13-14, Transition from Traditional Workshops, sponsored by North Texas State University, Dallas. For more information, call Ray Vaughn at (512) 445-8296.

August 17-18, Texas Rehabilitation Consumer Advisory Committee Meeting, Austin. For more information, call Kaye Beneke at (512) 445-8985.

In order to be included in Calendar, information on national and statewide events should be submitted to *Highlights* three months in advance. For more information on the *Highlights* publication schedule, call Mary Jo Magruder at (512) 445-8852.



Kitty Dorsey receives the Volunteer Recognition Award at the Administration on Developmental Disabilities Annual Forum in New Orleans from then Acting Commissioner Casimer Wichlacz.

Outstanding volunteer named

Kitty Dorsey, whose work with and on behalf of individuals with developmental disabilities is well-known in Texas, has received national recognition. Dorsey, the statewide Transition Coordinator for the Texas School for the Blind, was named one of 49 outstanding volunteers in the United States by the Department of Health and Human Services.

As a transition planner, Dorsey does advance planning with young people who are deaf-blind and their families for the time when they move out of the educational system and into adult life.

In addition to working directly with families, Dorsey is actively involved in trying to change the system, so that the needs of these young people will be met routinely and consistently. She chairs the

education subcommittee of the Transition Services Task Force, a statewide organization dedicated to ensuring that planning for adult life is incorporated into the education plans of all students who have disabilities.

Dorsey is also a volunteer member of parent advocacy organizations, such as the Deaf-Blind Multihandicapped Association; one of the founders and president of Family Recess, a coalition of agencies that provide respite care to the families of children with disabilities; a past board member of Capital Area Easter Seals; and, a personal advocate for a deinstitutionalized adult now living in the community. Dorsey was nominated for the outstanding volunteer award by the Texas Planning Council for Developmental Disabilities. ❖

architectural renovation or other capital expenditure to improve the care, treatment or general living conditions of the person with a disability.

The bill also authorizes TDHS to establish a pilot project to provide support services to persons with developmental disabilities other than mental illness or retardation, using the same guidelines for services as TDMHMR. The Texas Planning Council, and TRC as its administering agency, approved DD funds for the pilot project with TDHS as one of its FY 1988 program grant awards. (See From the Chairman, p. 5).

Other bills signed by the governor and receiving Council support are:

► HB 37, sponsored by Hill, which requires nursing and custodial care homes to comply with the 1985 edition of the Life Safety Code.

► HB 162, sponsored by Barton, which requires hotels to install smoke detectors that will alert persons who are deaf or hearing impaired.

► SB 496, sponsored by Parmer, which allows TDMHMR and community centers to obtain criminal conviction data on the employees of providers who contract with the department.

► SB 637, sponsored by Farabee, which gives the protection and advocacy system authority to obtain certain confidential records and to have access to public and private facilities housing and providing care for the mentally ill.

► SB 1150, sponsored by Barrientos, which strengthens and clarifies procedures for reporting, investigation and prevention of abuse of persons who are elderly or disabled.

► SB 1151, sponsored by Barrientos, which allows up to two 72-hour extensions of emergency orders of protective services for elderly or disabled persons.

► SCR 58, sponsored by Barrientos, which directs certain agencies to develop a written plan and an interagency agreement for a continuum of services for children with disabilities under managing conservatorship of TDHS after these children reach the age of 18.

► SCR 81, sponsored by Barrientos, which directs the Texas Education Agency to encourage integrated educational programs for students with disabilities and to report to the Sunset Commission about the impact of funding methods on instructional arrangements.

► SCR 123, sponsored by Washington, which establishes a Transition Services Task Force to assess the effectiveness of service to young adults with disabilities.

► SCR 135, sponsored by Brooks, which requests the cooperation of TDMHMR, TEA and TRC in coordinating transitional services for persons with disabilities. This bill is a continuation of SCR 129, passed during the 69th legislative session.

Council-supported legislation that didn't make its way past all the hurdles necessary to become law include bills relating to access to mass transit systems by persons with disabilities (HB 330); consideration of the regular classroom as the least restrictive environment for students with disabilities and giving it a funding weight that would encourage its use (HB 1476); moving the Architectural Barriers division to the Attorney General's office and providing a penalty for certain buildings that remain inaccessible to persons with disabilities (HB 2295); and requiring the State Board of Education to address the same items when developing individual education plans for students with other disabilities as they are required to do for students with autism (SCR 60).

Finally, the Council reviewed and offered testimony on sunset legislation authorizing the continuation of TDMHMR, TDHS and Texas Commission for the Deaf. Legislation on all three agencies passed and they will be continued through 1999. Major provisions in the TCD Act require the agency to continue to coordinate services for persons who are deaf, to provide limited direct services to elderly persons who are deaf, and to enter into memorandums of understanding with 10 state agencies to improve coordination of services to persons who are deaf or hearing impaired. The bill also allows TCD to charge fees for certain services.

The sunset review of TDHS resulted in provisions for 10 special studies, plans or interagency agreements to improve services to persons with disabilities. The agency will also be

required to enter into memorandums of understanding to improve services to multiproblem children and youth and facility-based and long-term care services. Finally TDHS is required to prepare a plan to ensure accessibility of its programs to persons with physical, mental or developmental disabilities.

New provisions in the TDMHMR Act state that the agency can only spend funds on client groups identified in its long-range plan; clients or their parents or guardians are now authorized to serve on the TDMHMR board; and TDMHMR employers are encouraged to develop employment opportunities for clients within the MHMR system.

In addition, agency guidelines for charging fees for services have been revised: parents of clients under 18 pay for services based on their net income up to 100 percent of the cost. The agency is also now allowed to contract with private providers for geriatric MHMR care and for short-term and extended care for persons with chronic mental illness. TDMHMR must also compare costs for private and public sector services and use the least expensive.

The agency will be required to address the service needs of a variety of special populations that currently receive few if any MHMR services. These include working with TDHS to produce a long-range plan for persons with developmental disabilities and a study on methods of treating child abuse; designating an employee to coordinate services to children and youth and creating a database of information on these individuals. They must also participate on the Interagency Council for Genetic Services and the Interagency Council for Autism and Pervasive Developmental Disorders.

Despite the accomplishments of the 70th Legislature, the issue that has the greatest impact on persons with developmental disabilities—the state budget—was left unresolved during the regular session. Lawmakers returned to the Capitol on June 22 to tackle funding the state for the coming biennium. A review of their efforts and the effect on human services programs will appear in the next *Highlights*. ★

From the Chairman

by Lee Veenker

The Texas Planning Council approved recommendations for new DD grant projects for FY 1988 at the quarterly Council meeting June 5, 1987 in Austin. Those recommendations have been approved by TRC as the Council's administering agency.

These projects address three areas which the Council feels are critical needs in Texas: family support services, transition services and employment-related activities. Each of these projects continues the direction started by the Council with its FY 1986 recommendations to purposefully develop funding activities which meaningfully change the system of services to persons with developmental disabilities in Texas.

In the area of family support, the Council has long recognized the need to develop less intensive and less expensive services for persons with disabilities by providing support in the family home. In the course of working with other advocate groups for passage of an In-Home and Family Support bill during the recent legislative session, it became apparent that the proposed delivery of family support through TDMHMR meant that persons with disabilities other than mental illness or mental retardation, would not have access to this important service.

The Council decided to propose using DD funds to develop a pilot project of family support services for those persons not eligible through TDMHMR. In addition to demonstrating the critical services, we want to accomplish something else with this project.

Since the bill provides that clients or their families use vouchers to purchase the services they need, we also see this project as an opportunity to demonstrate the administrative mechanisms necessary to carry out an effective service program through an existing state agency structure. And as we collect data about the project, we will use that information to develop an advocacy strategy that results in family support services becoming an ongoing part of the services array available statewide.

The second recommendation approved by the Council and by TRC will provide funds to help support the activities of the Transition Services Task Force. The Council believes that this area demands our immediate attention. There are thousands of young Texans with disabilities who are not eligible for any service from any agency once they leave special education. They literally "age out" with no place to go once they leave school.

The Transition Services Task Force, which consists of representatives from consumer groups and state agencies, has begun working to bridge the gap between school and adult life for persons with disabilities. The Council wants to



Council Chairman Lee Veenker announces FY 88 funding recommendations

lend its support to the task force as it examines and makes recommendations to the legislature and to service providers so that the vocational, residential, social and health care needs of persons with disabilities continue to be met once they leave school.

The final area recommended for funding by the Council is employment-related activities. As part of our commitment to seeing that persons with disabilities have an opportunity to work, last year DD funds initiated four transitional supported employment projects, which will assist persons with developmental disabilities in moving from sheltered settings to competitive employment. In addition, DD funds will be the primary support for three "multidimensional support services" projects next year which will provide services and training to enable participants to be successful in sheltered or supported work settings.

Now that we have these projects in place, we think it is important to evaluate the work they have been doing both in order to learn from present efforts and to be more effective in the development of future efforts. Therefore we have recommended a project that will evaluate the impact on the service delivery system of our employment-related projects, in terms of the effect on the client and his or her family and in terms of the cost and methods of delivering services.

I suspect you share the Council's frustration that there is an infinite supply of unmet need and that the resources to meet that need not only are never adequate, but seem to be dwindling. The Council, with support of TRC as our administering agency, has committed itself to a course of allocating our resources in a way that will ultimately help the most people with developmental disabilities — both through direct services to individual clients and through changes to the service delivery system.

We believe that proceeding in this direction is the most positive way to turn the frustration of never having enough resources into the challenge of making the greatest possible impact with what we have. ★

News You Can Use

TDMHMR Board

Governor Clements recently made three appointments to the Texas Board of Mental Health and Mental Retardation for terms to expire January 31, 1993. Roger Bateman of Corpus Christ was reappointed to the Board. Charles Cooper of Dallas replaced David Shannon of Odessa and Pattilou Dawkins of Amarillo replaced Jamie H. Clements of Temple.

Neighborhood Survey

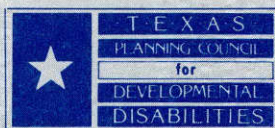
A survey conducted by the Illinois Governor's Planning Council on Developmental Disabilities examines the effects of placing group homes in residential neighborhoods. *Impacts on the Surrounding Neighborhood of Group Homes for the Developmentally Disabled* reports that group homes had no effect on property values, neighborhood stability or neighborhood safety. The 40-page study, which includes an annotated bibliography of 20 similar studies, is available for \$1.07, pre-paid from the Illinois Governor's Planning Council, Suite 10-601, 100 W. Randolph, Chicago IL 60601.

From Birth to Five

A new reference book explaining the effects of the 1986 Education of the Handicapped Amendments is now available. *From Birth to Five: Serving the Youngest Handicapped Child* explores the impact P.L. 99-457 will have on special education programs. In addition to describing exemplary programs already in place, the book addresses such issues as funding, enrollment, and staffing of new programs and offers guidelines on how to determine the least restrictive environment in schools that have no pre-school programs for children without disabilities. *From Birth to Five*, written by the Education Research Group, is available from Capitol Publications, 1101 King St. Alexandria VA 22314. The cost is \$34.95.

Civil Rights Guide

The U.S. Department of Education has published a new pamphlet, which outlines the rights of persons with disabilities under civil rights law. *Handicapped Persons' Rights under Federal Law* spells out the rights covered by Section 504 of the Rehabilitation Act of 1973. In addition to explaining the obligations educational institutions that receive federal aid have to make programs accessible to persons with disabilities, the pamphlet describes protections that individuals with disabilities have on the job. It also provides a directory of the 10 civil rights offices where people can file discrimination complaints. The pamphlet is available from Office of Civil Rights, U.S. Dept. of Education, 330 C St. S.W., Washington, D.C. 20202.



Highlights

Highlights is produced by the Texas Planning Council for Developmental Disabilities for distribution to Council members, grantees and other interested persons throughout the state. Organizations that serve persons who have developmental disabilities are encouraged to submit news items for publication. Inquiries may be addressed to Mary Jo Magruder, editor, Texas Planning Council for Developmental Disabilities, 118 E. Riverside Dr., Austin, Texas 78704; or telephone (512) 445-8852, voice or TDD. Taped copies are available upon request. Phototypesetting and printing by Texas Rehabilitation Commission Reproduction Services.

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