

Texas Council for Developmental Disabilities

2021 Public Policy Priorities

The Texas Council for Developmental Disabilities (TCDD), which is established in state and federal law, is governed by 27 Governor-appointed board members, 60 percent of whom are individuals with developmental disabilities (DD) or family members of individuals with disabilities. The Council's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

Personal and Civil Rights

Increase the protections for the personal and civil rights of Texans with disabilities.

Texans with disabilities deserve to understand and exercise their personal and civil rights in order to lead safe and successful lives as independently as possible, and they deserve equal protection when their rights are infringed upon.



- **Abuse, Neglect, and Exploitation**: Standardize the definitions, investigatory processes, data collection and reporting, training, and communications across all agencies to better prevent abuse, neglect, and exploitation of people with disabilities and to hold responsible individuals and authorities accountable.
- **Sexual Assault**: Improve systems for sexual assault survivors with disabilities to report and receive services following an assault in the community or facilities such as group homes and state supported living centers. Establish accountability measures for facilities where a sexual assault occurs, addressing assailants – whether they are employees or residents – as well as facility administration.
- **Alternatives to Guardianship**: Strengthen person-centered approaches to guardianship, including increasing awareness and understanding of the Self-Directed First policy established as part of Texas' guardianship reform efforts requiring that guardianship is a last resort. Courts must be required to educate the individual who will have a guardian on what their rights will be once guardianship is established; the courts must also educate the potential guardian about the individual's rights, requiring the guardian to take person-centered practices trainings before guardianship is granted and on an annual basis for the duration of their role as a guardian.
- **Voting Access**: Ensure Texans with disabilities have equal access to voting by establishing more voting locations accessible to the community, considering proximity to bus routes and paratransit drop-off points, and publishing an absentee ballot application in an accessible format. Establish and maintain accountability measures for non-compliant voting locations and poll workers.
- **Restraint and Seclusion**: Standardize the definitions, data collection and reporting, training, and communications across all agencies to maximize the use of best practices and lessen the unnecessary use of dangerous restraint and seclusion procedures, including related practices such as time-out.

Texas Council for Developmental Disabilities

2021 Public Policy Priorities



Accessibility

Raise accessibility standards in Texas to promote community inclusion and ensure equal access.

Texans with disabilities deserve to live in communities which are accessible to them in all aspects of their lives, including meeting basic needs in places outside of the home and utilizing the various modes of transportation.

- **Accessible Parking:** Strengthen the enforcement and increase the availability of accessible parking spaces. Address placard fraud and abuse of parking in striped spaces by revising criminal and civil penalties and improving public awareness. Develop innovative, collaborative solutions to adjust for the growing demand of accessible parking spaces as our population ages and more people acquire or are diagnosed with mobility disabilities.
- **Accessible Transportation:** Improve the availability of safe, reliable, affordable, and accessible transportation by expanding the reach of paratransit, introducing more flexible pick-ups within those services, and securing accessible rideshare opportunities. Expand capacity in suburban, urban, rural, and unincorporated areas to connect places people live with places they work, socialize, worship, attend school, access health care, etc.
- **Home Modifications:** Support the codification of the Amy Young Barrier Removal Program which provides grants to low income individuals with disabilities to make modifications to their homes to increase accessibility and eliminate hazardous conditions.
- **City Planning and Development:** Increase the number of people with disabilities on building, city planning and development, and architectural committees and boards. Ensure their voices are heard and their experiences are taken into full consideration to address common accessibility shortcomings such as: crosswalks and traffic signals that are too high or do not include auditory components, accessible bathrooms without adult changing stations, playgrounds that do not accommodate mobility equipment, and entry ways with inappropriately placed ramps and automatic door buttons.
- **Inclusive Meetings:** Ensure public meetings are fully accessible by requiring and enforcing the use of plain language and real-time captioning, and allowing participants to present comment in their preferred form of communication in public and legislative hearings. The Texas Legislature and state agencies should accept comments and testimonies in the following formats: written, spoken, audio recording, video recording, and images.

Texas Council for Developmental Disabilities

2021 Public Policy Priorities



Early Childhood and Inclusive Education

Ensure children with disabilities ages 0-22 receive necessary services to promote healthy growth and development to support long-term success and independence.

Children with disabilities in Texas deserve access to quality care and education such as inclusive childcare, therapy and case management services, special education services, and transition planning, which meet or exceed federal standards to increase childhood and long-term outcomes.

- **Early Childhood Intervention (ECI) Services:** Address the gaps between state funding and the required services for a growing population of infants and toddlers who enroll in ECI. Support efforts to maximize and streamline funding for ECI in Texas by working collaboratively with other state agencies, ECI programs, and lawmakers. Support efforts to increase efficiencies within ECI by addressing continuing eligibility, engaging in state-specific research on ECI's long-term impact, and ensuring families are fully educated about available services, including Medicaid waiver interest lists.
- **Special Education Services:** Ensure that students with disabilities are being supported and are receiving a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) during the COVID-19 pandemic and beyond. Hold Local Education Agencies (LEAs) accountable and ensure the enforcement of the Individuals with Disabilities Education Act (IDEA), and Section 504. Finally, ensure that students with disabilities that have experienced a disruption in learning, services, or supports receive the compensatory services they are due.
- **Transition Planning:** Increase the number of transition and employee designees (TEDs) in Texas to better accommodate the number of transition-age students in need of services. Strengthen policies and education around transition to include outcome measurements for the school and the student where the student is encouraged to take more responsibility for monitoring as they get closer to graduation. Establish and maintain accountability measures for schools who do not meet planning requirements.

Employment

Ensure Texans with disabilities have access to competitive and integrated employment opportunities.

Texans with disabilities deserve access to competitive and integrated employment opportunities. Texas should strictly adhere to the state-adopted Employment First Policy by addressing barriers to community-based employment by expanding training, supported employment, and opportunities for advancement, including funding Medicaid waivers that offer employment supports.

- **Subminimum Wage:** Build upon the precedent set by SB 753, which eliminated subminimum wage within the state use program, to establish wage equality for approximately 4,000 Texans with disabilities being paid subminimum wage outside of the state use program. Require all Texans of all abilities to be paid no less than the federal minimum wage.
- **Day Habilitation:** Establish requirements for day habilitation centers to provide employment preparation and support such as job application submissions, financial literacy trainings, and visits to potential employers and employment support locations as community outings with program attendees.

Texas Council for Developmental Disabilities

2021 Public Policy Priorities

Health and Safety

Ensure Texans with disabilities have equal access to and are proactively included in using all community resources designed to maintain and improve individual and public health and safety, including during public health emergencies.

Texans with disabilities deserve health care that is available, accessible, and affordable, as well as emergency planning that is responsive to their needs.

- **Medicaid:** Strengthen the Medicaid system by utilizing evidence-based practices, providing payments that attract qualified staff, and giving timely, corrective attention to complaints and problems.
- **Complex Mental Health Needs:** Require health care providers statewide to know and be able to use evidence-based medical practices to treat individuals with intellectual and developmental disabilities who also have mental illness.
- **Emergency Preparedness:** Reinforce the state's responsibility for requiring and assisting local jurisdictions to develop and implement public safety plans that include meeting the needs of people with disabilities in all emergencies.
- **Plain Language:** Ensure all agency communications with providers and/or people seeking or receiving services are easy to understand.

Maintain and Expand Funding for Services

Ensure that current funding levels for vital programs that support Texans with disabilities are maintained and increased.

Texans with disabilities deserve access to services and supports that are sufficiently funded by state lawmakers.

- **State Budget:** Ensure that the Legislature prioritizes the needs of Texans with disabilities when appropriating state funds. Maintain and increase funding levels for vital programs and supports such as Medicaid Waiver Programs, Early Childhood Intervention Services, Independent Living Services, Vocational Rehabilitative Services and others.

Attendant Wages

Raise the minimum requirement for rates and wages of community attendants in Texas who work with people with disabilities.

Community attendants deserve fair and livable wages. Increasing attendant wages will stabilize the workforce and provide more opportunities for Texans with disabilities to live in their community.

