

Revisions to TCDD Position Statements

Tab 16

Background:

The Council reviews TCDD's Position Statements during even number years. Staff solicited input this quarter regarding proposed revisions from Council members on the following position statements:

FOR CONSIDERATION AT THE NOVEMBER MEETING

- A. Community Living Draft
- B. Education Draft
- C. Access to Health Care Draft
- D. Right to Privacy Draft

Revisions suggested by Council members and/or staff are included in the draft materials. Comments in **PURPLE** represent input from Council members; comments in **RED** represent suggestions from TCDD staff.

Public Policy Committee
Agenda Item 8.

Expected Action:

The Committee will consider suggested changes to TCDD Position Statements and recommend revisions to the Council.

Council
Agenda Item 11.

Expected Action:

The Council will consider revisions to TCDD Position Statements recommended by the Public Policy Committee and determine final action.

Community Living

Draft Position Statement

The Texas Council for Developmental Disabilities supports the position that individuals with disabilities should have access to opportunities and the supports needed to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, the state, and the nation.

Individuals with disabilities must have access to the full range of accommodations necessary to ensure that living in their community is possible. These accommodations may take various forms such as personal attendant services, medication monitoring, respite, durable medical equipment, employment services, transportation, and/or minor home modifications. Accommodations may be sustained for either longer or shorter duration or may be of greater or lesser intensity depending on the need of the individual.

Services to children should be provided in their family setting. When children cannot remain with their families, they must be cared for using principles, policies and processes akin to those of permanency planning and have access to family-based alternatives that ensure enduring and nurturing relationships.

Approved in May

Adults with disabilities shall have choice and control about where, how, and with whom they live. They must be provided with assistance that may be needed to make these choices and to sustain choices regarding community living. All people with disabilities should have access to the services and supports they need to live in the community. The state of Texas must allocate the requisite resources to support community living for people with disabilities. In addition, the state must rapidly expand the availability of individualized community options, transition all individuals in state institutions to community living, commit to a transition plan to close state supported living centers and transfer any cost savings to quality community programs. Communities must also be cultivated to ensure local systems foster accessibility within and across all facets of community life, so that maintaining community placement is a feasible outcome for individuals with disabilities.

August Edits

Adults with disabilities shall have choice and control about where to live among available options, how, and with whom they live. They must be provided with assistance that may be needed to make these informed choices about how and with whom they live and to sustain choices regarding community living. ~~All people with disabilities should have access to the services and supports they need to live in the community.~~ The state of Texas must allocate the requisite resources to support community living for people with disabilities including community based services and supports and affordable, integrated housing. In addition, the state must rapidly expand the availability of individualized community options, transition all individuals in state institutions to community living who choose to do so, commit to a thoughtful, measured transition plan to consolidate and close state supported living centers and transfer any cost savings to quality community programs. Communities must also be cultivated to ensure local systems foster accessibility within and across all facets of community life, so that living as independently

as desired and maintaining quality community placement living is a feasible outcome for individuals with disabilities.

Gersuk Proposed Revisions

Within the constraints of safety for themselves and others, adults with disabilities have the right to choose where, how, and with whom they live, and shall be provided with information and assistance needed to make informed decisions. The state of Texas must allocate the resources to expand the availability of all living options and associated supports and services for people with disabilities. Community living is the preferred alternative when it affords the least restrictive environment, but the decision ultimately rests with the person.

Gersuk Proposed Revisions with Staff Suggestions

~~Within the constraints of safety for themselves and others,~~ Adults with disabilities have the right to choose where, how, and with whom they live, and shall be provided with information and assistance needed to make informed decisions. The state of Texas must allocate the resources to expand the availability of all **community** living options and associated supports and services for people with disabilities **and to ensure the safety and quality of supports in whatever setting is chosen by each individual.** Community living is the preferred alternative when it affords the least restrictive environment, but the decision ultimately rests with the person **with the disability.**

Taylor Proposed Revisions

Adults with disabilities shall have choice and control about where, how, and with whom they live. They must be provided with assistance that may be needed to make these choices ~~and to sustain choices regarding community living. All people with disabilities should have access to the services and supports they need to live in the community.~~ The state of Texas must allocate the ~~requisite~~ resources to expand the support community living options and associated supports and services for people with disabilities. ~~In addition, the state must rapidly expand the availability of individualized community options, transition all individuals in state institutions to community living, commit to a transition plan to close state supported living centers and transfer any cost savings to quality community programs. Communities must also be cultivated to ensure local systems foster accessibility within and across all facets of community life, so that maintaining community placement is a feasible outcome for individuals with disabilities. Ultimately, the decision as to where to live remains with the individual.~~



Education Draft Position Statement

~~All people with disabilities in Texas should have the opportunity to achieve their maximum potential for independence, productivity and integration into the community. Education is a lifelong learning process which is vital to attaining a full and complete life. The postsecondary results of an appropriate public school education for students with disabilities should be evidenced by employment, enrollment in postsecondary education, or both within one year of leaving exiting high school.~~

Comment [COU1]: "Leaving" sounded too much like dropping out and of course graduation is not always the final outcome.

The Texas Council for Developmental Disabilities supports the position that ~~It is therefore the position of the Texas Council for Developmental Disabilities that~~ all students, have a right to learn, play and work with students their own age, with and without disabilities, in the same schools, classrooms and other educational programs attended by their brothers, sisters and neighbors, and that schools, classrooms and programs must be both physically and programmatically accessible to all students. It is the position of the Council, as well as the policy of the state, that all children should be treated with dignity and respect when addressing their behavioral and disciplinary needs.

All students regardless of individual needs must be provided with individualized appropriate instruction, research-based positive behavioral interventions and supports, access to the general curriculum, and related services in the least restrictive environment. Related services include but are not limited to adaptive aids, assistive technology, modifications, therapies and supplementary aides. The delivery of individually appropriate instruction and related services must be provided by qualified teachers and service providers with administrative support and opportunities for continued ~~and~~ ongoing professional development in all areas of identified need. ~~It is the position of the Council, as well as the policy of the state, that all children should be treated with dignity and respect when addressing their behavioral and disciplinary needs.~~

~~All people with disabilities in Texas should have the opportunity to achieve their maximum potential for independence, productivity and integration into the community. Education is a lifelong process which is vital to attaining a full and complete life. The postsecondary results of an appropriate public school education for students with disabilities should be evidenced by employment, enrollment in postsecondary education, or both within one year of leaving high school.~~

~~The Council supports the position that e~~Charter schools or schools accepting voucher payments must provide students the same educational rights and opportunities that they would be accorded in the public education system. The Council believes that schools that accept state money to educate students must accept any student with a developmental disability who may apply for admission to that school; abide by federal and state education laws that protect the rights of students with disabilities; abide by Section 504 of the Rehabilitation Act that requires any entity receiving federal funds to include people with

disabilities in its program, and accept any student at the state rate of payment asking for no additional tuition or fees beyond the normal fees required by the student's local education agency. If these criteria are not met, then the Council adamantly opposes publicly funded school vouchers and charter schools. The Council ~~is opposed~~ does not support ~~to~~ any initiative that would deplete funds from the public education system and ultimately from those funds available for the education of students with disabilities.

(Continued)

The ~~Council supports the position that~~ full inclusion of Texas students with disabilities should be approached as a value and underlying philosophy by which we educate all students. We believe that successful inclusion requires that teacher education programs prepare all educators and administrators to work with the full range of students in inclusive settings. Special education is not a separate educational system, but rather a service provided to people with specific needs within the general educational system. Professional preparation programs should emphasize the shared responsibility of all educators and administrators for every student.

~~The Council supports the position that~~ Full inclusion requires the ongoing, shared responsibility of students, parents, guardians, educators, administrators and the community at large.

~~It is therefore the position of the Texas Council for Developmental Disabilities that all students have a right to learn, play and work with students their own age, with and without disabilities, in the same schools, classrooms and other educational programs attended by their brothers, sisters and neighbors, and that schools, classrooms and programs must be both physically and programmatically accessible to all students.~~

Reviewed ~~July 26, 2012~~

Access to Health Care

Draft Position Statement

The Texas Council for Developmental Disabilities supports the position that all people, regardless of their disability, age, or ability to pay, should have access to affordable, comprehensive health care. TCDD supports healthcare initiatives and efforts to increase the access and affordability of health insurance for everyone.

The Texas Council for Developmental Disabilities [support the expansion of Medicaid for Texas under the federal Affordable Care Act. The expansion would have covered an additional 1.2 million Texans by 2016. We support](#) the position that in any consideration of changes to the [healthcare](#) financing and delivery system in the United States, the well-being of the patient must be the highest priority. The Council strongly supports the reform measures and principles set forth in this statement as providing individuals consistent access to patient centered, timely, unencumbered, affordable and appropriate health care and universal coverage while maintaining physicians as an integral component to providing the highest quality treatment.

The Council supports the position that as policymakers considers [healthcare](#) reforms they should:

- Ensure patients are empowered to control and decide how their own [healthcare](#) dollars are spent;
- ~~Eliminate pre-existing condition exclusions;~~
- Ensure unencumbered access to specialty care;
- Make [healthcare](#) coverage more affordable;
- Improve value and increase quality on our [healthcare](#) system;
- Extend both coverage and access for the uninsured and under-insured;
- Avoid establishing new unsustainable programs;
- Provide comprehensive, culturally and linguistically appropriate behavioral [and mental](#) health services and supports;
- Provide services in the context of a [patient centered](#) medical home, where the clinician works in partnership with the individual and/or family to ensure that all of the medical and nonmedical needs of the person are met;
- Ensure that children and adults with behavioral [and/or](#) mental health concerns have access to screening, diagnosis and treatment that is not subject to arbitrary limits on coverage and integrated into the broader [healthcare](#) system;
- Ensure that people with disabilities of all ages and their families have access to health care that responds to their needs over their lifetimes, and provides continuity of care that helps treat and prevent chronic conditions;

- Ensure that people with disabilities and their families receive comprehensive health, rehabilitation, and long term support services provided on the basis of individual need, preference, and choice;

(Continued)

- Ensure that people with disabilities and their families have equitable and affordable access to health coverage programs and not be burdened with disproportionate costs;

The Council is concerned about proposals to block grant Medicaid because people with disabilities are especially vulnerable to reductions in Medicaid spending since they typically require more health services and long term supports that call for deep reductions in Medicare and Medicaid payments.

Reforms are necessary to strengthen the current Medicaid program so that it provides accessible, high-quality healthcare services to people with disabilities enrolled in the program; with examples changes that include, but are not limited to, evidence-based practices and payment structures that attract providers.

Reviewed May 3, 2012



Right to Privacy

Draft Position Statement

The Texas Council for Developmental Disabilities recognizes that people with disabilities have the same right to privacy as all people have in our nation. Confidentiality has historically been a cornerstone in providing services and medical care to people. The level of privacy protected under the Fourth Amendment of the U.S. Constitution is being challenged by the rapidly developing interactive technologies with a quickly emerging global information infrastructure.

In this age of the evolving information and communication technologies, the Council recognizes the positive role that the electronic media brings to the compilation and exchange of information. Our government agencies, businesses and non-profit agencies now have the advantage of quick exchange of information and the ability to gather and analyze massive amounts of information. This new capacity can help in streamlining business, reducing costs and ensuring appropriate services for people. However, this new capacity for data collection can also be used intentionally or unintentionally to the detriment of the people the government agencies serve. The Council supports the position that the following basic principles should be applied to all information data collection systems:

- ❑ Individuals, government entities, nonprofit organizations, and businesses have a shared responsibility for the secure use of personal information.
- ❑ Prior to the collection and dissemination of personal and identifiable information, each individual should be advised of:
 - the specifics of personal information to be collected and/or released;
 - the entity which is collecting the information and the entity to which the information will be released;
 - the purpose for which the information is to be collected and/or released;
 - the individual's legal rights to privacy and confidentiality of personal information;
 - the administrative procedures to follow to review personal information;
 - the process to remove, correct or add information that has been entered in a data collection system;
 - the avenues of recourse to recover damages in the case of improper use and/or disclosure of personal information; and
 - the degree of risk that personal information may be inadvertently collected by other entities through the electronic transmission processes.

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- ❑ Those who obtain, possess or retain personal information should make efforts to ensure that such personal information is not inadvertently shared, obtained, or collected by unauthorized parties through the process of electronic data transmission.
- ❑ Directories of an individual's personal information should be used only as originally allowed by the individual. Personal identifiable information which may include: personal identity;
 - social security number;
 - religious, political or organizational affiliations;
 - employment; educational, medical, psychiatric, psychological, and financial status, and
 - legal history; and
 - family status ~~should be used only as originally allowed by the individual.~~

Reviewed ~~February 9, 2012~~