

Background:

The Public Policy Committee is responsible for recommending Public Policy Priorities to the Council before the beginning of each legislative session. TCDD’s Public Policy Priorities provide guidance for staff regarding legislative advocacy activities. Staff will review preliminary 2011 -2012 Public Policy Priorities with the Committee for discussion and guidance. Additional information is provided in meeting materials.

<p><u>Public Policy Committee</u></p> <p><u>Agenda Item 6. C.</u></p>	<p><u>Expected Action:</u></p> <p>The Committee will receive an update regarding preliminary TCDD Public Policy Priorities for 2011 -2012 and provide guidance as needed. No action is anticipated.</p>
<p><u>Council</u></p> <p><u>Agenda Item 16. B.</u></p>	<p><u>Expected Action:</u></p> <p>The Council will receive a report of the Committee’s discussions and may provide additional guidance. No action is anticipated.</p>

Preliminary 2011 Public Policy Priorities

Appropriations

Maintain publicly-funded services and supports for people with disabilities and ensure that critical services and supports for Children and Families, Education, Employment, Housing, Mental Health, Long Term Care, and Transportation are not reduced or limited in order to balance the state's budget.

Background

The state of Texas faces a budget shortfall that is estimated to be as high as \$18 billion for the upcoming 2012-2013 biennium. State agencies have been asked to reduce their *current* budget by 10%, which has already begun impacting people with disabilities who participate in state-funded programs. For example, some school districts are limiting special education services such as Extended School Year and inclusion-support aides due to the budgetary constraints schools are facing. Participants in Medicaid waiver programs are at times facing reductions in annual service plans and budgets as the Department of Aging and Disability Services attempts to reduce costs in those programs in order to avoid reducing the number of participants in those programs. Similar situations are present in other service areas as well.

Due to the budgetary outlook, the state could reduce existing services or programs to balance budgets, look for alternative ways of providing services in order to reduce spending, or consider additional sources of revenue. The Legislature is encouraged to exercise considerable caution when considering alternative ways of providing services recognizing that some options may also have serious negative consequences to those most needing services.

Many services and supports needed by people with developmental disabilities are not readily available. For example, people must wait years for community-based Medicaid waiver services and there are many parts of the state that lack accessible transportation services. The demand for expanding services will compete with current service obligations due to the state's tight financial constraints.

Children and Families

Increase the availability of family and community supports that assist children with developmental disabilities to live and remain in their home communities.

Background

More than 27,000 children in Texas are currently in foster homes under the supervision of Child Protective Services. A number of children are in residential treatment centers (RTC) which are typically large, congregate, very structured residential facilities for children with serious emotional disturbance or mental health issues. Additionally, some children are in "other" foster care settings such as camps, maternity homes, hospitals, juvenile detention, state supported living centers, HCS homes and state hospitals. Children are placed in these large facilities far from their home counties due to the lack of resources in their home communities.

Children in state conservatorship are victims of abuse and/or neglect and the trauma they have endured can result in significant treatment needs. These children also experience trauma by being removed from their homes, schools and friends. Children with developmental disabilities or other underlying medical and developmental needs who are in state conservatorship have additional complex needs that the system struggles to meet.

The absence of community resources results in children being placed outside of their home community, increased number of changes in placement, separation from sibling(s) and family, lack of educational continuity and a fractured social support system. These factors increase the likelihood that children with disabilities in the foster system will end up in institutions and experience further difficulties in life.

Preliminary 2011 Public Policy Priorities

Education

Protect the right of students with disabilities to appropriate, inclusive, publicly-funded education that supports opportunities for full participation and eliminates the use of inappropriate disciplinary alternatives throughout the educational spectrum- from early education programs to post-secondary schooling.

Background

Students with disabilities require individualized supports tailored to meet their needs in order to be educated along side their peers without disabilities. Education is a lifelong learning process which is vital to attaining a full and complete life. An appropriate public school education for students with disabilities should lead to employment, enrollment in postsecondary education, or both within one year of leaving high school.

Early intervention and early education programs have not kept up with the demand for services. Many children with disabilities would benefit from these programs and would require less intensive special education services if the level and frequency of early intervention/ education services was not constrained by inadequate access. When such services are adequately funded, accessible and available to children with disabilities throughout the state, and include the necessary array and intensity of services for children with all levels of need, children with disabilities are more successful in school and post-secondary endeavors.

Students with disabilities are disproportionately represented in all disciplinary education settings. Furthermore, students with disabilities are placed in these settings due to “discretionary” offenses, such as disruptive behavior, which may be related to the child’s disability. The absence of positive behavior supports in schools results in the inappropriate discipline of students with disabilities, where discipline takes place in lieu of proper behavior management.

Employment

Improve the system of employment services and income supports for individuals with developmental disabilities, including services and supports to help students with disabilities transition from school to work and programs that help individuals develop assets and resources.

Background

People with disabilities want the same opportunities to have meaningful jobs and careers as do all other working age individuals. Additionally, people with disabilities represent the third largest market segment in the U.S. The federal/state vocational rehabilitation program, administered in Texas by the Department of Assistive and Rehabilitative Services (DARS), assists people with disabilities to find and keep employment. In June 2010, 21.7% of working age people with disabilities was in the labor force compared to 70.5% of working age people with no disability. The unemployment rate for those with disabilities was 14.4 percent, compared with 9.4 percent for persons with no disability, not seasonally adjusted. Employment services and preparation for work needs to begin in public education. A sound foundation from school will help students transition to post secondary education and a career path after graduation.

Housing

Expand dedicated funds for housing assistance for people with disabilities and increase the availability of affordable, accessible housing.

Background

A shortage of affordable housing is one of the most significant obstacles facing people with disabilities. The primary barrier to acquiring safe and adequate housing is income- people with disabilities have lower incomes on average compared with the general population. Housing that is defined as “affordable” in state policy is not priced at a level that people living on Supplemental Security Income (SSI) can afford. Texans with developmental disabilities also face barriers to housing because of a lack of physical accessibility, lack of public transportation options and inability to access supportive services that are often critical to living independently in the community.

Preliminary 2011 Public Policy Priorities

People with disabilities face homelessness. Recent data indicates that 26% of individuals who are homeless also have a mental illness and 13 percent have physical disabilities. Physical disabilities that limit work or daily activities are barriers to employment and put these individuals at greater risk of homelessness. People with mental illnesses who leave acute or chronic care facilities without adequate provision for their housing often end up sliding into homeless shelters or the criminal justice system.

Long Term Services and Supports

Improve the system of long-term services and supports to ensure the availability of quality community-based services and supports for individuals with developmental disabilities and emphasize providing services in integrated, community settings thereby reducing reliance on institutional services.

Background

People with disabilities continue to wait years for the community-based long term services and supports they need. Services for both adults and children are not adequate to meet the growing demand. Simultaneously, programs struggle to provide quality services to individuals with complex needs. As a result, people with disabilities are forced to either forego care or receive it in a more restrictive, institutional setting.

Texas utilizes institutional services to provide long term services and supports for people with developmental disabilities at a higher rate than the national average. The state is also under a settlement agreement with the US Department of Justice to improve care at the state-run facilities for people with developmental disabilities and to respect the right to services in the most integrated setting per the *Olmstead* Supreme Court decision. The state has struggled to expand community based services while continuing to fund costly institutional services and their needed improvements.

Various methods are being explored to improve or expand community based services to people with developmental disabilities. Managed care options for this population will be presented to the 82nd Texas Legislature, which will also be reviewing the outcomes of recent changes in service coordination.

Mental Health

Expand community-based behavioral, mental health and substance abuse services and supports for children and adults that are recovery-oriented and consumer-based and link mental and physical health needs.

Background

Access to care is one of the most critical issues affecting the public mental health system in Texas. Due to the system's lack of capacity, individuals with mental illnesses cannot easily access needed mental health services in a timely manner. Some Texans with severe and persistent mental illnesses who experience a mental health crisis cannot or will not engage in ongoing care. These individuals cycle through crisis services, hospitals, jails, and prisons and may never get linked into clinics or other outpatient treatment.

A severe shortage of specialists creates a significant barrier to accessing mental health care. Children with disabilities or behavioral challenges need positive behavior supports to be successful at school and in the community. Some children need professional mental health care, but in Texas, less than 1 in 5 Texas children with a serious behavioral problem that puts them at risk of removal from their home or school receives the treatment they need.

Preliminary 2011 Public Policy Priorities

Transportation

Expand and ensure full accessibility of public transportation in suburban, urban, rural and unincorporated areas to connect the places people live with the places they work, shop, socialize, worship, attend school, and have access to health care.

Background

Without access to transportation, people with disabilities are isolated from gainful employment, schools, doctors, shopping, friends and community. Texas transportation systems need to be accessible in all areas of the state, particularly in rural parts of Texas.

Transportation services are funded by federal, state and local funds. As economic pressures build and federal funding remains static, communities have not been able to expand or develop the transportation services to adequately meet the needs of individuals with disabilities. State funding for transportation services (bus systems, paratransit services, commuter rail services, etc.) is a critical element needed to support the growth of transportation systems throughout the state. Where transportation services do exist, they often struggle to be responsive to consumer needs.