

**Proposed Resolutions for Consideration
By the Delegates to the 24th Annual
Convention of the Coalition of
Texans with Disabilities**

Proposed Resolution No. 01-01

Establishment of a statewide network of providers of "relocation" services pertaining to meeting "Most Integrated Setting" Mandate

Submitted by: ARCIL

Whereas: Title II of the Americans with Disabilities provides a mandate of "Most integrated settings" in provision of publicly-supported services;

Whereas: The U.S. Supreme Court ruled in *Olmstead v. L.C. & E.W.* that states must develop "effective, working plans" to end unlawful segregation of people with disabilities in institutions;

Whereas: The Texas "Promoting Independence" initiative has yielded policy recommendations to create opportunities for community alternatives that have not yet been fully implemented, thus the State of Texas continues the unlawful segregation of thousands of Texans with disabilities in institutions;

Therefore be it resolved that: CTD supports establishment of a statewide network of providers of "relocation" services (including service coordination, temporary housing subsidies, payment of relocation expenses, and permanency planning) to assist Medicaid-eligible individuals in institutions seeking to transition to community residences with appropriate services and supports.

ADOPTED: AMENDED: _____ TABLED: _____

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Proposed Resolution No. 01-02

Creation of a 20% Minimum Guarantee of Funds Placed in the Texas Mobility Fund for Public Transportation and Non-Highway Mobility Improvements

Submitted by: Texas Citizen Fund – Just Transportation Alliances

Whereas: one in five adult Texans, primarily persons with disabilities, seniors, and individuals living in poverty, do not have reliable access to a car;

Whereas: nearly half (43%) of persons with disabilities depend on public transportation and/or special transit to meet their basic needs, achieve independence, and maintain lives of dignity and choice;

Whereas: even in the presence of high-quality public transportation, both seniors and persons with disabilities are unable to access these community resources in the absence of sidewalks and curb cuts which allow for safe walking and wheeling;

Whereas: the Health and Human Services Commission of Texas, the Texas Department of Mental Health and Mental Retardation, and the United Ways of Texas have heard from both individual consumers and service providers that the absence of transportation minimizes the effectiveness of programs and increases the cost of providing essential services to Texans;

Whereas: absence of transportation ranks consistently as one of the most significant barriers to achieving economic self-sufficiency, retaining employment, and accessing preventive medical services by low-income families;

Whereas: Texas appropriates less than 1% of its more than five billion annual public investment to public transportation and other essential mobility infrastructure for persons who cannot or do not drive;

Whereas: this failure to invest leaves many Texans isolated and eliminates alternatives, such as public transportation, as a viable surrogate for mobility for those drivers who seek or need choice;

Whereas: investing in sidewalks and curb cuts that provide safe walking and wheeling routes and high-quality, reliable, accessible public transportation systems will provide essential mobility;

Whereas: this investment represents an important component in the transition of persons with disabilities as active participants in their communities;

Therefore be it resolved: by the members of the Coalition of Texans with Disabilities, that the Texas Legislature invest the resources for equitable transportation for those Texans without reliable access to a car by appropriating funds into the Texas Mobility Fund;

Be it further resolved: by the members of the Coalition of Texans with Disabilities, that the Texas Legislature implement a twenty percent minimum guarantee of these funds be allocated to investment in public transportation and other non-highway mobility options.

ADOPTED: x AMENDED: TABLED:

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Proposed Resolution No. 01-03

Commissioner of the Texas Rehabilitation Commission

Submitted by: ADAPT of Texas

Whereas: The Texas Rehabilitation Commission serves people with disabilities who need vocational, independent living and other support services;

Whereas: People with disabilities have shown the leadership and other skills necessary to become administrators of large organizations;

Whereas: There has never been a Commissioner of the Texas Rehabilitation Commission with a significant disability;

Therefore be it resolved that: CTD communicate by letter to the Governor, the Commissioner of the Health and Human Services Commission and the Board members of the Texas Rehabilitation Commission, CTD's position that when Commissioner Max Arrell retires that his replacement should be a qualified person with a significant disability and that members of CTD should be integrally involved in the selection of the new Commissioner.

ADOPTED: x AMENDED: x TABLED:

and elected leaders on the Texas Legislature

**Proposed Resolutions for Consideration
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Proposed Resolution No. 01-04

Community Based Alternative/CLASS Medicaid Waivers

Submitted by: ADAPT of Texas

Whereas: There is a 40,000 person waiting list, also known as an interest list, for CBA services and 2,000 people waiting for CLASS:

Whereas: CBA and CLASS are Medicaid waivers that allow people with disabilities to receive services in the community rather than a nursing home;

Whereas: The funding requested by the Dept of Human Services will allow for minimal if any growth of the CBA and CLASS even though the need is growing;

Therefore be it resolved that: CTD develop a legislative action plan that involves CTD members at the grassroots level and the aging community to advocate for enough funding to end the CBA and CLASS waiting lists, also known as waiting lists, and that CTD should communicate this position to the Governor's office, Legislative Budget Board, Commissioners of HHSC and DHS as well as all relevant legislators and committees.

ADOPTED: x AMENDED: x TABLED:

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Proposed Resolution No. 01-05

Class Action Litigation filed by The Arc of Texas and Advocacy, Inc in behalf of individuals on the Home and Community-based Services (HCS) and Community Living Assistance and Support Services (CLASS) Waiting Lists.

Submitted by: The Arc of Texas

Whereas: As of September 1, 2002, approximately 18,000 eligible persons were on the Waiting List, also known as an interest list, of HCS Services and approximately 7,000 were on the CLASS Waiting List, also known as an interest list.

Whereas: Some of these individuals have languished on these Waiting Lists for more than seven years.

Whereas: Federal Medicaid law, the Americans with Disabilities Act, and the Due Process Clause of the U.S. Constitution do not allow for such Waiting Lists in the Medicaid Waiver programs.

Whereas: On September 5, 2002, The Arc of Texas and Advocacy, Inc. filed a class-action lawsuit against the Health and Human Services Commission, the Department of Mental Health and Mental Retardation, and the Department of Human Services to address this Texas Tragedy by major expansion of Waiver Services.

Therefore be it resolved that: The Coalition of Texans with Disabilities and its member organizations express enthusiastic support for this lawsuit and encourage solidarity in such support across the entire Texas disability community.

Be it further resolved: That CTD encourage people with disabilities and organizations that represent them to offer whatever level of financial support is possible to advance this litigation.

ADOPTED: x AMENDED: x TABLED:

**Proposed Resolutions for Consideration
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Proposed Resolution No. 01-06

Equal recourse under the Americans with Disabilities Act (ADA)

Submitted By: CTD Board of Directors

Whereas: The Americans with Disabilities Act provides critical protection of the civil rights of people with disabilities and it was intended by Congress that states be fully included in the ADA, and

Whereas: a CTD member, a person with neurological disabilities caused from sleep apnea, has recently been discriminated against by a judge in a Texas court, and subsequently discovered that states are not subject to the same level of recourse as the private sector, and

Whereas: states are protected under the 11th amendment to the U.S. Constitution, which gives states sovereign immunity and courts have held that Congress overstepped its authority in the ADA and that, in ADA cases, courts have held that states can be held accountable for injunctive relief and attorney fees, but not damages resulting from discrimination, unlike the private sector which is subject to damages, and

Whereas: there is currently no law that fully protects Texans with disabilities from being discriminated against by the agencies, courts, jails, and other State entities,

Therefore be it resolved that: The State of Texas should pass legislation equalizing accountability and recourse under the ADA with the private sector by allowing damages and CTD should take the lead in finding sponsorship for the legislation and advocating it through the Texas Legislature, and

Be it further resolved that: CTD should support its member's attorneys in seeking two rules of judicial conduct, requiring that a declaration of disability could not be disallowed only by order of a judge. The first rule would cover courts in Travis County, the second would be through the Texas Supreme Court.

ADOPTED: x AMENDED: TABLED: