



News

APRIL, 1987

504 - CELEBRATE AND WORK FOR MORE

On April 28, 1977, then Secretary of Health, Education and Welfare, Joseph A. Califano, Jr. signed the final regulation implementing the last sentence in the Rehabilitation Act of 1973: Section 504. Section 504 of the Rehabilitation Act reads as follows: "No otherwise qualified handicapped individual in the United States...shall solely by reason of his handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any executive agency or by the United States Postal Service." (29 U.S.C. Sec. 794). The Rehabilitation Act of 1973 is a Federal law that supercedes State and local laws. Title V of the Act contains a series of Civil Rights laws. Section 504 is the key national mandate for conferring upon disabled persons, as a class, the constitutional right to integration and equality of opportunity (equal citizenship) in federally funded programs. Section 504 is often referred to as the "Bill of Rights for people with disabilities".

Advocacy groups in El Paso and Dallas are planning events to mark the 10th anniversary of the signing of Section 504. On May 1st a "CELEBRATION PARADE 1987" is being planned by disabled El Pasoans, organizations and agencies to commemorate this anniversary and proudly celebrate civil rights for disabled El Pasoans, Texans and Americans. Proclamations for support are being presented to the Commissioners Court and City Council to proclaim May 1, 1987 as SECTION 504 DAY in El Paso and El Paso County.

On May 9th, disabled citizens of Dallas are planning a 504 Celebration with a parade and rally. Their plan is to use this occasion for disabled people to celebrate the gains that have been made and to rally for the work that we know is yet to be done. The parade will include a band and most important, several hundred disabled adults, children and their families. The fun will continue immediately following the parade with a rally. There will be entertainment, disabled sports, demonstrations, food and speeches by outstanding disabled leaders.

We encourage you to become involved in these events so they will include all disabled people and be events that all who participate will feel the strength of our working together. For more information contact: Jim Parker in El Paso at 915/541-4643 or 915/564-0544 and Linda Johnstone in Dallas at the Dallas Center for Independent Living 214//631-6900.



504: MORE THAN AN AREA CODE?
THAT WAS THEN, THIS IS NOW

Disability advocates from across Texas and across the United States are preparing to celebrate the 10th Anniversary of Section 504 of the Rehabilitation Act of 1973. As we prepare to celebrate however, it is important to look at what we are actually celebrating.

Often called the "civil rights act for disabled people", Section 504 and its companion sections guarantee access to programs receiving federal funds. While a broad civil rights protection may have been the original intent of Congress when legislation was passed 14 years ago, such protection is far from today's reality.

Even under original interpretation, protection from discrimination was only to cover entities receiving federal funding; others are free to discriminate. However the recent Grove City Court Case has limited our protection further. Original interpretation of the law was that if any part of an entity (a school, a business, a local government or agency, etc.) received even one federal dollar the entire entity had to be accessible and could not discriminate. The Grove City decision, however, changed that and said equality for disabled persons followed the federal funds, so if a school's chemistry department received federal funds only that department needed to provide access and not discriminate.

In addition, as the federal government works to restructure our budget and lessen the federal government's role in our society, more and more of our so-called rights and protections fly out the door.

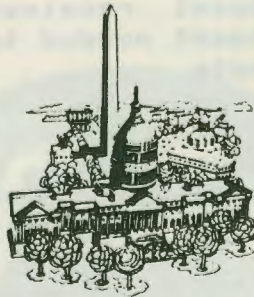
In addition, as the American Public Transit Association (APTA) lawsuit against the Department of Transportation's 504 regulations shows, groups with enough dollars will have interpretations adopted and regulations rewritten which best fit their needs. Rather than protecting the rights and needs of disabled Americans, our government has consistently given in to pressure from the very groups and entities from which we originally needed protection.

Even when 504 had not been eaten away it was not a popular piece of legislation with our

government. It took almost four years of demonstrations, office take overs and sit-ins before publication of the regulations, which would define compliance and allow enforcement. It was a big fight then and we have lost much of what we had gained.

Celebrating victories is essential, but let us get some victories to go along with this celebration. As we are celebrating we should not look back and rest on the dying laurels of our accomplishment 504, but look to what must be done right now. Unfortunately our struggle is just beginning. The Civil Rights Restoration Act has been introduced in Congress again and needs lots of support. Disabled people are beginning to take their fight to the streets.

What will your contribution be?



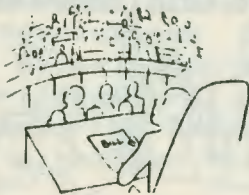
CIVIL RIGHTS RESTORATION ACT OF 1987

The Civil Rights Restoration Act of 1987 is Congress' third attempt to restore broader civil rights protections to disabled persons, minorities, women and older Americans. This legislation was filed as a response to the Grove City Supreme Court decision which set a precedent of limiting an entities responsibility not to discriminate despite receiving federal funds.

In January 1987 Senators Kennedy (D-MA) and Weiker (R-CT) introduced the Civil Rights Restoration Act of 1987, CRRA, S 557 and a companion bill HR 1214 was introduced by Representative Hawkin (D-CA) in February. The bill has had two hearings, in the Senate Labor and Human Resources Committee and a third hearing is expected in the next few weeks. As yet there have been no House actions.

Arguments for and against the bill parallel those of past years. One position states that by allowing the Supreme Court's decision to stand the federal government is permitting federally funded discrimination. Other people feel the Grove City decision should simply be over-turned for a limited number of institutions. The third group focuses their argument on the concern that CRRA would force health care facilities to provide abortions against their beliefs. Edward Kennedy, Jr. testified in support of the bill at a previous hearing. Some groups testifying against the bill claim protections for legitimate disability cases already exist. The Coalition for Americans is quoted as saying "among the so-called handicaps given special protection under this legislation are alcoholism, drug addiction, communicable diseases and even transvestitism... the bill...is actually an AIDS carriers benefit package". The fight for passage of this legislation will not be easy and many of the old pitfalls lie ahead.

Bentsen is a Texas co-sponsor of the bill in the Senate. In the House Texas co-sponsors are: Andrews, Bryant, Bustamente, Frost, Gonzalez, and Leland. Is your Representative on this list? Senator Gramm is not and many Representatives are not. It is important they hear from you and learn how you feel.



POSTCARD CAMPAIGN

The Coalition of Texans with Disabilities is joining the Texas Alliance for Human Needs in a postcard writing campaign to Governor Clements to educate him about the need for funding of human services. We all need to let him know there's no place else to cut and we have got to increase funding for the state's most vital services--human needs.

We encourage you to add your own message. You might want to include some of the following information about services to individuals with disabilities:

*Disability services assist disabled Texans to be independent, productive citizens and should be increased to meet the needs of more eligible persons.

*The number of people needing these services has risen markedly. National estimates state that 16% of the non-institutionalized population is disabled.

*Agency estimates range from meeting the needs of only 5% to 25% of those eligible for services.

*Disability services in Texas have not received their share of funding over the last twenty years.

It is very important that you send the post card today. Unless Governor Clements hears from all of us soon, it will be too late to save these programs and services. If you would like additional cards for your group, just let us know at CTD, 512/449-8252.





STATE LEGISLATIVE UPDATE

Budget Blues

Both House and Senate have reached "final" versions of the budgets. Although both have found additional money for education, human services will receive level funding or cuts. DHS' Community Care for Aged and Disabled was especially hard hit. Legislators talk of "ONLY 1.5% cuts" as if these bare bones services had lots of fat to trim. The two budgets will soon go to Conference Committee but if the Governor will not raise taxes and the legislature will not over ride him we are destined for deeper cuts.

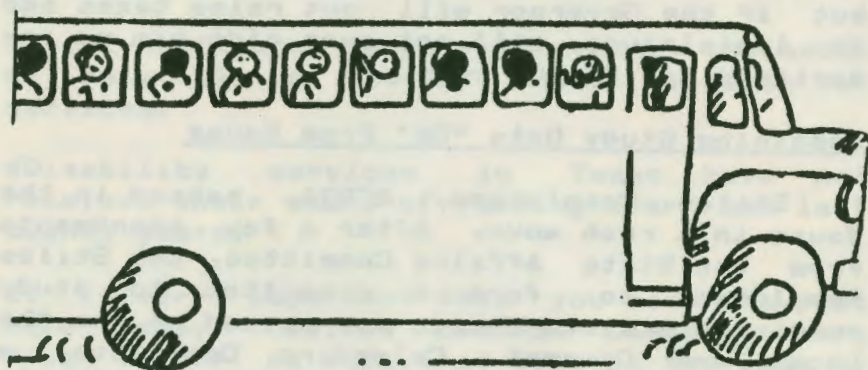
Combining Study Gets "OK" From House

Stiles Resolution, HCR36, passed in the House in a rush move. After a few amendments from the State Affairs Committee, the Stiles Resolution to form a committee to study combining state agencies was passed on to the Local and Consent Calendars Committee, a committee which takes uncontroversial bills to abbreviate the process. Mysteriously and probably due to opposition, HCR36 was suddenly moved to the Resolutions Committee Calendar, brought to the House floor and passed on April 15th. Senator Montford, who had previously agreed to sponsor the companion Senate Bill, had apparently withdrawn his support, but now

that the Resolution has passed the House, matters may again change. The study has a budget of one million dollars. Write your Senator today!

Ten Years Is a Long Time To Wait For a Bus

HB330, requiring access to mass transit systems, is not dead! Word has it there will be a hearing in the House Transportation Committee around the end of April. Representative Guerrero, the sponsor of the bill, has written transit authorities across the state asking what they are doing regarding transit for disabled persons. All the responses from transit systems have explained their current policies and have opposed the bill, saying "let us decide for ourselves how to handle this". We are all aware how far that has gotten us to date. Your letters of support are needed to the Transportation Committee, Representative Guerrero and Senator Santiesteban (who will sponsor the Senate Bill once the bill passes in the House).



WORK INCENTIVES AND DISINCENTIVES HEARING

The Disability Advisory Council will hold a field hearing on work incentives and disincentives on May 4, 1987 in Dallas, Texas.

The Dallas field hearing, which will be held in the J. Erik Johnson Central Library, Central Auditorium (Plaza) located at 1515 Young Street, Dallas, Texas 75201, from 9:00 a.m. until 5:00 p.m. will elicit comments on work incentives and disincentives from the mental health and academic communities, service providers, relevant agencies, beneficiaries and the general public.

The Council is also examining the effectiveness of vocational rehabilitation programs for Supplemental Security Income and Disability Insurance beneficiaries, the question of using medical specialists to complete medical evaluations at the State disability determination level and the use of work evaluations in the disability determination process.

If you desire further information, call W. Douglas Badger at (301) 594-8177.

INDIVIDUAL MEMBERSHIP

Do you know individuals who might be interested in becoming members of CTD? \$12.00 a year CTD individual membership is a great bargain, considering all members receive the monthly and quarterly newsletters, the legislative alerts and information on workshops, etc. In addition, individuals joining become part of one of the largest and most organized state coalitions in the country.

If you know of people who might want to join CTD please contact the Central Office - 512/443-8252.

CTD EDITORS' NOTE

The CTD Newsletter is edited and published by the Coalition of Texans with Disabilities, a state-wide cross disability consumer group. Any member who wishes to submit future articles for publication should send them to:

CTD
P.O. Box 4709
Austin, TX 78765

RESOLUTIONS:

HOW DO WE GET THINGS DONE?

(A message from Frank Lozano, Chair Resolutions and Bylaws Committee).

Advocate organizations take official positions:

These positions are presented to appropriate service organizations and supported.

Do you have an issue you think CTD should take an official position on? Does your organization need official support from CTD on an issue?

If so, submit your position or concern by sending a suggested resolution on the form provided in this newsletter to the Resolution and Bylaws Committee at the Central Office. The resolutions will be forwarded to the committee and the committee will recommend action to the Board of Directors.

Your resolutions should be submitted throughout the year--not just at the annual convention. Timing is important for us to act on any issues. We encourage your participation throughout the year.

COALITION of TEXANS with DISABILITIES

RESOLUTION FORM

NAME (CTD ORGANIZATION, MEMBER, OTHER) :

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SUBJECT OF RESOLUTION _____ :

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----- :

DATE SUBMITTED _____ :

WHEREAS _____

WHEREAS _____

WHEREAS _____

THEREFORE BE IT RESOLVED THAT _____

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----- :

DO NOT WRITE IN THIS SPACE

RESOLUTION NUMBER _____

SUBJECT OF RESOLUTION _____

DATE RECEIVED _____

ACTION TAKEN: PASSED, FAILED, OTHER _____

Return to CTD Central office

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The CTD Newsletter is edited and published by the Coalition of Texans with Disabilities, a wide cross disability consumer group. Any one who wishes to submit feature articles or public should send them to:



Coalition of Texans with Disabilities

P.O. Box 4709
Austin, Texas 78765

CTD
P.O. Box
Austin, Texas

RESOLUTIONS

1. A motion was made by Frank Larson, State Representative for Dallas County, Texas, to

authorize organizations to take positions

These positions are presented to appropriate service organizations and supported.

Do you have an issue you think CTD should take as official position? Does your organization need official support from CTD on an issue?

If so, submit your position or concern by sending correspondence, explanation, or the form provided in this newsletter to the Resolutions and Bylaws Committee at the Central Office. The resolutions will be forwarded to committee and the committee will action to the Board of Directors.

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