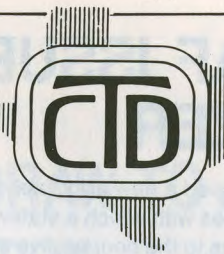


# COALITION OF TEXANS WITH DISABILITIES



Summer 1987

## NEWSLETTER

### The 70th Session Recap: Advocating Pays Off

There is no doubt the biggest battle and biggest victory this legislative session was in the area of the state budget. The Governor's recent line item veto of funding for Adult Protective Services' case money was indicative of the lack of caring and understanding which human services needs continue to face with many legislators as well as the Governor. This outrageous and arbitrary action, described falsely as cutting administrative expenses, is a prime example of how shaky the foundation for human services is in our legislative process.

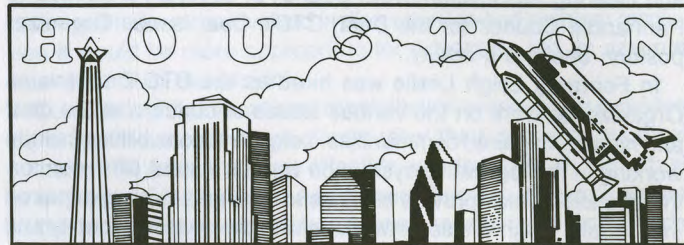
Shaky as the ground may be and tough as our fight is, CTD advocates should feel proud of our accomplishments this session. Inch by inch, through the budgetary process we held the line on no cuts. With our rallies last summer, our CTD/TRA Legislative Forum in January; Disability Consumer Day in March; the hundreds of phone calls, letters, testimonials, and telegrams; and last, but far from least our Candlelight Vigil (co-sponsored by the Gray Panthers and Texas Alliance for Human Needs) at the Governor's Mansion and around the state we kept hammering home our message: raise revenues—no cuts. And it worked.

With a new \$5.7 billion tax bill Texas is still only ranked 46th in percentage of personal income paid in state taxes. In addition, despite the tax hike we will still rank only in the 40s in state spending on human services. Yet the increase allowed us to hold the line and disability services even saw modest increases in the areas of independent living services, extended rehabilitation services, community care MHMR services, TDD placement, DHS Community Care medicaid waiver for medically needy children, Dept. of Health's Crippled Children's Services and Human Rights Commission's funding for disability employment discrimination investigation. The vast majority of human services are still only serving

*Continued on page 4*



Over 450 advocates from across Texas join together at the Candlelight Vigil.



### HOUSTON HOSTS TENTH ANNUAL CTD CONVENTION

The Coalition of Texans with Disabilities will hold its Tenth Annual Convention in Houston, Texas at the Hobby Airport Holiday Inn on October 30th-November 1, 1987. The theme of this year's convention is "A Decade of Disability Rights Advocacy: What It Was! What It Is! What It Will Be!"

The keynote speaker is Ed Roberts, President, The World Institute on Disability. He is one of the founders of Berkeley's Center for Independent Living and considered by many as the "father" of the independent living concept. Ed Roberts will discuss the development of the independent living and disability rights movements and their relationship to advocacy. Saturday morning the "CTD Founders" will present a forum reflecting on why they became involved in CTD and how CTD and disability rights have changed in the past 10 years. Invited "CTD Founders" include: Don Culwell, Larry Evans, Lex Frieden, Larry Gardner, Bob Geyer, Larry Johnson, Bob Kafka, Lee Kitchens, Tom Morrison, Marshall Mitchell, Pat Pound, Virginia Roberts and Bobby Simpson. This panel will provide an interesting overview and perspective of Texas' Decade of Disability Rights Advocacy. After the Founders Forum Justin Dart, RSA Commissioner and longtime CTD supporter, will address the convention outlining the latest news from Washington, D.C.

A noon luncheon will feature the presentation of CTD Awards: Volunteer of the Year, Justin W. Dart Meritorious, Member Organization of the Year, Community Grass-Roots Organizing, Newsletter of the Year and Public Servant of the Year. In addition, Justin Dart will present Commissioner's awards. Immediately following the Awards luncheon individuals nominated for the CTD Board of Directors will address the Convention.

Saturday afternoon convention participants will have a choice of workshops to attend addressing issues of concerns to Texas with disabilities. Scheduled workshops include: Independent Living—A part of/Apart from; Section 504 Today; and Housing Options. In the evening, a Halloween Costume Party is planned which organizers predict will rival any social event scheduled for this holiday.

On Sunday, delegates to the Convention will consider resolutions, by-law changes and elect members to the CTD Board of Directors. The key to success of the 10th Annual Convention is your participation. Make your plans now to attend an interesting, informative and exciting Convention in Houston. For more information contact the CTD Central office, 512/443-8252.

# CTD DEAF ISSUES ORGANIZER

This year CTD developed a new approach to trying to address the many advocacy issues with which a statewide cross-disability coalition is faced. Thanks to the cooperative support of the Texas Association of the Deaf, Travis County Council of the Deaf, Deaf Action Center of Dallas, Southeast Texas Council for the Hearing Impaired, Tarrant County Services for the Hearing Impaired/Goodrich Center, Highland Council for the Deaf, East Texas Deaf and Hearing Association, Deaf Council of Greater Houston, and Panhandle Council for the Deaf, CTD's Deaf Issues Organizer position became a reality.

In February Leigh Leslie was hired as the CTD Deaf Issues Organizer to work on the various issues of concern to the deaf and hearing-impaired communities. Leigh's responsibilities include working in the legislative system on various issues, and monitoring agencies which provide services to deaf and hearing-impaired individuals. Leigh is also networking with the deaf community and other individuals and organizations which support similar issues, with the deaf community to identify future issues, and establish a firm foundation on which to build a powerful base during the period between regular sessions. The end of legislative sessions has shown this project to be quite successful.

Several bills passed during the regular session of the 70th Legislature which will directly affect the lives of deaf and hearing-impaired Texans! Thanks to all the people who worked so hard to support these pieces of legislation (and of course the sponsors of the bills) the following bills were passed:

- HB 162—by Barton—requires hotels to provide visual smoke detectors for people who are deaf and/or hearing-impaired.
- HB 299—by Shaw—relating to the purpose for which funds appropriated to the Southwest Collegiate Institute for the Deaf may be expended.
- HB 550—by Vowell—recommends the continuation of the Texas Commission for the Deaf and the Board of Evaluation of Interpreters.
- SB 249—by Washington—allowing for a deaf person to serve on a jury and providing for interpreters.
- SB 719—by Caperton—establishes an interagency council to identify mentally and developmentally impaired offenders and to establish community based sentencing alternatives for mentally and developmentally impaired offenders.
- SB 1249—by Sarpalius—provides for the issuance of identification decal for voluntary use by deaf and/or hearing-impaired drivers of motor vehicles.
- SB 1346—by Green—provides for certification/qualification level of interpreters for the deaf in certain legal proceedings.

Furthermore, the Texas Commission for the Deaf (T.C.D.) came out of the budget battle in fairly good shape. While there was not an increase in funding for interpreter services, the appropriated funding levels for FY '88-'89 will maintain the *current* level of services. However, the legislature did require TCD to develop a sliding fee scale for individuals using TCD funded interpreter services.

As you can see there were a lot of victories during the session and significant headway was made in the legislative process. Now that the regular and special sessions are over, we can begin more intensive monitoring of agencies and services. In addition, we can further develop networks and continue to develop strong support for the many issues to be addressed during the next biennium. We need your help. If you have any questions regarding any of the bills mentioned or other issues please contact Leigh Leslie at the C.T.D. office 512/443-8252.

# PRESIDENT'S MESSAGE

by Bob Kafka



Since the end of the 70th Legislative Session things seem quiet in the Capitol city. The bars are empty and the Capitol press corp have lost their daily headlines. As I returned to my desk piled high with undone work I wondered if the time CTD and the members had spent on legislative and budgeting issues this session had payed off. Well the draconian cuts never happened and in fact agencies like TRC saw some sizeable increases in their state funded programs.

Many of the people who spent countless hours at the Capitol were seen smiling over the compromises that funded DHS, MHMR, TCD and TCB at least at current service levels. All in all we didn't do too badly. But like all things it is relative. In-Home and the Family Support Services are now a reality funded at \$6 million for MHMR eligible clients and approximately \$825,000 for non-MHMR eligible persons. This program however only illustrates the huge service gap we now have in this state for individuals who need in-home and family support services but are not eligible for MHMR services.

Dollars for attendant services provided through DHS have basically remained the same, but legislation mandating DHS to review their services and to develop a mechanism to better serve disabled people may bring about some changes in the overall way DHS delivers services to disabled people.

Numerous attempts to combine agencies were defeated but the Stiles bill HCR 36 mandates a study. When in doubt, study. The desire to combine all the disability agencies into one is still strong and still has some powerful legislative support.

The legislative involvement of disabled people has made a difference. The challenge now is continuity, tenacity and network building. We can't now go away and wait till January 1989, the beginning of the next session. We need to become "street wise." We need to make contacts with our Representatives and Senators while they are at home. We need to become known. We need to get involved in campaigns as individuals. We need to keep our network growing so when January 89 comes around and our legislative agenda has been fixed we can continue to be an effective cross-disability voice at the Capitol.

Your reaction to this may be one of—Doesn't it ever stop? Well, people who lobby in Austin know that a well organized constituency in the local community can get more done than they can in Austin. They also know that most people don't organize. The disability community has amazing political potential. We must use the next 1½ years to build a network that can be mobilized around agreed upon issues. This is our challenge. We can't look to past victories. We know what that has done to 504. We must protect what we have and advocate for the future of those who come behind us.

Don't Mourn . . . Organize!

# OUND THE STATE

## CAP OUTREACH PROJECT ACTIVITIES DRAW TO A CLOSE CTD RECOMMENDS CONTINUATION

The spring and summer months have been busy for CTD's Client Assistance Program Outreach Project. The Outreach Workers have continued to provide presentations to organizations and have assisted local individuals in accessing CAP services. Over 1700 participants attended 133 presentations on the Client Assistance Program statewide during these months. Leigh Leslie in Austin, Kelly Yarbrough in Dallas, Rey Garcia in El Paso and Becky Villarreal in San Antonio have worked since November to spread the word about the Client Assistance Program services in their local communities.

The CTD Central office CAP staff have coordinated the Outreach Workers activities and provided information on the Client Assistance Program to organizations and publications across the state as part of the outreach project. These outreach activities, all part of a 15 month contract with Advocacy, Inc., will be completed by September 30th of this year.

Feeling the outreach project was very successful at reaching individuals in the local communities who had never heard of CAP and that local personal contact provided often reluctant clients with encouragement to ask for assistance in addressing their concerns, the CTD Board of Director's recommended to Advocacy, Inc. that they continue the Outreach Worker's position once the contract expires. The Outreach Worker's positions were part-time during the contract and were limited by time in providing the localized assistance needed by many individuals facing problems with vocational rehabilitation services. CTD recommends that the

worker's positions continue as full-time CAP staff persons located at the Independent Living Centers (or when not possible, elsewhere in the local community). Because CTD feels these individuals need to be more involved in direct service and problem resolution it would be more appropriate for Advocacy, Inc. to assume total control of the project.

Considering that vocational rehabilitation services are provided on a local level and most clients view their concerns as local issues, CTD feels the most effective way to assist an individual is at the local level. Client Assistance Program Workers placed at the local level result in an enhanced sensitivity to local needs and improve coverage to those areas unserved and underserved. With a localized effort in the cities served by Independent Living Centers the office of Advocacy, Inc. would be able to focus primarily on rural or smaller city outreach and service delivery.

The Outreach Workers positions will be ending August 15th as Advocacy, Inc. has chosen not to continue the CAP outreach project efforts begun by the CTD contract. They will be reviewing the report of this project and will be considering future projects for 1988. CTD has advocated for the regionalization of Client Assistance Program services since 1984 when the program began in Texas. CTD feels this can most effectively and efficiently be accomplished by providing local services through the independent living centers. We will continue to advocate for these localized services.

etc. like the Ford Pinto) was capped to such a degree that it is pretty much meaningless, and joint and several liability (where more than one party is at fault—like a toxic waste dump) was greatly limited. Also a penalty for frivolous lawsuits was adopted. Finally the "reforms" of Texas' medical malpractice laws proposed during the special session died in mid-session. They would have severely limited the protections provided to people harmed by their doctors; even some doctors spoke against it. As with the tort reform revisions addressed in the regular session, the insurance companies made no promise these revisions would reduce liability rates. As Charlotte Flynn of the Gray Panthers suggested, "why

not adopt a real mechanism for consumer complaints against doctors? That would cut down on the need for lawsuits."

Much work lies ahead. Those issues which were not adequately addressed this session need to be brought back. In addition, this biennium, the Sunset Commission will be reviewing the Texas Education Agency. Due to a law just passed this time, they will also be reviewing the Dallas and Houston transit authorities.

On the national level, several pieces of legislation important to disabled Texans will be considered after the summer recess. The Civil Rights Restoration Act, the Fair Housing Act and Medicaid Reform (the Community Living Amendments) are due for various stages of consideration this fall. For fact sheets on these issues contact Stephanie at the CTD Central office.

## CTD Editor's Note

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

**CTD, P.O. Box 4709, Austin, Texas 78765**

The purpose of this newsletter is to share information. Please feel free to copy and/or reprint any of the information in this newsletter (unless otherwise stated).



The gates to the Governor's Mansion were closed to over 300 participants of the Candlelight Vigil in Austin.

# COUNCIL PRIORITY: PROHIBITING DISCRIMINATION

The National Council on the Handicapped has reaffirmed its commitment to work with the disability community and Congress on the development of a comprehensive statute guaranteeing equal opportunity for persons with disabilities. Such a law was a primary recommendation presented to the President and Congress in the Council's 1986 report, *Toward Independence*. At its February 1-4, 1987, meeting, the Council stressed the need for a law providing protection from discrimination on the basis of handicap. This law would have as broad coverage as current laws prohibiting discrimination on the basis of race, color, religion, sex, and national origin.

As envisioned by the Council, the "Americans with Disabilities Act," would apply a broad prohibition of discrimination against persons with disabilities to employers engaged in interstate commerce, to those providing public accommodations and housing, and to other agencies or persons covered by existing civil rights laws. The statute would specify requirements to assure compliance, including the removal of architectural, transportation, and communication barriers; the provision of individualized reasonable accommodations, and the elimination of discriminatory qualifications standards and eligibility criteria. The Act would also assure that no regulations issued under it could provide less protection to persons with disabilities than under existing regulations.

In meetings sponsored by the Council in each of the 50 states, disabled people asserted time after time that comprehensive protection from discrimination was the number one need the Council should address. The Council continues to seek input toward making the "Americans with Disabilities Act" a reality.

# IRS LOBBYING RULES FOR NON-PROFITS STILL AN ISSUE

What is new with the Internal Revenue Service's anti-lobbying rules? Well, the issue is far from dead. Although the IRS has agreed not to enforce their original proposed rules for the time being, they *have not* withdrawn these rules. There are two major developments since the huge public outcry over the IRS proposed rules last spring. First, the IRS has appointed an Advisory Group on exempt organizations. Of the 18 members all but one are lawyers, none are involved in service delivery or direct advocacy at the state or local level, and only one represents a smaller advocacy organization. This advisory group will start meeting in the fall and has been asked to discuss a wide range of issues including lobbying regulations.

The other development is that Representative J. Jake Pickle, Chair of the House Ways and Means Committee, has introduced HR.2942 which changes the definition of lobbying for non-profit organizations. This legislation proposes a penalty tax on non-profit boards of directors for too much lobbying. Unfortunately, it does not define "too much" or "lobbying". This, of course, could easily scare off people from serving on boards. In addition this legislation would forbid non-profits from being candidate related organizations, and one could fall into that category if a candidate (with or without prior approval) used ones materials, newsletters, issue papers, etc.

This legislation, HR.2942, is now included in the federal Budget Reconciliation Act which must be passed in September so the USA does not go broke. Pickle, who held hearings before the legislation was finalized, does not plan to hold any more hearings.

# The Tax Reform Act of 1986 and You

by Roseann Woodward, P.R. Director

There are some significant changes in the new tax law that will affect all persons with disabilities, organizations that serve them, and employees. The following National Easter Seal Society summary of changes is provided:

## MEDICAL EXPENSES

The act increases from 5% to 7.5% the amount of adjusted gross income that a taxpayer's medical expenses must exceed before such expenses may be deducted.

## ADOPTION EXPENSES

The law repeals the current deduction for up to \$1,500 of expenses related to the adoption of children with disabilities and other "special needs" children. The legislation modifies the adoption assistance program of Title IV-E of the Social Security Act to provide assistance through the program for such adoption expenses.

## ELDERLY OR BLIND TAXPAYER

The law repeals the additional exemption for the blind or elderly individual and replaces it with an additional standard deduction. The additional standard deduction is \$750 for single taxpayers and \$600 for each married taxpayer on a joint return who are either elderly or blind. For taxpayers who are both elderly and blind the standard deduction is \$1500 for a single taxpayer or \$1200 for each married taxpayer on a joint return.

## BUSINESS-RELATED EXPENSES FOR PERSONS WITH DISABILITIES

The act permits a disabled employee to deduct the full cost of attendant care and other services necessary to enable the employee to work.

## MEDICAL EXPENSES DEDUCTION FOR BARRIER REMOVAL

The law provides that certain capital expenditures to accommodate a personal residence to the needs of individuals with disabilities, such as construction of entrance ramps, or widening of doorways to allow use of wheelchairs, constitute medical expenses eligible for the deduction. In this respect, the act simply clarifies current law.

## CHARITABLE DONATIONS

The act eliminates the charitable deduction for non-itemizers effective December 31, 1986 scheduled under present law. Itemizers will continue to be allowed to deduct contributions. Gifts of appreciated property made subsequent to December 31, 1986 will be included in the alternative minimum tax.

## MAILING LISTS

The law will exempt from the unrelated-business income tax the exchanges and rentals of membership lists by certain tax-exempt organizations.

## BARRIER REMOVAL

The law extends permanently the \$35,000 deduction for businesses for the removal of architectural and transportation barriers. The deduction expired at the end of the 1985.

## TARGETED-JOBS TAX CREDIT

This credit, which is available to businesses which hire economically disadvantaged youth, persons with disabilities, welfare recipients, and others, was extended for three years.

The credit will be reduced from the existing level of 50% of the first \$6,000 of wages in the first year and 25% in the second year to 40% in the first year only. The first year credit cannot be taken unless the worker is employed for at least 90 days or 120 hours.

## TAX SHELTERED ANNUITIES

A \$9,500 annual limit will be imposed on employee contributions to tax sheltered annuities permitted for employees of tax-exempt organizations. Employees of non-profits will continue to use the same formula that is used under current law, but the maximum annual contribution by employees will be \$9,500.

The \$9,500 cap will be adjusted for inflation once the \$7,000 cap under qualified cash or deferred arrangements reaches \$9,500. A ten percent penalty tax will be imposed on early withdrawals (before age 59½), with exceptions for death, disability, and medical expenses to the extent that they exceed 7.5% of adjusted gross income.

The act will allow employees of health and welfare organizations to make catch-up payments to compensate for earlier, lower salary years.

# WHAT DO GRAPES HAVE TO DO WITH DISABILITY?

Felipe Franco looks forward to going to school each morning. He is a bright six-year-old boy who is quickly learning to read and write. He is even learning to operate a computer. These lessons are minor, however, compared to what the future has in store for Felipe. Some day, he will have to learn to be more independent—a formidable task for a child born without arms or legs.

Felipe's mother, Ramona, is a former farm worker who labored in the grape fields near Delano, California until her eighth month of pregnancy. During that time she was exposed to captan, a chemical known to cause birth defects and one of the pesticides the UFW wants banned as part of its grape boycott.

"Pesticides were sprayed at night when the workers were not in the fields," Ramona said. "But every morning I could smell the chemicals, and I could see them on the grape leaves."

Ramona was told what many farm workers are told by foremen and growers. She was assured that the pesticides all around here were safe; she was told they were harmless "medicine" for the plants.

"I never knew the chemicals were toxic substances. No one ever told me they were dangerous. I believed them when they said it was medicine," Ramona said.

It was not until her seventh month that Ramona suspected something was wrong. At that time she went to the doctor because "the baby hardly moved." The doctor, however, convinced her that she was healthy and her unborn child was normal.

"It was not until he was born that anyone told me something was wrong with my baby," she said. "The doctor told me then that Felipe was abnormal—that he was born without arms or legs."

Felipe was born in Bakersfield, but soon after was taken with his mother to Los Angeles to see specialists. "The doctors there asked me about my history. I told them I was a farm worker, and I worked in the grape fields," Ramona said. After the interview, specialists told her she had been exposed to pesticides and these chemicals were responsible for Felipe's deformity.

Ramona has since filed a lawsuit against seven companies which manufacture pesticides she believes she was exposed to while working in the fields. The trial may begin later this year.

If Ramona wins the suit she will, no doubt, use the award to fund the special care Felipe requires. This year, he began attending kindergarten at the North Kern County School for Cerebral Palsy (a grade school for the handicapped) in Wasco. There, his teacher reported that Felipe is doing well. John Bohan, coordinator of the program for the physically handicapped at the school, said, "Felipe is doing super now. We put him in an electric wheelchair, and he adapted to it very quickly."



Returning from school, Felipe Franco is met by his aunt, Anna Maria.

The chair allows Felipe some mobility, and he obviously enjoys his ability to move around without being carried. Felipe has also been equipped with a special machine which allows him to write and another which feeds him.

He also receives constant attention from his family. "Everyone helps take care of Felipe," Ramona said. Her other children, Sandra and Guillermo, and her own sisters lavish Felipe with love. Ramona noted, "We all help each other, and the other children treat Felipe as if he were a normal child."

Currently, Felipe is living with his grandmother while Ramona cares for her younger children in a small rented house. Sandra and Guillermo were both born after Ramona quite working in the grape fields, and both are healthy.

Ramona said that while the sadness she felt when she discovered her child was handicapped has subsided, her anger persists. "I am angry at the growers and at those who spray pesticides without consideration for the people who must work in the fields—with out consideration for the terrible consequences which can occur from the chemicals."

Felipe, however, feels neither sadness nor anger. Instead, he harbors a hope which only a child could harbor, Ramona said that Felipe wants to be able to grow arms and legs in the future. "He believes he will have his limbs someday," she said. "His great dream is to be able to move around, to walk, to take care of himself."

(Reprinted from Food and Justice March, 1987)

Each year, hundreds of thousands of people who labor in the fields are poisoned by toxic pesticides like those used in the cultivation of table grapes.

The fruits of their labor are birth defects, cancer, chronic illness. And death.

But the danger of pesticides isn't just to field workers. The danger sits right on your table.

There is only one way to know the whole story. Send for our free video cassette, "The Wrath of Grapes," and see how the farm workers have dedicated themselves to saving their lives. And yours.

What you choose to do after that is up to you. After all, we don't want to poison your mind. We just want to give you food for thought.

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# JOIN CTD—The Coalition of Texans with Disabilities

The Coalition of Texans with Disabilities is a coalition of organizations and individuals committed to cross disability communication, cooperation and coordination. The Coalition promotes social, educational, physical, and mental well-being of disabled Texans. The Coalition of Texans with Disabilities brings

together people and organizations with similar goals in a united effort to represent all disabled Texans to government, the private sector, and general public. Membership in the Coalition enables organizations and individuals to enhance their effectiveness in improving the quality of life for Texans with disabilities.

## MEMBERSHIP APPLICATION

### Individual Member

- Yearly \$12.00  
 Life Member \$100.00

- Please send me \_\_\_\_\_ organizational memberships forms  
 Please send me the CTD's newsletters on cassette tape.

Name \_\_\_\_\_

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Please make checks payable to:

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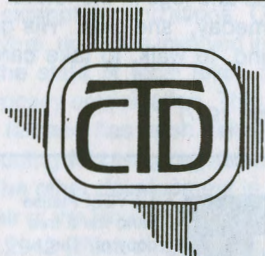
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