

Coalition of Texans with Disabilities Newsletter



January/February 1992

CTD'S 14TH ANNUAL CONVENTION

"DOING IT TOGETHER"

The 14th Annual CTD Convention convened in San Antonio on November 22 - 24 with the theme "Doing it Together -- Disability Issues in the New Texas." The convention was a great success and included many interesting and informative workshops, passage of key resolutions, amendments to the CTD by-laws, election of new board members and the annual awards banquet. The following is a complete listing of the resolutions passed:

RESOLUTION ROUND-UP

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SUBJECT OF RESOLUTION: National Policy on Access to Health Care

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: United Cerebral Palsy - Texas, Inc., 900 Congress Avenue, Austin 78701

WHEREAS: People with disabilities are often denied private health insurance even when their health care needs are similar to persons in excellent health and are inadequately protected because of pre-existing condition exclusions and limitations on covered services; and

WHEREAS: many people with disabilities need access to rehabilitation services, assistive technology, personal assistance services, and other health-related services in order to maximize their capability for independence which often are not covered by health insurance; and

WHEREAS: various policy options such as exemption from state mandates or the creation of high risk pools fail to establish viable means to finance comprehensive health care for persons with disabilities; and

WHEREAS: the current emphasis on medical underwriting and experience rating within employer groups jeopardizes access to health care for many persons with disabilities or chronic illness and creates incentives for preferred risk selection rather than for spreading risks throughout the population so that all persons can have equal access to needed health care; and

WHEREAS: the disability community is a potentially powerful constituency which can clearly articulate the goals for access to health care from a consumer perspective which is different from an employer perspective, a provider perspective, or an insurer perspective; and

WHEREAS: persons with disabilities represent less than 10 percent of the 37 million uninsured persons in the U.S. who the government must help to remove the pre-existing condition of poverty which remains a major obstacle to health insurance, and

WHEREAS: CTD has adopted resolutions calling for enactment of comprehensive national health insurance for all persons regardless of ability to pay, health status, disability, age, race, sex, or geographic residence, and equitable distribution of health related costs in both 1984 and 1989;

THEREFORE BE IT RESOLVED THAT: in working toward the enactment of comprehensive health care, CTD supports minimum federal requirements for health benefits with supplementary coverage through a social insurance mechanism for health related services which are not covered by the standard minimum health benefits, and

BE IT FURTHER RESOLVED that the goals of health insurance reform should be: (1) to expand the definition of health from the absence of disease and impairment to include the on-going management of chronic conditions, (2) to develop a health care financing mechanism which covers on-going maintenance health needs, and (3) to distribute health care costs in an equitable way throughout the population, and

BE IT FURTHER RESOLVED that CTD work closely with other groups to develop a disability perspective on access to health care and concentrate on linking the disability community to the larger movement for universal access to health care and health insurance reform.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991.

SUBJECT OF RESOLUTION: Community Services for People with Disabilities

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: CTD Legislative Committee

WHEREAS: the state of Texas, historically, has spent the majority of its service dollars for persons with disabilities, regardless of age, on an institutional model of services rather than one that focuses on community-based services, and

WHEREAS: time and time again it has been found that persons with disabilities of all ages overwhelmingly prefer, when given the option, to live and receive services in the community, to live in their own homes and receive services in their homes, schools, and places of work, rather than institutions, and

WHEREAS: a great number of Texans with disabilities have no choice except to live in large or small institutions, such as state schools, nursing homes, board and care homes and group homes, and

WHEREAS: The Americans with Disabilities Act (ADA), passed by the U.S. Congress and signed into law by the President, recognizes the isolation, discrimination, and segregation of persons with disabilities of all ages, and

WHEREAS segregation is a form of discrimination which can no longer be imposed on persons with disabilities, and

WHEREAS: it is the position of CTD that people with disabilities of all ages can and should be provided appropriate services and supports in their own homes and communities and that services to Texans with disabilities should not create dependence and segregation, and

WHEREAS: the vision the state of Texas has for Texans with disabilities is a fully-funded system of services and supports that are available to each citizen with a disability, requesting assistance, in his or her community, that allows personal choice in adopting a lifestyle that has all the options available to a non-disabled person,

THEREFORE BE IT RESOLVED THAT: the State of Texas should take all appropriate and necessary programmatic, administrative and budgetary actions which support the development of a system of community-based services and supports that ensure the equality, dignity and civil rights of Texans with disabilities, and

THEREFORE BE IT FURTHER RESOLVED THAT: the principles that guide the vision for serving Texans with disabilities is a system for individualized community-based services:

- 1) That are based on individual functional need;
- 2) That are available to people with disabilities, regardless of age, type of disability, sex, race, religion, political affiliation or sexual preference;
- 3) That serve persons with disabilities and provide support to their families at home, work, in the community, and in school;
- 4) That offer persons with disabilities and their families maximum opportunities for choice and control;
- 5) That recognize and allow for changing needs and circumstances over time;
- 6) That promote independence and interdependence;
- 7) That develop incentives that create and maintain self-reliance and productivity;
- 8) That include options for cost sharing;
- 9) That are available throughout the state, in both urban and rural settings;

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991 WITH AMENDMENT

Amended to add item #10: "That promotes maximum individual choice and self-determination by the person with a disability."

SUBJECT OF RESOLUTION: Developmental Disabilities Assistance and Bill of Rights

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Bob Kafka, 1339 Lamar Square Drive, Suite B, Austin 78704

WHEREAS: the passage of the Americans with Disabilities Act gives legal protection to persons with all types of disabilities, and

WHEREAS: the developmental disability definition and the ICF-MR option in Medicaid arbitrarily uses age of onset of disability as a criteria for service and study, and

WHEREAS: the Coalition of Texans with disabilities supports the cooperation of all persons with disabilities regardless of age of onset of their disability,

THEREFORE BE IT RESOLVED THAT: the Coalition of Texans with Disabilities Board of Directors write the Texas Planning Council on Developmental Disabilities, Advocacy Inc., the University Affiliated Program at U.T., the National Association of D.D. Councils, the National Association of Protection and Advocacy Systems, the National Association of University Affiliated Programs, and the Administration on Developmental Disabilities stating that the Coalition of Texans with Disabilities Board of Directors support the amending of the Developmental Disabilities Assistance and Bill of Rights Act to make the following changes:

- 1) Developmental Disabilities Councils should become Planning Councils on Persons with Disabilities,
- 2) Protection and Advocacy Systems should be expanded to allow protection to persons with all disabilities, and
- 3) University Affiliated Programs should do research for persons with all disabilities, and

FURTHER BE IT RESOLVED THAT: the Coalition of Texans with Disabilities ask the Disability Policy Consortium, Directors Association of Texas Centers for Independent Living , Association of Retarded Citizens, United Cerebral Palsy, Texas Head Injury Foundation, Institute for Disability Access, Texas Planning Council for Developmental Disabilities, Advocacy Inc., Mental Health Association, Texas Alliance for the Mentally Ill, Mental Health Consumers, Americans Disabled for Attendant Programs Today and all other Coalition of Texans with Disabilities member organizations to support amending the Developmental Disabilities Assistance and Bill of Rights Act as stated above.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23,1991, AS PRESENTED

SUBJECT OF RESOLUTION: Development of Performance Standards for Independent Living Centers

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Panhandle Action Center for Independent Living Skills, 3608 South Washington, Amarillo 79110

WHEREAS: the Rehabilitation Act of 1973, as amended in 1978, Title VII, Section 711, paragraph 1, subparagraph 1 states that "By July 1, 1988, the Commissioner (of the Rehabilitation Services Administration) shall publish in the Federal Register in final form the indicators of what constitutes minimum compliance" for independent living centers, and

WHEREAS: as of the date of this resolution the indicators still have not been published, and

WHEREAS: the reorganization of the health and human service delivery system by the Texas State Legislature makes it imperative for the centers to know the standard by which their performance will be evaluated,

THEREFORE BE IT RESOLVED THAT: the Coalition of Texans with Disabilities recommends that the Rehabilitation Services Administration take one of the following actions: 1). Publish the indicators immediately; or 2). Issue a policy statement declaring that it will be unable to comply with the Rehabilitation Act and instead will allow independent living centers, either through the National Council on Independent Living or through state associations of independent living centers, to develop and publish standards by which they will be evaluated by national and state monitoring organizations.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991, AS PRESENTED.

**SUBJECT OF RESOLUTION: Qualifications of Health and Human Services
Commissioner and Retention of Boards of Directors of Individual Health and Human
Service Organizations**

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Panhandle Action Center for Independent Living Skills, 3608 South Washington, Amarillo 79110

WHEREAS: the Texas State Legislature, with guidance from the State Comptroller's Office, has called for a reorganization of the health and human service system in the state of Texas, and

WHEREAS: a Health and Human Services Commissioner will be named to oversee this reorganization and will have sweeping powers to effect changes in the health and human service system in Texas, including the authority to shift funds as s/he sees fit, and

WHEREAS: the Commissioner will be responsible for administering programs which affect a wide variety of populations, including persons with all types of disabilities,

THEREFORE BE IT RESOLVED THAT: the Coalition of Texans with Disabilities demand that the Health and Human Services Commissioner be a person who has knowledge of, and a background in, health and human service delivery.

BE IT FURTHER RESOLVED THAT: the Coalition of Texans with Disabilities endorse the retention of separate governing boards for the various departments and insists that these boards have rule and policy-making authority.

BE IT FURTHER RESOLVED THAT: the membership of all of the governing boards of the health and human service agencies in Texas must consist of a majority of persons who are consumers of those agencies.

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PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991, AS PRESENTED

SUBJECT OF RESOLUTION: Americans with Disabilities Act

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Coalition of Texans with Disabilities
Legislative Committee

WHEREAS: the Americans with Disabilities Act is and has been law, since July 26, 1990, and

WHEREAS: federal agencies have drafted or published regulations pertaining to the various titles of the Act,
and

WHEREAS: compliance dates are or will shortly be effective,

BE IT RESOLVED THAT: the Coalition of Texans with Disabilities and its member organizations or individual members begin immediately after compliance deadlines to use every legal means to enforce all provision of the Americans with Disabilities Act.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991, WITH THE FOLLOWING AMENDMENTS:

The phrase "use every legal means to enforce all provisions of the Americans with Disabilities Act" was discussed. Some delegates feared this would be interpreted to mean that CTD would be obligating itself to supply attorneys for people and organizations who are trying to enforce compliance of ADA. An amendment was made to change the wording from "to use every legal means" to "to use every legal means available to them." The same change should be made to all other resolutions containing the same phrase.

SUBJECT OF RESOLUTION: Elimination of Architectural Barriers

PERSON OR ORGANIZATIONS SUBMITTING RESOLUTION: Coalition of Texans with Disabilities
Legislative Committee

WHEREAS: Article 9102, Texas Civil Statutes, The Elimination of Architectural Barriers Act has been broadened in scope to include all counties in the state of Texas and the University of Texas System, and

WHEREAS: additionally, the Texas Architectural Barriers Act has been broadened to include Title III Public Accommodations of the Americans with Disabilities Act, and

WHEREAS: the Act is now administered and enforced by the Department of Licensing and Regulation, and

WHEREAS: the Act now allows fees for plan reviews, inspections and variance requests and penalties for non-compliance, and

WHEREAS: in the past, the agency has not assiduously investigated and enforced the statute,

THEREFORE BE IT RESOLVED THAT: the Coalition of Texans with Disabilities by all legal means available to them compel the Texas Department of Licensing and Regulation, Elimination of Architectural Barriers Program to meet its mandates for investigation and resolution of all complaints under the Elimination of Architectural Barriers Act and Titles II and III of the Americans with Disabilities Act.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991, AS PRESENTED

SUBJECT OF RESOLUTION: Commission on Human Rights

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Coalition of Texans with Disabilities
Legislative Committee

WHEREAS: the Texas Commission on Human Rights is the designated deferral agency from the U.S. Equal Employment Opportunity Commission for investigation of complaints of employment discrimination under Title I of the Americans with Disabilities Act, and

WHEREAS: the same agency has similar responsibilities under the Federal Department of Housing and Urban Development Fair Housing Act, and

WHEREAS: in the past, the agency has not assiduously investigated employment complaints under the Texas Human Rights Act,

THEREFORE BE IT RESOLVED THAT: the Coalition of Texans with Disabilities by all legal means available to them compel the Texas Commission on Human Rights to meet its mandates for investigation and resolution of all complaints under the Americans with Disabilities Act, Title I and its complement, the Texas Human Rights Act and the U.S. Fair Housing Act and its complement, the Texas Fair Housing Authority.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991 AS PRESENTED

**SUBJECT OF RESOLUTION: Employment of People with Disabilities by State
Agencies and Institutions of Higher Education**

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Coalition of Texans with Disabilities
Legislative Committee

WHEREAS: agencies and educational institutions funded under the Texas Appropriations Act should hire qualified disabled persons at all levels in the numbers which are representative of the working age, non-institutionalized population of people with disabilities, and

WHEREAS: parity in employment of persons with disabilities is woefully lacking by these agencies,

THEREFORE BE IT RESOLVED THAT: Article V of the State Appropriations Act, Section 105. Minority Hiring and Contracting Practices be amended to include appropriate hiring percentages for people with disabilities and legally enforceable timelines for compliance, and

BE IT FURTHER RESOLVED THAT: failure by state agencies and educational institutions funded by the Act to meet the percentages and timelines found in Article V, Section 105 be a key criteria when evaluating state agencies for reauthorization during the Sunset process.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991, WITH THE FOLLOWING
RECOMMENDATION: BE IT FURTHER RESOLVED:

That CTD form a state-wide committee to monitor the hiring practices and the removal of architectural barriers by state agencies.

SUBJECT OF RESOLUTION: Legislative Mandate for Compliance with ADA

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Coalition of Texans with Disabilities
Legislative Committee

WHEREAS: the Texas Legislature has not seen fit to require specific line items in the budgets of state agencies for expenditures which will allow for compliance with the Americans with Disabilities Act, and

WHEREAS: the provision of reasonable accommodations for employees and programmatic and architectural access for consumers is a requirement of the Americans with Disabilities Act and complementary state and federal laws,

THEREFORE BE IT RESOLVED THAT: the legislature be compelled by all legal means available to them to mandate an appropriate expenditure of funds that will enable agencies and public educational institutions funded by the State Appropriations act to comply with the Act.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991 WITH THE FOLLOWING AMENDMENTS:

BE IT FURTHER RESOLVED THAT: all agencies and public educational institutions must have a line item in their budgets specifically to assist them in complying with the Act.

SUBJECT OF RESOLUTION: Need for Texas Legislature to allocate more funds for the In-Home and Family Support Program

PERSON OR ORGANIZATION SUBMITTING RESOLUTION: Marianne Harty, 3500 Magic Drive #75, San Antonio, TX 78229

WHEREAS: The In-home and Family Support Program Services, administered by Texas Department of Human Services, has had its funding "frozen" by the legislature for more than a year; and

WHEREAS: Grant A under this program would provide \$3600 (one-time grant) for equipment or modifications for the disabled poor; and

WHEREAS: Grant B under this program would provide \$3600 per year for medical needs, i.e. medical, surgical, therapeutic, diagnostic, and travel expenses. Currently (as of 9/1/91) only clients already receiving benefits can continue to receive help while others have been on the waiting list for more than a year;

THEREFORE BE IT RESOLVED THAT: CTD should have a press conference and demonstration on this issue. CTD needs to lobby the legislature for more funds for this program.

PASSED BY DELEGATES ASSEMBLY ON NOVEMBER 23, 1991 WITH THE FOLLOWING AMENDMENT:

Change the final paragraph to state that "CTD should have a press conference on this issue. CTD needs to lobby the legislature for more funds for this program."

TEXAS HEALTH POLICY TASK FORCE

Texans with disabilities now have an opportunity to lend a voice to the health care debate that is making headlines almost on a daily basis. Last November, Governor Richards created the Texas Health Policy Task Force to "propose a comprehensive health plan to ensure that all Texans have access to appropriate and affordable health services." The recommendations of the task force will be submitted to the Legislature in 1993.

The Task Force will be holding public hearings around the state to hear citizen comments on such health care concerns as: essential health services that should be available to all; cost drivers and proposed cost reducers; payment mechanisms for coverage of all Texans; and a health care delivery system to make care available to all Texans. Dates of these hearings are to be discussed at a January 30-31 Task Force meeting in Austin. This newsletter will announce those dates when they become available.

Thirteen public members have been appointed by the Governor to sit on the task force in addition to 12 legislators appointed by Lt. Governor Bullock and four ex-officio members representing health-related state agencies.

Many CTD members have their own "health care horror story" to tell and it's important that the Task Force hear it. Powerful insurance industry and health care provider interests must be counter-balanced with the real-life concerns of those with disabilities.

Although this is a national problem, some 37 million Americans do not have access to medical care, states like Texas, where 3.2 million go without health insurance, must take the health care initiative and set the example for Congress. Since the issue of health care affects so many people beyond those with disabilities, the formation of the Task Force has prompted new and dynamic coalitions around the state. Public interest groups such as Citizen Action, Consumers Union, and Gray Panthers, to name a few, are also advocating universal access to health care to the Task Force.

Write the Governor's Health Policy Task Force:

Dr. Shirley Chater, Chair
Governor's Health Policy Task
Force
Texas Women's University
P.O. Box 23925, TWU Station
Denton, TX 76204



"BASED ON OUR FICTITIOUS ACTUARIAL TABLES, WE CONSIDER YOU 'MEDICALLY UNINSURABLE', BUT WE WOULD BE HAPPY TO SELL YOU A HEALTH INSURANCE PLAN THAT PERMANENTLY EXCLUDES COVERAGE FOR ANY PRE-EXISTING CONDITIONS."

Changes to CTD Bylaws

The following are changes or amendments to the By-Laws which were passed at the 1991 Annual Convention in San Antonio:

Article V Board of Directors

A. Composition

The Coalition of Texans with Disabilities will make a good faith effort to have the composition of the Board reflect the population of Texas in terms of types of disabilities, geographic representation, ethnic heritage and income levels.

B. Term

The term for officers shall be one (1) year. The term for elected Directors of the Board shall be two (2) years, one-half of whom shall be elected at each Annual Convention. At-large positions shall be designated as At-Large Board Position No. 1 through At-Large Board position No. 8. Candidates for even numbered positions shall be elected during the even numbered years. Candidates for the odd-numbered positions shall be elected during the odd-numbered years.

Article XIII Subchapters

A. A subchapter of the Coalition may be a local or regional group which:

1. Has a governing board/committee whose membership consists of at least 51% persons with physical, mental and/or sensory disabilities.
2. Has activities and/or services whose primary purposes are the advancement of persons with disabilities.
3. Agrees to abide by the by-laws of the Coalition, as well as the following and future guidelines which may be established by the statewide Board of Directors:
 - a. A monthly financial statement listing income and expenses and minutes of all meetings must be submitted to the CTD central office.
 - b. All CTD checks issued by the subchapter must have two signatures from the local board/committee members. Members of the state-wide CTD Board of Directors will also be signatories on all subchapter accounts.
 - c. A quarterly report must be submitted to the CTD central office.
 - d. Expenditures must be approved by the majority of the members of the subchapter's local governing body.

e. The CTD central office must receive advance notification of all meetings.

f. Ten percent (10%) of the revenue generated by the subchapter shall be paid to the central office to cover administrative expenses related to the operation of the subchapter (annual audit, etc.). This sum shall be paid quarterly and submitted along with the quarterly report of activities.

4. Has a governing board/committee all of whose members are either individual members of or affiliated with an organization which is a member of CTD.

5. Failure to abide by these regulations will result in the revocation of the right to use the name and federal tax number of the Coalition of Texans with Disabilities.

B. All applications for subchapter status shall be submitted to the statewide CTD Board of Directors for review. A favorable vote of no less than 2/3 (two-thirds) of those present and voting is necessary for acceptance. A group applying for subchapter status must have a minimum of eight (8) persons who are either individual CTD members or affiliated with organizations which are members of CTD.

C. Subchapter status shall cease when:

1. A group no longer meets the requirements as set forth in this article and no longer has a membership sufficient to sustain it as a subchapter. Revocation of subchapter status must be approved by a 2/3 (two-thirds) vote of the Board of Directors. The group affected will be notified in writing of the action of the Board. Upon revocation of subchapter status, all property belonging to CTD must be returned to the central office. The central office will maintain the books of the dissolved subchapter until such time that it again becomes a viable organization.
2. A subchapter acts contrary to the purpose of the Coalition. The concerned subchapter shall be afforded due process and can only be dissolved thereafter by a 2/3 (two-thirds) vote by the statewide Board of Directors.

**For a complete list of the CTD Bylaws, call
Belinda at 512/478-3366.**

CTD AWARDS BANQUET

The CTD Awards Banquet recognizes outstanding individuals, organizations, legislators and newsletters that have contributed to the goals of the Coalition and furthered the cause of disability rights in Texas.

LEGISLATOR OF THE YEAR

The Legislator of the Year Award went to **Senator Mike Moncrief** for his open, straightforward and daring commitment to advancing the rights of people with disabilities. Senator Moncrief skillfully negotiated the amendment to House Bill 7 that established a task force to make recommendations to the Governor for consolidation or closure of state schools, state hospitals and state centers.

PUBLIC SERVANT OF THE YEAR

The Public Servant Award went to **Lisa McGiffert** and **Leslie Lemons** for their work on the Senate Health and Human Services Committee and for their commitment to the rights of people with disabilities. Without the work and dedication of these two individuals, many of the innovative community-based programs we have today would never have made it through the legislative process.

NEWSLETTER OF THE YEAR

The Newsletter of the Year Award went to **REACH NEWS** produced by **REACH Independent Living Center of Fort Worth** and edited by Robin Lassiter. This newsletter helps those with an interest in disability issues get involved, stay involved and work for change. It is produced bi-monthly in print, braille, or tape and has a readership of over 2,000.

J.D. RADER VOLUNTEER OF THE YEAR AWARD

Dave Cullum received the J.D. Rader Volunteer of the Year Award. Dave has been a tireless advocate and activist on the local and state level. He has

taken his disability rights message to the halls of the Texas Capitol and raised the awareness of legislators to the need of implementing ADA, increasing community-based services and removing architectural barriers. His actions truly exemplify the integrity and capabilities of people with disabilities.

CTD COMMUNITY GRASSROOTS ORGANIZING AWARD

Handicapped Resources Association of Arlington, Texas exemplifies the true meaning of grassroots organizing. They actively participated in the CTD ADA One-Year Anniversary and press conference, organized three letter writing campaigns to legislators to urge for more in-home services and closure of institutions, and participated in the overnight vigil in the Governor's office to get her to commit to community-based services.

CTD MEMBER ORGANIZATION OF THE YEAR

The CTD Member Organization of the Year went to the **West Texas Association of People with Disabilities** for their efforts on behalf of children and adults with disabilities. The expertise of this organizations director, Mary Amos, landed her a Governor's appointment to the Continuing Advisory Committee on Special Education.

JUSTIN W. DART JR. MERITORIOUS AWARD

This award went to **Karen Greebon** for her significant contribution to the independent living and disabled rights movement. Karen fought her way out of a nursing home after 12 years and has dedicated her life to freeing others. In her dogged pursuit for the rights of people with disabilities, she has raised the awareness of thousands this year and broken down their myths and misconceptions about people with disabilities.

ACTION NEEDED NOW ON STATE SCHOOL CLOSURES!

A historic agreement to close two state mental retardation institutions in order to settle the 17-year old *Lelz vs. Kavanaugh* case was approved on December 31, 1991 by U.S. District Judge Barefoot Sanders.

The ruling by Sanders cleared the way for Texas to join, for the first time, the growing ranks of states that are closing large institutions for people with retardation and moving residents to group homes.

The decision of which two state facilities will close will likely be determined by the recommendations of the Facility Review Task Force. The five-member task force, appointed by Governor Richards, is studying whether any state schools operated by the Texas Department of Mental Health and Mental Retardation (TXMHMR) should be closed or consolidated and, if so, which ones. Their recommendations are due to the Governor by March 1, 1992. Governor Richards can adopt all or part of the task force's recommendations. Unless she vetoes the recommendations within 20 days of receipt, they will be implemented by TXMHMR.

This is the time to speak up and be heard if you want the state to provide services in the community. We need to tell task force members how critical it is to redirect money from state schools to development of community services. A groundswell of support is essential to demonstrate that Texas can no longer afford to spend limited resources for expensive state schools that serve only a small number of the people who need services.

Public hearings were held around the state in communities where state schools are located. All individuals who support community-based services and the closure/consolidation of state schools should write a personal letter to the TXMHMR Facility Review Task Force no later than **February 1, 1992**. We need to flood the task force office with letters. Ask your family members, neighbors, friends and other advocates to write also. The letter should not exceed one page in length and letters need not be typewritten. Letters should be addressed to:

Dr. Linda Parrish - Chairperson
TXMHMR Facility Task Force
Office of the Governor
P.O. Box 12428
Austin, TX 78711

Get as many people as possible to call this special toll-free number in the Governor's Office to urge the Governor to close or consolidate some state schools for people with mental retardation and to use the savings to expand community services.

Call : 1-800-8-HELPTX

Monday through Friday, 9:00 a.m. to 5:00 p.m.

Calls need to be received in the Governor's Office between January 25 and February 15. Call several times if you can.

FREE LEGAL ADVICE GIVEN TO PERSONS WITH DISABILITIES

Companies and disabled people can seek free legal advice from a new information service called Americans with Disabilities Act-Communication Accommodations Projects (ADA-CAP). The project is sponsored by The American Foundation for the Blind (AFB) and the National Center for Law and Deafness (NCLD) at Gallaudet University, and funded by the Justice Department. ADA-CAP will be staffed by disability rights lawyers and qualified paraprofessionals from AFB and NCLD. Two telephone lines, (202)223-0101 for AFB and (202)651-5343 for NCLD, in voice and TDD will be open from 9:00 a.m. to 4:30 p.m. EST Monday through Friday.

CIVIL RIGHTS ACT SIGNED

President Bush's signing of the 1991 Civil Rights Act increases penalties for employers who intentionally discriminate against disabled workers and job applicants. The new law beefs up Title VII, the federal law prohibiting employment discrimination. The employment provisions of the Americans with Disabilities Act, which go into effect in July, embrace Title VII's provisions for compensating victims of illegal bias. The law now permits victims of intentional discrimination under Title VII and the ADA to collect punitive and compensatory damages.

Durward K. McDaniel Receives American Foundation for the Blind's Highest Award

Durward K. McDaniel, an attorney, longtime CTD member and retired national representative of the American Council of the Blind from Austin received the American Foundation for the Blind's (AFB) highest award, the Migel Medal, for his commitment and voluntary services on behalf of blind and visually impaired people.

Joyce Dawidczyk Named Disabled Professional Woman of the Year

CTD wishes to congratulate Ms. Joyce Dawidczyk of the United Cerebral Palsy Association state office in Austin for being named the 1992 Disabled Professional Business Woman of the Year by the Pilot Club of Austin.

CTD Receives Braille Printer

CTD wishes to thank Southwestern Bell and Texas Paralyzed Veterans, Austin Subchapter for their generous donations which enabled CTD to purchase a braille printer. The CTD Newsletter and all CTD publications are now available in braille, on tape, disk and large print. Just call the CTD office at (512)478-3366 V/TDD if you prefer one of these formats.

Attention CTD Members!

CTD hopes to act as a clearinghouse for Americans with Disabilities Act (ADA) action, ideas, and implementation. It is very important that we all work together. We must communicate to find out what works and what doesn't work. Please share your ideas, successes and failures with the CTD main office so we can pass the information on to everyone.

Only through a cooperative effort can we achieve our goals. Remember that the deadline for ADA is January 26, 1992. As individuals, we must act. As organizations, we must act. Armed with ADA we must not relent.

DEAF-BLIND INFORMATION AVAILABLE

The Texas Deaf-Blind Association (TDBA) maintains a statewide communication network for the blind-deaf community, advocates for and promotes awareness of deaf-blind persons. If you would like more information or a brochure on TDBA, call the CTD office at 512/478-3366 V/TDD.

LETTERS TO THE EDITOR

Dear Editor:

I'm writing you on behalf of the All-Russian Invalid Society, situated in the Siberian city of Novosibirsk. Our Society was founded in 1989 and now numbers 3500 invalids of World War II, Afghanistan War and of common disease. The aims of the organization are: consolidation, communication and improvement of living conditions. We are interested in organizing members according to their interests, ability to work, drawing them into social and cultural life and making contacts with societies of other countries. We would like to acquaint with, communicate and cooperate with members of American society. We are interested in knowing more about life, work, interests, and occupations in your society.

There are creative people in our society; they work with clay, cut wood, paint, sport, and literary works. It would be very interesting for them to know something about your creative workers. If any readers are interested in corresponding with members of the All-Russian Invalid Society, please write:

Tseinin Vladymir
Il'ycha, 11-67
Novosibirsk-90, USSR

Dear Editor:

Congratulations to CTD on another informative and fun convention. The workshops were very helpful, they had good information and the speakers were stimulating. The session on health care reform was especially thought provoking, and shows we have a lot of work ahead.

One event at the convention sticks out for me as deeply disturbing, and I cannot let it go without comment. During the Friday night presentation on organizing, I was shocked to hear the speakers promoting compromise, or to be more accurate, neglecting disabled people's needs for accessibility. Not only was their message disturbing, but the way in which it was couched was one of the most disempowering exercises I have witnessed in a long time. The fact that it was delivered at a convention which, in the most part was designed to promote use of our "neonatal" right to access with the Americans with Disabilities Act (ADA) added injury to insult.

I will be the first to admit we live in an inaccessible world. If there is one thing disabled folks have learned, it is how to compromise on accessibility. To function in our inaccessible world one must be creative, adapt, and weigh the merits of ones purpose verses the inconvenience of the lack of access. Being carried in, writing notes, accepting lesser service is sometimes worth it to get the job done. No realist can debate this point, and I would venture to guess, everyone has made such compromises at one time or another.

HOWEVER, to publicly promote such a stance is nothing short of offensive. It is also destructive since it sends the message that it is OK by us, OK by our spokespeople, OK by our state disability advocacy group to treat us as lesser people. What would the reaction be if CTD held a meeting in a club which only allowed African Americans in by the kitchen door? If Hispanic participants were to eat at a CTD banquet after the whites had eaten their fill? If women could only participate if they wore a thick black veil and did not speak?

The idea that we must publicly accept second (or less) class citizenship because the disability

movement is not as powerful as women, or racial or other minority movements is as offensive as it is absurd. Do these organizations, trained by the Industrial Areas Foundations, actually believe that these other groups gained the power they have because WASP males suddenly decided on their own initiative: *hey things are not fair, let's even the score, we need to give these folks more power?* I can not believe even the speakers at this presentation are that naive.

What one does as an individual is one thing. What one does as a representative of the disability community is another. And it is important to be aware our individual actions sometimes overlap with actions as representatives of our community.

The track record of the "progressive" groups on accessibility have been, in my experience, among the worst. I can only assume it is their belief that the goodness of their works sometimes negates their obligation to accessibility. It can not. Without access, the majority of our community is barred from participation, and that is discrimination plain and simple. It is not as if people with disabilities are not directly affected by the work of these other organizations. We know this and yet we ignore the problem. Why?

In reality people with disabilities rarely ask for our rights to be recognized, let alone to be met. It is my belief we have been so beaten down over the years we question whether we have the right. If we do not improve in this area we will wind up with a track record on ADA which is worse than our lousy one on Section 504. If we do not stick up for ourselves, how can be expect others to address our needs?

CTD, and its membership, must set the example, must make it OK to ask for access. This is especially true now, as the ADA takes effect.

Sincerely,

Stephanie Thomas
1208 Marshall Lane
Austin, TX 78703

ELECTION OF BOARD MEMBERS

All CTD Board Members were elected during the 1991 Convention in San Antonio with the exception of Redge Westbrook, Dolores Salazar and Leticia Talamantez whose terms expire in November of 1992. The following are individuals new to the CTD Board:

SECRETARY

Earl T. Walden, Jr.

Organization: Independent Living Research Utilization, Houston

Earl is challenged on a daily basis to help those with disabilities to lead a more independent life-style. A retired school administrator with skills in financial management, administration and state legislative systems, his goal as a board member of CTD will be to assist in the continuing effort to secure social status, civil rights, employment, housing, health care and other entitlements to the disabled population in Texas.

AT-LARGE THROUGH 1993

Mary Dees

Organization: Texas Mental Health Consumers, Austin

Mary would like to increase the sensitivity of the public concerning mental health issues. She serves as the current chair person of the Texas Mental Health Consumers and will bring fund-raising, public speaking, and research skills to the job.

AT-LARGE THROUGH 1993

Rosa Perea

Organization: Texas Deaf-Blind Association, Lubbock

Rosa would like to join with persons of other disabilities to increase public awareness of people with hearing and visually impaired persons. She has been the president of the Texas Deaf-Blind Association since 1987 and has sat on the advisory committees of TRC and Advocacy Inc., where she won the lawsuit against Southwest Airlines to change the policy letting deaf-blind persons fly independently. She is also a board member of the American Association of the Deaf-Blind and a member of the National Federation of the Blind and the Texas Association of the Deaf.

AT-LARGE THROUGH 1993

Steve Prenger

Organization: Handicapped Resource Association, Arlington

Steve has extensive involvement with the disabled, having served on the advisory boards of the National Aphasia Association, the Ft. Worth branch of REACH, and HRA of Arlington. He is also a member of the Arlington Stroke and Aphasia Club. Steve has interest in the successful completion of Title 1 of the ADA.

AT-LARGE THROUGH 1992

Mary Amos

Organization: West Texas Association for People with Disabilities, El Paso

As a parent of a child with multiple disabilities, Mary has evolved from a concerned parent into a disability rights activist who is able to look at the total needs of the disabled in the community. As a board member, Mary hopes to help develop CTD policy and direction and improve its administrative qualities. She has experience in administration, marketing, publicity, special education and grant writing.

Coalition of Texans with Disabilities

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THROUGH NOVEMBER 1992

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THROUGH NOVEMBER 1993

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