



## AND JUSTICE FOR ALL ?

by Julie Oliver

After many , many months and more than a 100 public comments, the Department of Justice has issued its final rules enforcing Section 504 of the Rehabilitation Act. These rules directly apply to those programs conducted by DOJ such as the FBI and Immigration and Naturalization Service. But, since DOJ is the lead agency for Section 504, these regulations will be used by other federal agencies in developing their regulations.

Despite many opposing comments the regulations still contain the provision that these rules do not "Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens." (39,150(a)(2) and 39.160(2)(d).) The undue burden exception is one that is not included in the current Section 504 regulations for recipients of federal money. (You may recall that it was massive public outcry in 1983 that prompted the administration to kill the proposal to include this exception in those rules.) It would seem that the standard for federal agencies would be at least as strict as that for recipients. Yet in its section-by-section analysis the DOJ admits that unlike the recipient rule this rule "Places explicit limits on the agency's obligation to ensure program accessibility."

The Justice Department offers several claims to defend it's decision to retain this controversial provision. First, is the acknowledgement that in most cases efforts to make a program excessible will not be an undue burden. Secondly, they put the burden of proving the undue burden on the Justice Department. Thirdly, all resources of the program will be considered in determining undue burden. Fourthly, the Attorney General or a designee will make the decision on whether an accommodation would be a "fundamental alteration or undue burden" and will provide a written statement of the reasons. Fifthly, the rules provide a complaint procedure if a disabled person disagrees with the Attorney General's decision. Finally, even if a decision of "fundamental alteration" or "undue burden" is made, the Department is still obligated to make its programs as accessible to disabled persons as possible.

Several organizations are challenging the undue burdens exception to these regulations in their "SAVE 504" litigation. The coalition, led by the Public Interest Law Center of Philadelphia, PILCOP, and the Western Law Center of the Handicapped, is filing suit challenging these new regulations. (Editor's note: CTD has joined this coalition.)

## ATTENDANT CARE TASK FORCE FORMING

The "Expanding Attendant Care Options For Disabled Texan's" Conference held in Houston on December 7, 1984, sponsored by Independent Living Research Utilization (ILRU), Texas Paralyzed Veterans Association (TPVA), Coalition for Barrier Free Living, The Institute for Rehabilitation and Research, Baylor College of Medicine and the Coalition of Texans with Disabilities, was attended by over 100 people concerned with the issue of attendant care services in Texas.

Presenters from 5 states outlined the specifics of their attendant care programs and layed out the framework for the afternoon work session. The afternoon groups made recommendation that would guide the development of a state-wide attendant care system.

One consistent recommendation was to establish an Attendant Care Task Force that would follow-up on the final recommendations of the conference. A tentative meeting date for this group has been set for January 4, 1985 in Austin. For more information contact the CTD central office, (512) 443-8252.

## CTD LEGISLATIVE WORKSHOP

Plan to attend the CTD Legislative Workshop on Saturday, January 5, 1985, at the Austin South Plaza, I-35 at Woodward in Austin, Texas. The goals of the workshop are: To develop a working knowledge of the National and State legislative process; To disseminate information on National and State issues effecting disabled Texans; and To discuss strategies for the upcoming 69th Legislative session.

Speakers scheduled to address the participants include: State Senator Chet Brooks, State Representative Paul Moreno, Dave Sloane of Advocacy, Inc., and Doug Vollmer of the Paralyzed Veterans of America.

## WELCOME.....

We are happy to announce a new member of the CTD Central Office Team. Michelle McGee is working with us in the afternoons as a clerk-typist, lending her skills and abilities to the cause.

The CTD VISTA Volunteer Program is now in full swing with 30 volunteers placed with member organizations throughout Texas. The newest members of the VISTA Force are:

Pamela Batt, El Paso Lighthouse for the Blind

Anthony Cervantez, MIGHT!, Austin

Barbara Cole, Spina Bifida Assoc. of Texas

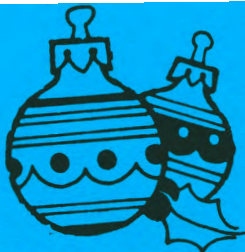
Gary Cooper, A.I.D., Dallas

George Cooper, TPVA

Martha Nunn, A.I.D./D.C.I.L., Dallas

Steve Wynn, MIGHT!, Austin





### SUNSET COMMISSION VOTES TO CONTINUE TCD

The Texas Commission for the Deaf (TCD) will continue operation as an independent state agency. The recommendation to continue TCD came after a motion by the Sunset Advisory Commission to transfer the responsibilities of the TCD to the Texas Rehabilitation Commission failed 6 to 1.

The Sunset Advisory Commission voted on the proposed transfer and several other recommendations for the TCD in a standing-room only meeting at the Texas Capitol Building. The meeting was attended by more than 200 deaf, hearing impaired and hearing supporters of the TCD, who gathered from across Texas to hear the recommendations of the Sunset Advisory Commission. Since the last legislative session, the Sunset Advisory Commission has reviewed approximately 31 agencies. Agencies, such as the TCD, which are recommended for continuation, will be continued through legislation drafted by the Sunset Advisory Commission.

### REGIONAL CONFERENCE ANNOUNCED

The Regional Rehabilitation Exchange (RRX) will sponsor its second annual regional conference highlighting exemplary rehabilitation programs for the disabled. The conference is scheduled for February 4-6, 1985 in Dallas, TX. This year's meeting, "Regional Conference on Transitional Programs and High Technology Applications", will provide information concerning five types of exemplary programs:

- Job Placement/Job Development
- Short-Term Transitional Programs
- Transitional Programs for Post-Secondary Students with Disabilities
- Supported Employment (Transitional Programs with Ongoing Services)
- High Technology Applications in the Vocational Rehabilitation Process

For further information on the regional conference or other RRX activities/materials contact: John D. Westbrook, Ph.D.

Regional Rehabilitation Exchange  
Southwest Educational Development  
Laboratory  
211 East Seventh Street  
Austin, Texas 78701  
(512) 476-6861 (voice or TTY)

### ARTWORKS SOUGHT

Artists with a disability are invited to enter their artwork in the 22nd Annual Sister Kenny Institute International Art Show by Disabled Artists. Entries should be received by February 1, 1985 at the art show headquarters in Minneapolis. Any artist with a physical or mental disability which limits one or more major life activities (such as caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning or working) is eligible to enter up to four pieces of art. All media is accepted including oils, acrylics, pen and ink, watercolors, pastels, sculpture and photography.

Artists interested in entry forms or further information may write to: Susan K. Benjamin, APR, Art Show, Sister Kenny Institute, 800 E. 38th Street at Chicago Avenue, Minneapolis, Minnesota 55407 USA.

### BITS AND PIECES...

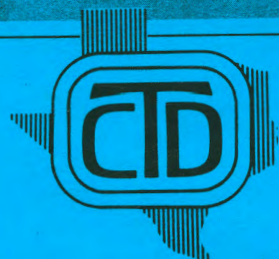
Lex Frieden former Executive Director of ILRU has gone to Washington, DC as the new Executive Director of the National Council on the Handicapped.

The CTD Board of Directors will hold their quarterly Board Meeting in Dallas on January 26-27, 1985 in conjunction with the American Coalition of Citizens with Disabilities (ACCD) quarterly meeting. If you are interested in submitting resolutions or items to be considered by the CTD Board of Directors, please send them to the CTD Central Office by January 20, 1985.

E Z J Ranch for disabled children ages 10-16 years has set the 1985 camp dates: June 30 - July 6, 1985. For more information contact Earl Hancock, Rt. 4 Box 2100, Nacogdoches, Texas 75961, 409/569-8668.



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