

# News

FEBRUARY, 1985

## Legislative

## Update:



## Disability Rally Day

There is going to be an important event in Austin on March 25 and 26th, 1985. Once again, massive numbers of persons with physical, mental, and developmental disabilities, and their friends from all over the state will be in Austin to focus public attention on the unity and strength of disabled citizens, their families, supporters and friends. Over 25 statewide organizations are sponsoring the Disability Rally Day 1985.

The first event will be a legislative briefing informing the participants on the issues and funding requests of the state agencies. This briefing will be the afternoon of March 25th at the Hyatt Regency. The Council on Disabilities will present a report and Governor Mark White has been invited to address those assembled. A formal reception honoring legislators and key state officials will occur in the evening.

On March 26th, ceremonies at the state Capitol will begin in the morning and continue into the afternoon. Various activities are planned for inside the Capitol and individuals and organizations will be encouraged to meet with their legislators.

Additional information will be sent to you as the formal agenda is set. The Coalition of Texans with Disabilities will be sponsoring a caucus on Monday morning, March 25th to update members on the CTD Legislative priorities and their status...details will be forthcoming.



## 69th TEXAS LEGISLATURE IN FULL SWING

Bills have started to move through the 69th Texas Legislature. Representatives and Senators have introduced well over 500 pieces of legislation with additional bills being filed daily. Foremost in everybody's mind for this session seems to be the \$1.1 billion projected revenue shortage.

The Legislative Budget Board's recommendations on appropriations for many State Agencies includes cut-backs and reductions with no room for increased services.

The Senate and House Committees have begun hearings on several State Agencies' appropriations and representatives from CTD and other organizations concerned about programs serving individuals with disabilities have testified before these committees. The following is an update of issues that the CTD Legislative Committee is pursuing.

### Community-Based Program and Other State Agencies' Services

SB 113- General Appropriations Bill for State Agencies (TDHR, TRC, TCD, TCB, TDMHR etc.) Introduced 1-8-85. Referred to Senate Finance Committee, hearings on agency budgets began 1-14-85.

HB 20 (Same as SB 113)- Introduced 1-15-85. Referred to Appropriations Committee 1-22-85, hearings began 1-14-85.

SB 118- Implements Sunset Commission Recommendations for Texas Rehabilitation Commission and Developmental Disabilities (DD) Council. Amends statutory definition of developmental disabilities, responsibilities/functions of DD Council, method of selection of DD Council Chairman. Introduced 1-10-85. Passed by Senate 1-31-85.

The Association of Retarded Citizens/Texas has received final confirmation of House and Senate sponsors for its proposal to establish a joint House/Senate Interim Study Committee on In Home and Family Support Services. The Study will result in development of a legislative approved long range plan for implementing institutional alternatives in both the mental health and mental retardation arenas. The bill is now being drafted and will likely be introduced by Senator Gonzalo Barrientos (Austin) and Representative Jesse Oliver (Dallas) within the next week.



Representation of the CTD Legislative Committee have testified at numerous committee hearings and are following the progress of items of concern. Immediate action is requested of CTD members to write or call members of the House Human Services Sub-Committee for Budget and Oversight:

- Rep. Jack Vowell, Chairman (El Paso)
- Rep. Anne Cooper, (San Marcos)
- Rep. Larry Evans (Houston)
- Rep. Mike McKinney (Centerville)
- Rep. Gregory Luna (San Antonio)

Urge them to support the highest possible level of funding for Texas Department of Human Resources' Services to Aged and Disabled Persons line item and to support the \$2.2 million pilot attendant care program proposed by TDHR.



Urge them to support the highest possible level of funding for Texas Rehabilitation Commission programs for Independent Living Centers, General Vocational Rehabilitation Services, Extended Rehabilitation Services and the demographic survey to identify disabled persons in Texas (\$1.5 million in 1986).

Urge them to support full funding for the programs of the Texas Commission for the Deaf and the Texas Commission for the Blind.

Future notices and calls for Action will be forthcoming.

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TO FIND OUT THE STATUS OF BILLS IN THE TEXAS LEGISLATURE  
AFFECTING DISABLED TEXANS, CALL: 1-800/252-9693

IN AUSTIN CALL: 475-3026

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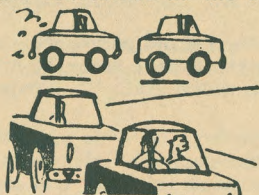
CTD Board of Directors Passes Resolution Supporting Gas Station Service for Disabled Drivers.

At the January meeting of the CTD Board of Directors the following resolution was passed:

WHEREAS, full-service gasoline costs considerably more than does self-service and,  
WHEREAS, disabled drivers cannot take advantage of this discount when buying gasoline as can most drivers because of their inability to pump it themselves and,  
WHEREAS, the extra expense necessary for equipment which enables a disabled person to drive makes saving money whenever possible essential for most disabled drivers,  
THEREFOR BE IT RESOLVED, that the Coalition of Texans with Disabilities support legislation before the 1985 legislature which calls for service stations which have both self and full-service gasoline pumps to pump the gasoline for disabled drivers when they pull up to self-service pumps.

On February 7, 1985 Senator Bill Sarpalius, at the request of Marshall Mitchell, president of CTD, filed Senate Bill 390. This bill will enable all persons with prominently displayed handicapped stickers on their vehicles or some other form of handicap identification to have their gasoline pumped by a service-station attendant and still receive that gasoline at self-service prices. According to the provisions of SB 390, handicapped citizens will be able to receive a gasoline price break only at stations that routinely offer both full and self service.

Marshall Mitchell of Amarillo, president of CTD and Chuck Obermyer of Austin, State advocacy director of the Paralyzed Veterans of America joined Senator Sarpalius in a press conference at the Capitol in support of SB 390.





Edwards Files Local Measured Service Prohibition Bill

On January 23, 1985, State Senator Chet Edwards (Dist. 9, Dem, Duncanville) introduced SB 46 placing a moratorium on Local Measured Service (LMS) until September 1, 1990.

LMS is a telephone company billing procedure whereby local calls would be billed as long distance calls are now: based on the number of calls (frequency), length of call (duration), time of day, and distance. Southwestern Bell has filed a tariff filing to implement LMS, but withdrew it when it became obvious that opposition was vocal and success unlikely. Speculation is that the company does not consider the issue dead.

The Coalition of Texans with Disabilities (CTD), through resolutions passed at its 1983 and 1984 Delegate Assemblies, has taken a position of opposing such rate structures that would adversely affect poverty impaired individuals with disabilities. Many people with disabilities rely heavily on their telephone for obtaining needed information, services, employment, and contact with the outside world. CTD urges its organizational and individual members to join the fight to "PUT LMS ON HOLD".

SB 46 has been referred to the Senate Economic Development Committee. Other organizations supporting SB 46 are Acoorn, American Association of Retired Persons, Consumer's Union, Gray Panthers, National Federation of Independent Businesses, Public Citizen, Texas Association For Retarded Citizens, Texas Association of Realtors, Texas Automobile Dealers Association, Texas Bankers Association, Texas Consumer Association, Texas Medical Association, Texas Paralyzed Veterans Association, Texas Retailers Association, and the Texas Retired Teachers Association.

**ON THE FEDERAL LEVEL:**



The Civil Rights Act of 1985 is being introduced (after a similar act failed in 1984). This act would provide civil rights to several groups, including disabled people, who are not now particularly protected. It is, in part, a response to the Grove City case in which the Supreme Court ruled in a way that drastically limits the power of sections 503, 504, etc. (sometimes called disabled persons' civil rights law).

Proposed amendments to the social security laws would allow persons to continue receiving some medical benefits after returning to work. Congressman Steve Bartlett provided disability rights advocates with the following information in Dallas concerning proposed legislation:

General Purpose: to promote increased employment of the 13.1 million disabled persons of working age. The bill would eliminate disincentives for seeking employment and create incentives for employers to hire disabled persons.

Statutes Affected: amends, by making permanent, Section 1619, a work incentive provision in the Social Security Act and creates two new demonstration grant programs under Title VI (Projects with Industry) of the Rehabilitation Act.



Section 1619 was originally part of the Social Security Disability Amendments of 1980. It expired on December 31, 1983. It was continued by HHS through its regulatory authority until December 31, 1984. It was extended until June 30, 1987 by the Social Security Disability Amendments of 1984.

Purpose: allows disabled persons who have earned income and who are eligible for Supplemental Security Income (SSI) benefits and medical benefits under Medicaid, to continue to be eligible for such benefits until their earnings equal approximately 2 times the current substantial Gainful Activity Level (SGA); SGA is currently about \$300. In addition, even when such persons' earnings exceed 2 times SGA, they can continue to be eligible for \$1 of SSI cash benefits and Medicaid if they meet several conditions.

Proposed Title XIX and Title XX funding cuts may mean cuts in attendant care. The Cleburn case, a court case receiving Supreme Court attention concerns zoning, preventing group homes for mentally retarded persons in residential areas. We will provide updated information on all these issues as we receive it.



#### Non-discriminatory Commercial Air Travel

Washington, D.C., February 4, 1985 -- The U.S. Court of Appeals, in its own words, has added "the force of law" to the right of handicapped people desiring access to non-discriminatory commercial air travel.

The Courts' comment was contained in a 68-page opinion issued in response to a suit filed by the Paralyzed Veterans of America.

"America's handicapped population has won a significant victory as a result of a court ruling," stated R. Jack Powell, PVA executive director.

In the suit filed by PVA, the U.S. Court of Appeals for the District of Columbia Circuit agreed with PVA's position that all commercial air carriers, rather than just those receiving federal subsidies, cannot discriminate against a handicapped individual.

In its lengthy opinion, the court noted the Congress' concern for the right of handicapped people to travel and have the greatest access to employment opportunities. Any fair reading of the government's non-discriminatory statutes, said the Court, "reveals that modernizing employment opportunities--and therefore minimizing barriers to transportation--for the disabled goes to its very heart".

"It is time," the Court declared, "that a handicapped person's right of reasonable access to non-discriminatory commercial air transportation had the force of law".

According to PVA's Powell, while the ruling is a significant victory for America's paralyzed population, it does have some troubling provisions, namely restrictions which airlines may place on handicapped travelers.

These restrictions include requiring a "qualified" handicapped person to be subject to "reasonable requests of airline personnel". Without defining "reasonable", the provision allows airlines to selectively impose requirements on handicapped persons which are not imposed upon the general public. In addition, the Court upheld a provision of the rule that allows airlines to require up to 48 hours advance notice for "extensive special assistance"--lift equipment for enplaning and deplaning and aisle chairs.

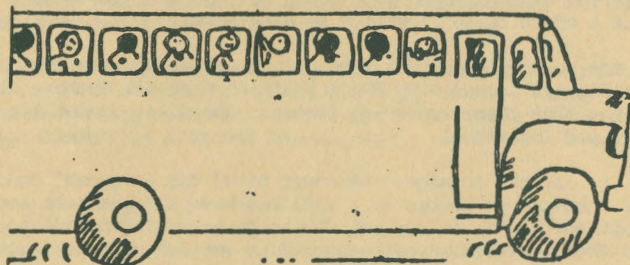
The Court remanded, however, the entire rule including this provision back to the Department of Transportation for review stating that the rule was promulgated at a time when the Board's only consideration was the rule's applicability to small commercial carriers. The Court has now asked DOT to fashion a new rule that is consistent with current DOT regulations affecting airports.

## Announcing...

### CHANGES IN TRANSPORTATION WORKSHOP

Due to conflicts in schedules, the CTD co-sponsored Transportation Workshop, scheduled for March 22 and 23, 1985, has been postponed. Plans are being made to sponsor a one-day workshop on Issues in Transportation on Saturday, April 20, 1985 in San Antonio. Since speakers are not yet confirmed, details will follow in next month's newsletter.

\*\*\*\*\* Please note: The Texas Paralyzed Veterans will still be holding a Transportation Workshop, "Transportation: A Time For Action" on Friday, March 22, 1985 in San Antonio at the Holiday Inn/Downtown. For information contact Timothy Nicholson, 4935 Lambeth, San Antonio, TX 78228 (512) 684-9172.





# Upcoming Events:

1012 14th Street, N.W.  
Suite 901  
Washington, DC 20005

(202) 628-3470  
628-3471 (TDD)



## American Coalition of Citizens with Disabilities Inc.

Dear ACCD Members and Friends:

The American Coalition of Citizens with Disabilities, Inc. (ACCD) is pleased to announce the Eleventh Annual Delegate Council Assembly (DCA). This year's DCA is in Little Rock, Arkansas from June 14 - 16, 1985 at the Camelot Hotel.

"The Time is Now" to meet and to share our common concerns with other members of ACCD, who are both disabled and non-disabled. The DCA gives us the opportunity and the forum, through our national coalition, to derive the strength from one another to attain our objectives of full human and civil rights for all disabled persons. The Delegates representing our Active Member Organizations will have a major impact on ACCD's future by electing people to our Board of Directors who will lead our movement during the coming year. They will also make policy decisions to guide the actions of the Board of Directors, and the ACCD office.

During this "National Decade of Disabled Persons" (1983-1992), it is our challenge, as persons with disabilities, to take the initiative to make our dreams, goals and objectives become a reality. "The Time is Now" to get down to the 'business at hand.'

Mark your calendars now ---- and Y'all come to the DCA in Little Rock.

Forward in Unity,

*Phyllis Rubenfeld*  
Phyllis Rubenfeld, Ed.D.  
President

PRE-CONFERENCE TRAINING  
JUNE 13, 1985  
Training on Section 504

Sponsored and presented by the Paralyzed Veterans of America - Speaker: Gordon Mansfield, Attorney and National Advocacy Director, PVA  
9:00 a.m. to 3:30 p.m.



Texas Planning Council for Developmental Disabilities

1985 Developmental Disabilities Public Forum

**WHO:** Sponsored by the Texas Planning Council for Developmental Disabilities

**WHAT:** 1985 Developmental Disabilities Public Forum

**WHERE:** Austin South Plaza Hotel, I-35 at Woodward

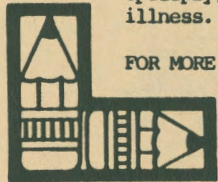
**WHEN:** Saturday, April 13, 10:00-4:00

**WHY:** Every year the Texas Planning Council seeks public input on service needs of persons with developmental disabilities. Data generated from the 1985 Developmental Disabilities Public Forum will be used by the Council to develop priority areas for Developmental Disabilities Program funding and Council monitoring, planning and advocacy efforts. Testimony may be verbal or written.

The Texas Planning Council is a 25-member organization dedicated to improving the lives of the nearly 270,000 Texans with developmental disabilities. Council members include persons with developmental disabilities and their advocates, as appointed by the Governor, and representatives from state agencies providing services to persons with developmental disabilities.

People with developmental disabilities have severe, chronic mental and/or physical impairments that occur before the age of 22. The impairments are likely to continue indefinitely, limiting three or more of the following areas of major life activity: self-care, self-direction, learning, language, mobility, capacity for independence, and economic self-sufficiency. Examples of developmental disabilities include mental retardation, autism, epilepsy, cerebral palsy, deaf/blindness, and chronic mental illness.

FOR MORE INFORMATION, CONTACT JUDY DENONATO AT (512) 445-8867.

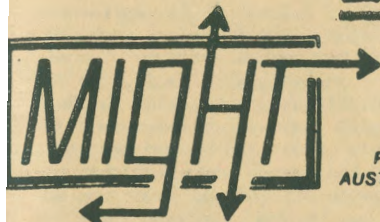


**Amarillo '85**

**CTD 8th Annual Convention September 28-29 1985**



# Letters



P.O. BOX 5748  
AUSTIN, TEXAS 78763

CTD Newsletter  
c/o Coalition of Texans  
with Disabilities  
P.O. Box 4709  
Austin, Texas 78765

February 7, 1985

Open letter to C.T.D. Members:

MIGHT would like to comment on Mr. Jim Parker's open letter regarding transportation which appeared in last month's addition of the C.T.D. newsletter.

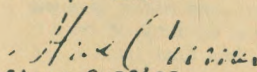
Since its inception, MIGHT has fought for gains in public transportation in Austin as we continue to do now. We agree with Mr. Parker that public transportation for disabled persons in Texas is inadequate. It is inadequate for able-bodied persons as well. MIGHT also agrees with the goal of 100% accessibility. This includes many people in wheelchairs, blind persons, the frail elderly, mentally retarded persons and many others who would not be able to get to and from the bus stops.

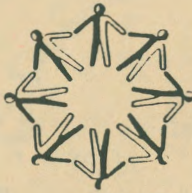
MIGHT feels that we run the risk of polarizing the various segments of the disabled community by advocating for one part of that community and ignoring others. By urging "the federal government to reinstate the 504 regulations mandating that all public transit systems be accessible" without also calling for a quality para-transit system is discrimination, plain and simple.

Because MIGHT is a cross-disability organization representing a broad range of disabled persons, we feel that 100% accessibility alone will never meet the needs of all disabled persons. Voters in the City of Austin recently approved funding of a transit authority entitled Capital Metro. We support Capital Metro's concept of complementary modes of transportation which includes door to door service, fully accessible fixed route buses, light rail and van pools and other innovative options. This variety of modes is best suited to meet the needs of the entire disabled community.

MIGHT strongly recommends that C.T.D. and ADAPT go on record in support of maintaining and improving a viable para-transit option for those unable to use an accessible bus. We also recommend that any policy statements or resolutions coming from these organizations regarding 100% accessibility also include support for para-transit.

WE WILL ALL RIDE

  
Steve Currier  
President



# Stroke Groups Help.

By Norma H. Hunt

## Stroke Groups of Houston

It is interesting, but disturbing, that in considering the needs of the handicapped, every disability is mentioned, except the victim of stroke. It is the nations number 3 killer. On a percentage basis, I doubt if any of the other disabling conditions come close to the number effected by this thief. Tragically, it has been thought of as mainly a disease of the old, but indeed it is not.

Recently the grandson of a friend was stricken, at the age of 7 years. It just hit out of nowhere. The parents were told that the childrens hospital sees about four cases a year. At the same time, a health care professional said that the last five cases referred to her, had been under the age of 40. In our Stroke Groups of Houston, we find many men and women from all walks of life who have been cut down in the prime of life. Yes, we do have many older persons, but they are not the only ones. But what if they were only older men and women? Are they any less human because they are no longer young?

What do stroke victims need? Why do we request aid, and work so hard for recognition? Unfortunately, many medically oriented people think only in terms of medication and physical treatment. They forget that the whole person must be treated. Stroke takes away part of a persons self. It is normal to grieve over loss. For stroke victims, it may be the loss of verbal communication, the loss of the use of one or more limbs, the loss of friends who do not understand, or who cannot handle change emotionally.

The loss can also entail the loss of employment and the role one had before the CVA. It can be the loss of income. For spouses, it can be the loss of anything related to the aforementioned. This is overwhelming in it's scope. So what is done about all these losses? Usually nothing! The survivors are left to cope on their own. For those who are flexible and tough to endure, they make it one way or another, but it takes it's toll.

It doesn't have to be that way. Such Spartan endurance is not the only avenue possible. Stroke Groups of Houston provide a milieu where both victim and spouse/family can share with others in the same boat. What a relief it is when they find others are going through the same thing, and they can compare notes on how to handle the thousand and one frustrations and needs they thought only they were subject to. Aphasics are able to risk trying and failing, because those other people relate to him/her, not as "Dr. So and So," but as "one of us". They can rejoice with one anothers successes...and there are successes...and offer genuine support when one doesn't make it. Being accepted by a variety of ones peers, being one to venture out into the world out there that hasn't been very accepting.



Socialization is crucial to the good mental health of all people. For too many stroke victims, this aspect of life ceases when the body no longer functions as the individual expects it to. Isolated from sources of help, the strokee begins to live a very self-centered existence, often putting unfair and unrealistic burdens on spouses and /or family. Both of them need assistance. Help is needed via barrier free facilities where they may go and eat, shop, study or worship. Help is needed via an educated public who understand that stroke persons are flesh and blood human beings whose hearing and understanding are not usually impaired, regardless of other physical limitations. For example, recently one of our people was in a shopping mall, her arm in a sling and her four prong stick in her other hand, when a man looked up to her and said, "Oh you poor, poor woman, whatever happened to you?" She just looked at him and said one of the few words she had mastered. "Stroke!" At one time she would have dissolved in tears, or become angry. Her daughter said that before her mother had started coming to the Stroke Group, she would never have been able to do it. The whole group was happy for her. It helped her self esteem to have the approval of her friends in the group, and to have been able to fend for herself.

Centers where stroke victims can be cared for, giving relief to their primary care giver are very few and far between. The participants are not exactly what one would call "sick" but they may need assistance of one kind or another, according to individual needs. The financial resources of most stroke persons have usually been drained during the crisis period of their physical catastrophe. It doesn't leave money for costly services.

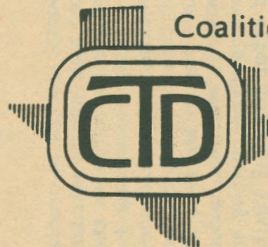
Some who suffer a CVA may recover enough to be able to return to work, but often it is on a reduced basis. While their intellectual ability may not be impaired, there is often a lessening of endurance. Many who are still receiving therapy on a regular basis, find that the Stroke Group fills the void that only human relationships can fill. Why are Stroke victims overlooked in programming? Perhaps it is because of a human tendency called "denial"...if we ignore it, maybe it will go away! But it does not just go away, and the needs of stroke victims and their families must be addressed. Those whom death does not claim, have just as much right to live a quality life, as do those with any other disability. Isn't this the American Way?



## CTD's Editor's Note:

The CTD News is edited and published monthly 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, Texas 78765. The deadline for submitting articles is the first of each month for that month's edition.





Coalition of Texans with Disabilities

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1.2 MILLION  
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