

Background:

The Council adopted Public Policy Recommendations in February relating to:

- prohibiting organ transplant recipient discrimination on the basis of certain disabilities
- the establishment of an employment-first policy and task force that promote opportunities for individuals with disabilities to earn a living wage with competitive employment

Both recommendations are addressed in legislation under consideration by the 83rd Texas Legislature, SB 1112 & SB 1226 respectively.

<u>Committee of the Whole</u> <u>Agenda Item 6. A.</u>	<u>Expected Action:</u> The Committee will receive a report on legislative activity.
<u>Public Policy Committee</u> <u>Agenda Item 7.</u>	<u>Expected Action:</u> The Committee will receive updates on legislative activity related to these topics.
<u>Council Meeting</u> <u>Agenda Item 12.</u>	<u>Expected Action:</u> The Council will receive an update on the Committee report.

By: Zaffirini

S.B. No. 1112

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting organ transplant recipient discrimination on the basis of certain disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter S, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER S. ALLOCATION OF KIDNEYS AND OTHER ORGANS AVAILABLE FOR TRANSPLANT

SECTION 2. Section 161.471, Health and Safety Code, is amended to read as follows:

Sec. 161.471. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Disability" has the meaning assigned by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(2) "Organ [~~organ~~ procurement organization" means an organization that is a qualified organ procurement organization under 42 U.S.C. Section 273 that is currently certified or recertified in accordance with that federal law.

SECTION 3. Subchapter S, Chapter 161, Health and Safety Code, is amended by adding Section 161.473 to read as follows:

Sec. 161.473. DISCRIMINATION ON THE BASIS OF DISABILITY PROHIBITED. (a) A person with a disability who is otherwise eligible for an organ transplant may not be denied the transplant

1 solely based on the person's physical or mental disability, unless
2 a physician who examines and evaluates the person finds the
3 disability to be medically significant to the provision of the
4 organ transplant.

5 (b) For purposes of Subsection (a), a person's inability to
6 independently comply with post-transplant medical requirements is
7 not medically significant if the person has the necessary
8 assistance to ensure compliance.

9 (c) The department may enforce compliance with this
10 subchapter.

11 (d) This section does not require referrals or
12 recommendations for, or the performance of, medically
13 inappropriate organ transplants.

14 SECTION 4. This Act takes effect September 1, 2013.

1-1 By: Zaffirini S.B. No. 1226
 1-2 (In the Senate - Filed March 6, 2013; March 13, 2013, read
 1-3 first time and referred to Committee on Health and Human Services;
 1-4 April 8, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 8, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1226 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the establishment of an employment-first policy and
 1-22 task force to promote competitive employment opportunities that
 1-23 provide a living wage for individuals with disabilities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 531, Government Code, is
 1-26 amended by adding Sections 531.02447 and 531.02448 to read as
 1-27 follows:

1-28 Sec. 531.02447. EMPLOYMENT-FIRST POLICY. (a) It is the
 1-29 policy of the state that earning a living wage through competitive
 1-30 employment in the general workforce is the priority and preferred
 1-31 outcome for working-age individuals with disabilities who receive
 1-32 public benefits.

1-33 (b) The commission, the Texas Education Agency, and the
 1-34 Texas Workforce Commission shall jointly adopt and implement an
 1-35 employment-first policy in accordance with the state's policy under
 1-36 Subsection (a). The policy must:

1-37 (1) affirm that an individual with a disability is
 1-38 able to meet the same employment standards as an individual who does
 1-39 not have a disability;

1-40 (2) ensure that all working-age individuals with
 1-41 disabilities, including young adults, are offered factual
 1-42 information regarding employment as an individual with a
 1-43 disability, including the relationship between an individual's
 1-44 earned income and the individual's public benefits;

1-45 (3) ensure that individuals with disabilities are
 1-46 given the opportunity to understand and explore options for
 1-47 education or training, including postsecondary, graduate, and
 1-48 postgraduate education, vocational or technical training, or other
 1-49 training, as pathways to employment;

1-50 (4) promote the availability and accessibility of
 1-51 individualized training designed to prepare an individual with a
 1-52 disability for the individual's preferred employment;

1-53 (5) promote partnerships with employers to overcome
 1-54 barriers to meeting workforce needs with the creative use of
 1-55 technology and innovation;

1-56 (6) ensure that the staff of public schools,
 1-57 vocational service programs, and community providers are trained
 1-58 and supported to assist in achieving the goal of competitive
 1-59 employment for all individuals with disabilities; and

1-60 (7) ensure that competitive employment, while being

2-1 the priority and preferred outcome, is not required of an
 2-2 individual with a disability to secure or maintain public benefits
 2-3 for which the individual is otherwise eligible.

2-4 Sec. 531.02448. EMPLOYMENT-FIRST TASK FORCE. (a) The
 2-5 executive commissioner shall establish an interagency
 2-6 employment-first task force, or may use an existing committee or
 2-7 task force, to promote competitive employment of individuals with
 2-8 disabilities and the expectation that individuals with
 2-9 disabilities are able to meet the same employment standards,
 2-10 responsibilities, and expectations as any other working-age adult.

2-11 (b) If the executive commissioner establishes a task force
 2-12 for the purposes described by Subsection (a), the executive
 2-13 commissioner shall determine the number of members on the task
 2-14 force. The executive commissioner shall appoint at least the
 2-15 following as members, subject to Subsection (e):

2-16 (1) an individual with a disability;

2-17 (2) a family member of an individual with a
 2-18 disability;

2-19 (3) a representative of the commission;

2-20 (4) a representative of the Department of Assistive
 2-21 and Rehabilitative Services;

2-22 (5) a representative of the Department of State Health
 2-23 Services;

2-24 (6) a representative of the Department of Aging and
 2-25 Disability Services;

2-26 (7) a representative of the Department of Family and
 2-27 Protective Services;

2-28 (8) a representative of the Texas Workforce
 2-29 Commission;

2-30 (9) a representative of the Texas Education Agency;

2-31 (10) an advocate for individuals with disabilities;

2-32 and

2-33 (11) a representative of a provider of integrated and
 2-34 competitive employment services.

2-35 (c) A member of a task force established under this section
 2-36 serves at the will of the executive commissioner.

2-37 (d) The executive commissioner shall designate a member of a
 2-38 task force established under this section to serve as presiding
 2-39 officer.

2-40 (e) At least one-third of a task force established under
 2-41 this section must be composed of individuals with disabilities, and
 2-42 no more than one-third of the task force may be composed of
 2-43 advocates for individuals with disabilities.

2-44 (f) A task force established under this section or an
 2-45 existing committee or task force used for purposes of this section
 2-46 shall:

2-47 (1) design an education and outreach process targeted
 2-48 at working-age individuals with disabilities, including young
 2-49 adults with disabilities, the families of those individuals, the
 2-50 state agencies listed in Subsection (b), and service providers,
 2-51 that is aimed at raising expectations of the success of individuals
 2-52 with disabilities in integrated, individualized, and competitive
 2-53 employment;

2-54 (2) develop recommendations for policy, procedure,
 2-55 and rules changes that are necessary to allow the employment-first
 2-56 policy described under Section 531.02447(b) to be fully
 2-57 implemented; and

2-58 (3) not later than September 1 of each even-numbered
 2-59 year, prepare and submit to the office of the governor, the
 2-60 legislature, and the executive commissioner a report regarding the
 2-61 task force's findings and recommendations, including:

2-62 (A) information that reflects the potential and
 2-63 actual impact of the employment-first policy on the employment
 2-64 outcomes for individuals with disabilities; and

2-65 (B) recommendations for improvement of
 2-66 employment services and outcomes, including employment rates, for
 2-67 individuals with disabilities based on the reported impact of an
 2-68 employment-first policy under Paragraph (A) that may include:

2-69 (i) recommendations relating to using any

3-1 savings to the state resulting from the implementation of the
3-2 employment-first policy to further improve the services and
3-3 outcomes; and

3-4 (ii) recommendations developed under
3-5 Subdivision (2) regarding necessary policy, procedure, and rules
3-6 changes.

3-7 (g) A member of a task force established under this section
3-8 is not entitled to compensation. Members may be reimbursed for
3-9 expenses as follows:

3-10 (1) a member described by Subsection (b)(1) or (2) is
3-11 entitled to reimbursement for travel and other necessary expenses
3-12 as provided in the General Appropriations Act;

3-13 (2) a member appointed as a representative of a state
3-14 agency is eligible for reimbursement for travel and other necessary
3-15 expenses according to the applicable agency's policies; and

3-16 (3) a member described by Subsection (b)(10) or (11)
3-17 is entitled to reimbursement for travel and other necessary
3-18 expenses to be paid equally out of available money appropriated to
3-19 the commission and to health and human services agencies.

3-20 (h) The commission and the health and human services
3-21 agencies shall provide administrative support and staff to a task
3-22 force established under this section.

3-23 (i) The executive commissioner, the commissioner of
3-24 education, and the Texas Workforce Commission shall evaluate
3-25 recommendations made by a task force or committee under this
3-26 section and adopt rules as necessary that are consistent with the
3-27 employment-first policy adopted under Section 531.02447.

3-28 (j) This section expires September 1, 2017.

3-29 SECTION 2. Not later than January 1, 2014, the executive
3-30 commissioner of the Health and Human Services Commission shall
3-31 appoint the members of the employment-first task force under
3-32 Section 531.02448, Government Code, as added by this Act, if the
3-33 executive commissioner establishes a task force under that section.

3-34 SECTION 3. This Act takes effect immediately if it receives
3-35 a vote of two-thirds of all the members elected to each house, as
3-36 provided by Section 39, Article III, Texas Constitution. If this
3-37 Act does not receive the vote necessary for immediate effect, this
3-38 Act takes effect September 1, 2013.

3-39 * * * * *



6201 E. Oltorf, Suite 600, Austin, TX 78741-7509
E-Mail: tcdd@tcdd.texas.gov
Internet: <http://www.tcdd.texas.gov>

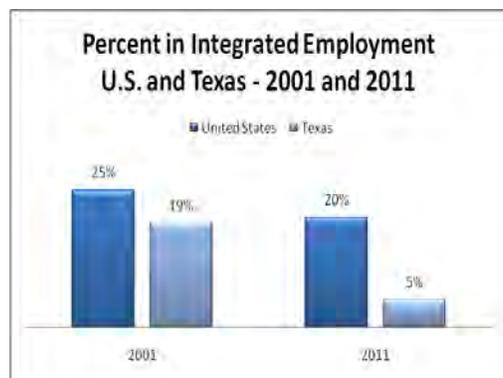
Mary Durheim, Chair
Andrew D. Crim, Vice Chair
Roger A. Webb, Executive Director

Public Comment
Senate Health and Human Services Committee
April 2, 2013
Senate Bill 1226

The Texas Council for Developmental Disabilities (TCDD) is established by federal law in the Developmental Disabilities Assistance and Bill of Rights Act and is governed by a 27 member board, appointed by the Governor, 60 percent of whom are individuals with developmental disabilities or family members of individuals with disabilities. TCDD's purpose in law is to encourage policy change so that people with disabilities have opportunities to be fully included in their communities and exercise control over their own lives.

The Council adopted Employment First as one of its 2013 public policy recommendations. Employment First, as the name suggests, is a philosophy that says that integrated competitive employment should be the expected outcome for people with developmental and other disabilities who want to work. Establishing competitive employment as a goal is the starting point. We know that achieving those outcomes for individuals will not happen overnight, but it is important to set the goal so that our service delivery systems review existing policies and procedures and adopt strategies that successfully lead in this direction. Only then will people with significant disabilities have opportunities to be integrated into the workforce.

People Want to Work - As a result of IDEA (Individuals with Disabilities Education Act) more people with disabilities have the same goals as their peers without disabilities. Employment is the great equalizer. Through employment, people gain an important point of entry into their community, a sense of being valued, wages and job benefits, friends and social connections. With these tangible and intangible rewards from employment, people secure greater independence and freedom from public support systems. Work means the same for people with and without disabilities. According to National Core Indicators, 47% of Texas respondents reported that they do not have a job in the community but would like one, which is consistent with the average of all NCI states (46%). Eighty-three percent of Texas respondents reported that they do not have integrated employment as a goal in their service plan, which is higher than the average of all NCI states (77%).ⁱ The current low participation rate of citizens with disabilities in the workforce is unacceptable. Advances in education and community living cannot be fully leveraged or realized when so few people with disabilities actually work in the community.



We Can Do Better - Between 2001 and 2011, Texas has more than doubled the number of persons with intellectual and developmental disabilities receiving services from the Department of Aging and Disability Services. However, during that same time period, the number of persons served in integrated employment decreased by half. In 2001, 20% of those receiving services were in an integrated

employment setting. In 2011, only 5% of those receiving services were in integrated employment. Some states are now providing integrated employment to 40% of those receiving services.ⁱⁱ Texas can do better.

People with disabilities are routinely placed in non-integrated settings instead of community-based employment despite the availability of common accommodations.ⁱⁱⁱ SB 1226 sets a policy direction for employment as the first option to be considered for individuals with disabilities receiving public benefits so that the legislature is able to hold agencies accountable for creating a culture of work for people with disabilities. It means that planning teams are going to seriously talk about what people want to do with their days and how to realign policy and process so that integrated competitive employment can become a reality for those wanting to work. Starting with competitive employment as the goal does not mean that employment will be achieved tomorrow - or next week. And if it does not happen, it does not mean that the system has failed, but it does not mean that we are going to stop trying either. Establishing employment as the goal will focus efforts on that goal.

An Employment First statewide policy will result in the inclusion of more persons with developmental disabilities in the workforce. The Texas Legislature has created opportunities for Texas to be attractive to business, drawn, in part, by a workforce educated by our world-class university system. TCDD's goal is to ensure that those businesses also find an educated, prepared workforce that includes Texans with disabilities.

Adopting an Employment First policy for the state can make an important contribution to raising expectations, improving outcomes and increasing self-sufficiency for people with intellectual and developmental disabilities.

Respectfully submitted,

Jessica Ramos
Public Policy Director

ⁱ "NCI State Report: Texas 2009-10." *National Core Indicators*. Human Services Research Institute and The National Association of State Directors of Developmental Disabilities Services. Web. <http://www.nationalcoreindicators.org/>.

ⁱⁱ Butterworth, J., Smith, F., A., Hall, A.C., Migliore, A., Winsor, J., Domin, D., Sulewski, J. (2013). *StateData: The national report on employment services and outcomes*. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

ⁱⁱⁱ *Ibid.*



For the past five years, TCDD funded Community Healthcore's Texas Customized Self-Employment Project, a unique initiative providing instruction in becoming self-employed for individuals with intellectual, developmental and other disabilities. Mark completed the training and is now a successful entrepreneur.

TCDD Grant Project Helps Local Businessman Succeed

Mark Puckette is your everyday small business owner. He has all of the qualities you'd expect in an entrepreneur: drive, dedication and determination.

Owner of Not A Mark window cleaning in Longview, Texas, Mark has successfully grown his business to more than 20 clients since starting his company in October of 2008.

"It's grown over the years and started slow," Mark said. "Basically I went business to business talking in person to store owners to see if they needed my services.

"The Longview Chamber of Commerce also helped me get new clients," Mark continued. "They had a Business After Hours meet and greet. What was so great about it was that it allowed me to do networking."

At the Longview Chamber's meet and greet, Mark was able to network and personally talk with local business owners to see if they could use his window cleaning services.

"It takes courage to go and talk to different people and try to get them as

Mark's "Yes I Can" attitude and continued success as a small business entrepreneur is an inspiration to anyone interested in starting their own business.

clients," Mark said. "So, basically, I worked toward that goal."

Mark found out about the Longview Chamber's meet and greet through Community Healthcore, a nonprofit organization which serves as the mental health and intellectual disability authority for 9 counties in East Texas. Community Healthcore

assists people with mental health and intellectual disabilities and their families achieve maximum independence in all aspects of their lives.

For the past five years, TCDD funded Community Healthcore's Texas Customized Self-Employment

Project, a unique initiative providing instruction in becoming self-employed for individuals with intellectual, developmental and other disabilities. Mark completed the training and is now a successful entrepreneur.

"Community Healthcore basically helped me with my business plan and helped me purchase a GPS and

insurance for my business,” Mark said. “They also helped with funding for my business cards and shirts.

“Most of the equipment I bought myself online or over the phone,” Mark added. “There’s a company in Dallas that sells window cleaning supplies. Squeegees, towels, buckets; whatever fits your style.”

Mark worked at a couple of different companies before starting Not A Mark. These experiences helped inspire and motivate him to go into business for himself.

“Before I started my business,” Mark said, “I worked for Neiman Marcus at their facility here in Longview. They ship out jeans and jewelry. I helped packing boxes. It was great working for them, but in January and February business was slow, so they laid me off.

“After Neiman Marcus,” Mark continued, “I also helped with a construction company helping with their clean up, but it was very hard work.

However, it helped me get to where I am. Cleaning is hard work.”

As a small business owner, Mark isn’t afraid of hard work.

“It makes me feel good,” Mark said. “It allows me to interact with clients and I don’t have to worry about being laid off because of slow business.

“I’m looking to get more clients,” Mark continued, “but I have to be careful as to how many I get. I don’t have any employees so I have to be careful not to have too many clients so I can handle the work.”

Mark’s hard work is paying off. He is able to save some of the money he earns to put toward traveling and other personal interests.

“In 2010, I was able to go with a group of people to Italy. I spent 10 days there and had the time of my life,” he said.

Additionally, Mark has been able to visit New York City and family in Connecticut. He also was able to buy

a new car this year with the money he saved from Not A Mark.

His business success has helped Mark achieve some of his dreams and set some goals for his future.

“My plans down the road are to get a place of my own,” said Mark, “and to continue to grow my business.”

When asked what advice he might have for someone who wants to start their own business, Mark was very encouraging.

“My advice for someone with special needs who wants to start their own business is to take one step at a time,” Mark recommended. “Allow your family to help you and people who know you. You need all the support you can get; it doesn’t hurt. My final advice is to have a ‘Yes I Can’ attitude.”

Mark’s “Yes I Can” attitude and continued success as a small business entrepreneur is an inspiration to anyone interested in starting their own business.



Learn more about the Texas Customized Self Employment Project: txselfemp.com/work/

Read TCDD’s Employment First Policy Recommendation: tcdd.texas.gov/public-policy/policies-recommendations/employment-first/

Read TCDD’s Employment Position Statement: tcdd.texas.gov/public-policy/position-statements/position-statement-employment/



Project HIRE students spent a day with business mentors from the City of McAllen Public Works Department. Left to right: Joe Aranda, Joey Elizondo Jr., Gabriel Rios, Javier Galindo.

PROJECT HIRE - Joey Elizondo Jr.

As a junior at La Joya High School in 2010, **Jose (Joey) Elizondo Jr.** applied for services from the Texas Department of Aging and Rehabilitative Services to help him attend college and become a mechanic. While he was eager to attend South Texas College in McAllen, Joey anticipated his developmental disability would make it difficult to succeed. His special education counselors — who continue to be involved in his progress — recommended Joey for Project HIRE.

“Joey has blossomed from a quiet, shy young man to someone who advocates for himself quite well ... to make sure that he is helped with whatever is needed so that he can reach his ultimate goal of passing his classes and working as a mechanic,” Maria Morin, the lead educational coach from The University of Texas Pan American, said.

Joey completed the project’s seven-week summer training prior to starting college, and he received strong support from his family, even when his father had a stroke. Joey took three classes in the fall — introduction to

mechanics, developmental reading and college success. While he struggled with the reading class, he benefitted from the Project HIRE services — especially the educational coaches and private tutoring — and passed all his classes.

The Division for Rehabilitation Services of Texas Department of Aging and Rehabilitative Services is supplementing its Vocational Rehabilitation Program with wrap-around services through **PROJECT HIRE**, which started in January 2012 in Hidalgo County. Project HIRE provides college and employment readiness, educational coaches, and individual and family support to help students with developmental disabilities succeed at South Texas College, in job training and ultimately in employment.

Twelve participants started classes in the fall of 2012, majoring in certificate programs, such as welding, childcare, mechanics and drafting. These students have vision and hearing impairments, learning disabilities, cerebral palsy and other disabilities. Each took two to three classes in the first semester and had an educational coach in at least one class. To prepare for college, they attended a series of workshops during the summer, visited local work sites and spent time with local business mentors to get experience in their chosen career fields.