

Background:

The Council periodically reviews TCDD’s Position Statements. This quarter, TCDD staff asked Council members to review and recommend updates for the following Position Statements: Public Transportation Systems, Criminal Justice, Right to Privacy, Service Coordination, and Education.

The following Position Statement documents are included for your review:

- A. Public Transportation Systems –
 - i. Current Position Statement with Markups*
 - ii. Current Position Statement with Markups Accepted*
- B. Criminal Justice –
 - i. Current Position Statement with Markups*
 - ii. Current Position Statement with Markups Accepted*
- C. Right to Privacy –
 - i. Current Position Statement with Markups*
 - ii. Current Position Statement with Markups Accepted*
- D. Service Coordination –
 - i. Current Position Statement with Markups*
 - ii. Current Position Statement with Markups Accepted*
- E. Education –
 - i. Current Position Statement with Markups*
 - ii. Current Position Statement with Markups Accepted*

* **PURPLE** Council Member input; **RED** Staff input

Public Policy Committee — Agenda Item 7

Expected Action:

The Public Policy Committee will consider changes to five position statements and recommend revisions to the Council.

Council — Agenda Item 8

Expected Action:

The Council will consider revisions to the TCDD Position Statements recommended by the Public Policy Committee and determine final action.

Public Transportation Systems Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that a public transportation systems must meet the needs of ~~citizens~~ individuals with disabilities in a safe, reliable, convenient, affordable, timely and accessible manner. Transportation is essential ~~for to any effort to enable~~ helping ensure all ~~citizens~~ individuals can to live as independently as they choose, and ~~to be fully integrated~~ be an active participant in their communities. A transportation system should ~~be one system with~~ be comprised of ~~walkways~~ accessible pathways linked to all modes of transportation.

Almost one-third (31%) of adults with disabilities report inadequate transportation access, double the rate of the general population (13%).¹ People with disabilities cannot enjoy the basic right to freedom of movement when access to transportation is not available or they must depend on transportation systems ~~that~~ are limited, do not exist, are unsafe, or the transportation and walkways are not interconnected or and accessible.

The Texas Council for Developmental Disabilities supports the position that publicly funded and/or regulated transportation service systems must:

- Combine all transportation services and funding into one system to be universally accessible and effective;
- Coordinate and computerize dispatch at state, federal and local levels among all modes of transportation;
- Expand capacity in suburban, urban, rural and unincorporated areas to connect places people live with places they work, shop, socialize, worship, attend school, access health care, etc.;
- Include require alternative routes for people with disabilities and specifically those who use ~~in~~ wheelchairs, during construction; and
- Be fully accessible and available to all people with disabilities at varying times of the day.

The Council advocates for the active and sufficient representation of people ~~individuals~~ with disabilities ~~to be actively represented~~ on boards and advisory groups for both public and private entities that oversee or provide transportation services.

~~For the promise of full integration into the community to be real for people with disabilities they~~ Everyone must have access to safe, reliable, affordable, and accessible transportation to connect ~~them~~ individuals where they live, ~~with~~ where they need to be, ~~when they need to get there for the promise of full community integration to be real for people with disabilities go.~~

Approved ~~May 9, 2014~~

□American Association of People with Disabilities. (2012). Equity in Transportation for People with Disabilities. Washington, DC. Retrieved October 10, 2016 from <http://www.civilrightsdocs.info/pdf/transportation/final-transportation-equity-disability.pdf>.

Public Transportation Systems Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that public transportation systems must meet the needs of individuals with disabilities in a safe, reliable, convenient, affordable, timely and accessible manner. Transportation is essential for helping ensure all individuals can live as independently as they choose, and to be an active participant in their communities. A transportation system should be comprised of accessible pathways linked to all modes of transportation.

Almost one-third (31%) of adults with disabilities report inadequate transportation access, double the rate of the general population (13%).¹ People with disabilities cannot enjoy the basic right to freedom of movement when access to transportation is not available or systems are limited, do not exist, are unsafe, or the transportation and walkways are not interconnected or accessible.

The Texas Council for Developmental Disabilities supports the position that publicly funded and/or regulated transportation service systems must:

- Combine all transportation services and funding into one system to be universally accessible and effective;
- Coordinate and computerize dispatch at state, federal and local levels among all modes of transportation;
- Expand capacity in suburban, urban, rural and unincorporated areas to connect places people live with places they work, shop, socialize, worship, attend school, access health care, etc.;
- Require alternative routes for people with disabilities and specifically those who use wheelchairs, during construction; and
- Be fully accessible and available to all people with disabilities at varying times of the day.

The Council advocates for the active and sufficient representation of individuals with disabilities on boards and advisory groups for both public and private entities that oversee or provide transportation services.

Everyone must have access to safe, reliable, affordable, and accessible transportation to connect individuals where they live, where they need to be, when they need to get there for the promise of full community integration to be real for people with disabilities.

Approved TBD

i American Association of People with Disabilities. (2012). Equity in Transportation for People with Disabilities. Washington, DC. Retrieved October 10, 2016 from <http://www.civilrightsdocs.info/pdf/transportation/final-transportation-equity-disability.pdf>.

Criminal Justice Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that people with intellectual, developmental, and/or mental/behavioral health disabilities who are victims, suspects, or witnesses of a crime have the right to impartial justice and fair treatment in all areas of the criminal justice system, including reasonable accommodations ~~as necessary~~. While those people with intellectual disabilities comprise 2% to 3% of the ~~general total~~ population, they represent make up 4% to 10% of the people in prison population, with ~~an even greater number more~~ in juvenile facilities and jails as well as a significant portion of State Supported Living Center admissions. People with intellectual disabilities and are 4 to 10 times more likely to be victims of crime than those without disabilities¹.

~~A disability does not necessarily mean a person is incompetent to stand trial, but however, it is the responsibility of counsel and the court to raise competency as an issue in appropriate cases and at any point in the proceedings where when the defendant's competency is in question. People with intellectual, developmental, and/or mental/behavioral health disabilities may have functional support needs in one or more spheres of mental functioning that involve perceptual memory, and judgment modalities. Their ability to process and retain information and to relate cause and effect may be affected.~~ Attorneys and judges often lack adequate ~~and appropriate~~ knowledge of due process protections available for people with disabilities prior to, during, and after being found incompetent to stand trial. ~~A disability does not necessarily mean a person is incompetent to stand trial, but however, it is the responsibility of counsel and the court to raise competency as an issue in appropriate cases and at any point in the proceedings where when the defendant's competency is in question.~~ Additionally, with ~~the~~ increased pressure to privatize services, there is a need to ensure that the individual's competency is assessed and access to needed mental/behavioral health treatment is not compromised at any point in the criminal justice process.

TCDD supports the position that timely, appropriate, and adequate care and treatment must be provided to individuals after they are determined incompetent to stand trial or not guilty by reason of insanity, with particular attention to the following:

- Providing comprehensive officer training in booking and intake procedures of individuals with intellectual, developmental, and/or mental/behavioral health disabilities.

¹ Davis, Leigh A. People with Intellectual Disabilities in the Criminal Justice System: Victims & Suspects.2009. Retrieved October 1, 2012 from <http://www.thearc.org/page.aspx?pid=2458>

- ~~Early intervention~~ Intervening promptly and providing ~~that includes~~ a valid and clinically appropriate disability screening prior to, during, and following arrest, ~~and~~
- ~~Providing comprehensive officer training in booking and intake procedures of individuals with intellectual, developmental, and/or mental/behavioral health disabilities.~~
- Ensuring ~~that~~ competency restoration is provided in appropriate therapeutic settings that facilitate recovery.
- ~~Reduction on the~~ Reducing reliance ~~of~~ on non-medically necessary outpatient treatment.
- ~~Reduction in~~ Reducing the amount of time the criminal court retains jurisdiction over an alleged offender.
- Requiring ~~O~~ngoing training of criminal justice professionals on Code of Criminal Procedure, Article 46B, with special emphasis on post-incompetency legal requirements.
- Providing ~~r~~Reasonable accommodations at all stages of criminal proceedings to assist the individual to understand and participate in the proceedings and their defense.

The Council recognizes that early intervention, due process protections, and assistance and reasonable accommodations to participate in legal proceedings are necessary overlapping components of a system that is responsive to the needs of to people with disabilities. These and that these components must be available to victims, suspects, or witnesses at all stages of the individual's involvement in the criminal justice system.

Approved May 9, 2014

Criminal Justice Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that people with intellectual, developmental, and/or mental/behavioral health disabilities who are victims, suspects, or witnesses of a crime have the right to impartial justice and fair treatment in all areas of the criminal justice system, including reasonable accommodations. While people with intellectual disabilities comprise 2% to 3% of the total population, they make up 4% to 10% of people in prison, with even more in juvenile facilities and jails as well as a significant portion of State Supported Living Center admissions. People with intellectual disabilities and are 4 to 10 times more likely to be victims of crime than those without disabilities¹.

A disability does not necessarily mean a person is incompetent to stand trial, however, it is the responsibility of counsel and the court to raise competency as an issue in appropriate cases and at any point in the proceedings when the defendant's competency is in question. Attorneys and judges often lack adequate knowledge of due process protections available for people with disabilities prior to, during, and after being found incompetent to stand trial. Additionally, with increased pressure to privatize services, there is a need to ensure that the individual's competency is assessed and access to needed mental/behavioral health treatment is not compromised at any point in the criminal justice process.

TCDD supports the position that timely, appropriate, and adequate care and treatment must be provided to individuals after they are determined incompetent to stand trial or not guilty by reason of insanity, with particular attention to the following:

- Providing comprehensive officer training in booking and intake procedures of individuals with intellectual, developmental, and/or mental/behavioral health disabilities.
- Intervening promptly and providing a valid and clinically appropriate disability screening prior to, during, and following arrest.
- Ensuring that competency restoration is provided in appropriate therapeutic settings that facilitate recovery.
- Reducing reliance on non-medically necessary outpatient treatment.
- Reducing the amount of time the criminal court retains jurisdiction over an alleged offender.

¹ Davis, Leigh A. People with Intellectual Disabilities in the Criminal Justice System: Victims & Suspects.2009. Retrieved October 1, 2012 from <http://www.thearc.org/page.aspx?pid=2458>

- Requiring ongoing training of criminal justice professionals on Code of Criminal Procedure, Article 46B, with special emphasis on post-incompetency legal requirements.
- Providing reasonable accommodations at all stages of criminal proceedings to assist the individual to understand and participate in the proceedings and their defense.

The Council recognizes that early intervention, due process protections, and assistance and reasonable accommodations to participate in legal proceedings are necessary overlapping components of a system responsive to the needs of people with disabilities. These components must be available to victims, suspects, or witnesses at all stages of the individual's involvement in the criminal justice system.

Approved TBD

Right to Privacy — Confidentiality of Information Position Statement — DRAFT

The Texas Council for Developmental Disabilities recognizes that people with disabilities have the same right to privacy as ~~all people have in our nation any other~~. Privacy refers to both the protection of one's personal life from intrusions by others and protection of information about oneself. The Fourth Amendment of the U.S. Constitution provides "the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." With respect to protection of personal information, confidentiality ~~Confidentiality~~ has historically been a cornerstone in providing ~~services~~ and medical care and related human services to people. ~~The level of privacy protected under the Fourth Amendment of the U.S. Constitution is being challenged by the rapidly developing interactive technologies with a quickly emerging global information infrastructure.~~

In ~~this an~~ age of ~~the rapidly~~ evolving ~~information and~~ communication technologies, the Council recognizes the positive role ~~that the~~ electronic media plays in brings to the compilation and exchange of information. ~~Our g~~Government agencies, businesses, and non-profits ~~agencies now can quickly have the advantage of quick~~ exchange of information and ~~the ability to~~ gather and analyze massive amounts of data information. This ~~new capacity can~~ helps in streamlining business, reducing costs, and ensuring appropriate services for people. However, this increased new capacity for data collection can also be used intentionally or unintentionally to the detriment of the people ~~the served by~~ government agencies serve. The Council supports the ~~position that the~~ following basic principles for should be applied to all information and data collection systems:

- Individuals, government entities, nonprofit organizations, and businesses have a shared responsibility for the secure use and protection of personal identifying information.
- Prior to the collection and disclosure dissemination of personal and identifiable identifying information, each individual should must be consent and receive a copy of the consent to disclosure of: advised of the:
 - The specifics of personal identifying information to be collected and/or disclosed released;
 - Dates of the time-limited period during which the consent is valid;
 - The name, address, and phone number of both the entity which is collecting the information and the entity to which the information will be disclosed released;

- The purpose for which the information is to be collected and/or disclosed released;
- The individual's legal rights to privacy and confidentiality of personal identifying information;
- The administrative procedures to follow to review personal information;
- The process to remove, correct or add information that has been entered in a data collection system;
- The way to file a complaint and claim avenues of recourse to recover damages in the case of improper use and/or disclosure of personal information; and
- The degree and nature of any risk that personal identifying information may be inadvertently collected by other entities through the electronic transmission processes.
- Those who obtain, possess or retain personal identifying information of others should make efforts to must ensure that it such personal information is not inadvertently shared with, obtained by, or collected by unauthorized parties through the process of electronic data transmission.
- Directories of an individual's personal information should be used only Personal identifying information should only be disclosed with the consent of as allowed by the individual. Personal identifying iable information may includes:
 - Name, home address, phone number, or email address;
 - Photograph, audio and/or video recording, fingerprints, or biologically specific markers, including DNA;
 - Social security number, driver's license number, passport number, or other government-issued identification;
 - Date of birth
 - Religious, political or organizational affiliations;
 - Employment, educational, medical, psychiatric, psychological, and financial status or details;
 - Legal status or history; and
 - Gender and marital family status.

Approved ~~November 7, 2014~~

Right to Privacy — Confidentiality of Information

Position Statement — DRAFT

The Texas Council for Developmental Disabilities recognizes that people with disabilities have the same right to privacy as any other. Privacy refers to both the protection of one's personal life from intrusions by others and protection of information about oneself. The Fourth Amendment of the U.S. Constitution provides "the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." With respect to protection of personal information, confidentiality has historically been a cornerstone in providing medical care and related human services to people.

In an age of rapidly evolving communication technologies, the Council recognizes the positive role electronic media plays in the compilation and exchange of information. Government agencies, businesses, and non-profits can quickly exchange information and gather and analyze massive amounts of data. This helps in streamlining business, reducing costs, and ensuring appropriate services for people. However, this increased capacity for data collection can also be used intentionally or unintentionally to the detriment of the people served by government agencies. The Council supports the following basic principles for all information and data collection systems:

- Individuals, government entities, nonprofit organizations, and businesses have a shared responsibility for the secure use and protection of personal identifying information.
 - Prior to the collection and disclosure of personal identifying information, each individual must consent and receive a copy of the consent to disclosure of the:
 - Specifics of personal identifying information to be collected and/or disclosed;
 - Dates of the time-limited period during which the consent is valid;
 - Name, address, and phone number of both the entity which is collecting the information and the entity to which the information will be disclosed;
 - Purpose for which the information is to be collected and/or disclosed;
 - Individual's legal rights to privacy and confidentiality of personal identifying information;
 - Administrative procedures to follow to review personal information;
 - Process to remove, correct or add information that has been entered in a data collection system;

- Way to file a complaint and claim damages in the case of improper use and/or disclosure of personal information; and
- Degree and nature of any risk that personal identifying information may be collected by other entities through the electronic transmission processes.
- Those who obtain, possess or retain personal identifying information of others must ensure it is not shared with, obtained by, or collected by unauthorized parties through the process of electronic data transmission.
- Personal identifying information should only be disclosed with the consent of the individual. Personal identifying information includes:
 - Name, home address, phone number, or email address;
 - Photograph, audio and/or video recording, fingerprints, or biologically specific markers, including DNA;
 - Social security number, driver's license number, passport number, or other government-issued identification;
 - Date of birth;
 - Religious, political or organizational affiliations;
 - Employment, educational, medical, psychiatric, psychological, and financial status or details;
 - legal status or history; and
 - Gender and marital status.

Approved TBD

Service Coordination Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that the full inclusion and meaningful participation of people with disabilities in community life requires that individuals with disabilities know about ~~be aware of the services and supports available, that they have an~~ the array of service and support options available from which to choose, and ~~most importantly, that they have the~~ are central role in planning and directing their own future. In order to achieve these goals, ~~are most readily achieved when~~ individuals and their families must receive the benefit of effective, person-centered, comprehensive, conflict-free and effective service coordination to help navigate multiple, complex systems.

Service coordination ~~involves assisting~~ assists individuals through planning, coordinating, ~~locating~~ identifying, accessing, and monitoring services and supports ~~that will result in an~~ to achieve the best optimal quality of life and level of full community participation. It is the responsibility of the service coordinators to serve as advocates for ~~the~~ individuals and their families ~~y~~ and provide support ~~by encouraging for people who are receiving services to self-advocate cy. for themselves.~~ Service coordination should be ~~viewed as~~ a distinct benefit available to all people with disabilities who require information and assistance, ~~information and advocacy to obtain~~ access to various services and supports for full participation and community inclusion ~~to participate be fully included in their communities.~~

The Council supports the position that service coordination ~~should~~ must be independent from service delivery ~~such that, to ensure~~ the service coordinator ~~is free from~~ has no conflicts of interest, and their role is independent or separate from the ~~direct~~ delivery of and/or payment of direct or other services received by the individual and/or family. Service coordinators who are employees of public or private agencies, family members or individual contractors should ~~be independent~~ not be placed in situations of from potential conflict of interest.

An independent service coordination structure system will also enables service coordinators to maintain the integrity of their advocacy role. Individuals should be able to choose a qualified service coordinator and make changes in their selection, as desired.

Service coordination must be available on an ongoing basis and support individual(s) rights to:

- Be central to the development of their own service plan;
- Have access to the general community;
- Access or refuse specific services and supports, as desired;
- ~~Develop their own service plan;~~
- Request alternate changes to services and supports, providers or service coordinators; and
- ~~Make inquiries or complaints and~~ appeal decisions made about the services and supports they receive; and;
- Receive services in their preferred language in a culturally effective manner.

Access to service coordination should be available as necessary and upon request to all persons with disabilities who have functional needs for an array of services and supports. Eligibility should not be based on specific diagnoses, but rather on functional need for services is. ~~Service coordination must be readily accessible and must have sufficient staff to provide assistance to individuals in a timely and responsive manner.~~ Service coordination should be ~~provided~~ done by one well-trained and culturally competent person who spends most of their time in support and coordination activities for a reasonable number of individuals.:

- ~~Is committed;~~
- ~~Is well trained;~~
- ~~Is culturally competent;~~
- ~~Serves a reasonable number of individuals; and~~
- ~~Spends most of the time in support and coordination activities~~

It is the responsibility of the service coordinator to:

- Advocate on behalf of the individual to address individual goals and preferences;
- ~~Help~~ educate the individual to know his or her rights and ~~become empowered to act~~ advocate on his or her own behalf; and
- Support the right of ~~that~~ each individual to make decisions and to take risks based on informed choice and individual goals and values.

Service coordinators should:

- Be knowledgeable about public and private resources including eligibility and purpose of public benefits; how benefits may be properly used with limited personal financial resources or to maintain access to benefits while working;

- Be creative in their ability to make public and private supports and services work to meet individual needs;
- [Be engaged in monitoring and revising service and person centered plans;](#)
- [Work effectively on behalf of the individual across systems and agencies;](#) and
- Serve a facilitative role in bringing individuals, families and providers together.

While service coordinators should be available to assist and consult with providers to ensure services are delivered, they also have a responsibility to monitor the quality of services and supports received [to ensure access and satisfaction.](#)

Approved ~~May 9, 2014~~

Service Coordination Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that the full inclusion and meaningful participation of people with disabilities in community life requires that individuals with disabilities know about the array of service and support options available, and are central in planning and directing their own future. In order to achieve these goals, individuals and their families must receive person-centered, comprehensive, conflict-free and effective service coordination to help navigate multiple, complex systems.

Service coordination assists individuals through planning, coordinating, identifying, accessing, and monitoring services and supports to achieve the best quality of life and full community participation. It is the responsibility of the service coordinators to serve as advocates for individuals and their families and provide support by encouraging self-advocacy. Service coordination should be a distinct benefit available to all people with disabilities who require information and assistance to access services and supports to participate for full participation and community inclusion.

The Council supports the position that service coordination must be independent from service delivery to ensure the service coordinator has no conflicts of interest and their role is separate from the delivery and/or payment of direct services received by the individual and/or family. Service coordinators who are employees of public or private agencies, family members or individual contractors should not be placed in situations of conflict of interest.

An independent service coordination system will enable service coordinators to maintain the integrity of their advocacy role. Individuals should be able to choose a qualified service coordinator and make changes in their selection, as desired.

Service coordination must be available on an ongoing basis and support individual(s) rights to:

- Be central to the development of their service plan;
- Have access to the general community;
- Access or refuse specific services and supports, as desired;
- Request changes to services and supports, providers or service coordinators;
- Make inquiries or complaints and appeal decisions made about the services and supports they receive; and
- Receive services in their preferred language in a culturally effective manner.

Access to service coordination should be available as necessary and upon request to all persons with disabilities who have functional needs for an array of services and supports. Eligibility should not be based on specific diagnoses, but rather on functional need for services. Service coordination should be done by one well-trained and culturally competent person who spends most of their time in support and coordination activities for a reasonable number of individuals.

It is the responsibility of the service coordinator to:

- Advocate on behalf of the individual to address individual goals and preferences;
- Coach the individual to know his or her rights and to advocate on his or her own behalf; and
- Support the right of each individual to make decisions and to take risks based on informed choice and individual goals and values.

Service coordinators should:

- Be knowledgeable about public and private resources including eligibility and purpose of public benefits; how benefits may be properly used with limited personal financial resources or to maintain access to benefits while working;
- Be creative in their ability to make public and private supports and services work to meet individual needs;
- Be engaged in monitoring and revising service and person centered plans;
- Work effectively on behalf of the individual across systems and agencies; and
- Serve a facilitative role in bringing individuals, families and providers together.

While service coordinators should be available to assist and consult with providers to ensure services are delivered, they also have a responsibility to monitor the quality of services and supports received to ensure access and satisfaction.

Approved TBD

Education Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that all students have a right to learn; ~~play and work together~~ with students their own age, with and without disabilities, in the same schools, classrooms, and other educational and extracurricular programs ~~attended by their brothers, sisters and neighbors, and that s~~ Schools, classrooms, programs, and appropriate transportation must be ~~both~~ physically and programmatically accessible to all students. ~~It is the position of the Council, as well as the policy of the state, that children should be treated with dignity and respect when addressing their behavioral and academic needs.~~ All people with disabilities in Texas should have the opportunity to achieve their potential for independence, productivity, and full integration into the community. Education is a lifelong process ~~that is~~ vital to attaining a ~~full and complete~~ fulfilling, meaningful life. ~~The results~~ Successful outcomes of an appropriate education for students with disabilities should be evidenced by employment and/or enrollment in postsecondary education classes, as well as meaningful engagement in community life, within one year of leaving high school.

The Council supports the position that serving the individualized needs of each student starts with appropriate identification of all students who have disabilities that require special education services or services provided under Section 504 of the Rehabilitation Act. The numbers of students requiring these services should not be predetermined according to fixed percentages of the general student population, but should be based exclusively on the objective assessment of each student's strengths and needs by qualified professionals. Special education is not a separate educational system, but a service provided to people with specific needs within the general educational system.

Systemic Full inclusion requires ~~the~~ ongoing collaboration and, shared responsibility ~~of~~ among students, parents, guardians, educators, administrators, and the community at large to ensure ~~that~~ all students have the same opportunities to learn, ~~to~~ play, ~~to~~ be engaged with peers, and ~~to~~ fully experience student life. Individualized appropriate instruction and related services that enable the student with disabilities to benefit from education must be provided by highly qualified teachers and service providers who understand their shared responsibility for student success, with administrative support and opportunities for continued and ongoing professional development in all areas of identified need.

Successful inclusion requires teacher education programs to prepare all educators and administrators, not only those providing special education services, to work with the full range of students in inclusive settings with access to co-teaching models and ongoing professional development.

Students must be treated with dignity and respect in their social, emotional, and academic education. All students with disabilities, ~~regardless of individual needs,~~ must be provided inclusive and integrated academic and vocational instruction, evidence-informed supports, and full access to the general curriculum, extracurricular activities, and related services, ~~in the least restrictive environment. Related services refer to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation.~~ The Council supports the use of positive behavioral interventions and supports on a schoolwide basis as an effective way to prevent the use of extreme measures such as restraint and seclusion. The Council opposes the use of any measures that cause physical, emotional, or psychological pain for any reason.

The Council supports the position that ~~Charter schools or~~ schools accepting voucher payments must provide students the same educational rights and opportunities that they would be accorded in the traditional public education system. The Council believes that schools that accept state or federal money to educate students must have uniform admission criteria without respect to ~~accept any student with a~~ disability ~~who may apply for admission to that school~~; abide by federal and state education laws that protecting the rights of all students; abide by Section 504 of the Rehabilitation Act ~~that requires~~ requiring any entity receiving federal funds to include people with disabilities in its program; and accept any students at the state rate of payment asking for no additional tuition or fees ~~beyond the normal fees required by the student's local education agency. If these criteria are not met,~~ The Council opposes publicly funded alternatives to traditional public education school vouchers and charter schools that do not meet these criteria. The Council does not support any initiative that would deplete public education funds ~~from the public education system and ultimately from those~~ available for the education of students with disabilities.

The full, meaningful inclusion of Texas students with disabilities should be approached as a fundamental value and underlying principle by which we educate all students. The education of students with disabilities should result in self-determination, lifelong learning, employment, and community engagement.

Approved ~~February 6, 2015~~

Education Position Statement — DRAFT

The Texas Council for Developmental Disabilities supports the position that all students have a right to learn together with students their own age, with and without disabilities, in the same schools, classrooms, and other educational and extracurricular programs. Schools, classrooms, programs, and appropriate transportation must be physically and programmatically accessible to all students. All people with disabilities in Texas should have the opportunity to achieve their potential for independence, productivity, and full integration into the community. Education is a lifelong process vital to attaining a fulfilling, meaningful life. Successful outcomes of an appropriate education for students with disabilities should be evidenced by employment and/or enrollment in postsecondary education classes, as well as meaningful engagement in community life, within one year of leaving high school.

The Council supports the position that serving the individualized needs of each student starts with appropriate identification of all students who have disabilities that require special education services or services provided under Section 504 of the Rehabilitation Act. The numbers of students requiring these services should not be predetermined according to fixed percentages of the general student population, but should be based exclusively on the objective assessment of each student's strengths and needs by qualified professionals. Special education is not a separate educational system, but a service provided to people with specific needs within the general educational system.

Systemic inclusion requires ongoing collaboration and shared responsibility among students, parents, guardians, educators, administrators, and the community at large to ensure all students have the same opportunities to learn, play, be engaged with peers, and fully experience student life. Individualized appropriate instruction and related services that enable the student with disabilities to benefit from education must be provided by highly qualified teachers and service providers who understand their shared responsibility for student success. Successful inclusion requires teacher education programs to prepare all educators and administrators, not only those providing special education services, to work with the full range of students in inclusive settings with access to co-teaching models and ongoing professional development.

Students must be treated with dignity and respect in their social, emotional, and academic education. All students with disabilities must be provided inclusive and integrated academic and vocational instruction, evidence-informed supports, and full access to the general curriculum, extracurricular activities, and related services. The Council supports

the use of positive behavioral interventions and supports on a schoolwide basis as an effective way to prevent the use of extreme measures such as restraint and seclusion. The Council opposes the use of any measures that cause physical, emotional, or psychological pain for any reason.

The Council supports the position that schools accepting voucher payments must provide students the same educational rights and opportunities that they would be accorded in the traditional public education system. The Council believes that schools that accept state or federal money to educate students must have uniform admission criteria without respect to disability; abide by federal and state education laws protecting the rights of all students; abide by Section 504 of the Rehabilitation Act requiring any entity receiving federal funds to include people with disabilities in its program; and accept students at the state rate of payment asking for no additional tuition or fees. The Council opposes publicly funded alternatives to traditional public education that do not meet these criteria. The Council does not support any initiative that would deplete public education funds available for the education of students with disabilities.

The full, meaningful inclusion of Texas students with disabilities should be approached as a fundamental value and underlying principle by which we educate all students. The education of students with disabilities should result in self-determination, lifelong learning, employment, and community engagement.

Approved TBD