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CTD Annual Report Fall 2004- Summer 2005

Contents

I. Advocacy: 2005 Texas Legislative Session and more.....1
II. Strengthening the Foundation of CTD Public Policy Work.....3
III. CTD Appointments/Affiliations.....3
IV. Public Awareness, Other Projects, Programs and Awards5

I. Advocacy: 2005 Texas Legislative Session and more

In 2005, the Texas Capitol was a place where patience was a needed skill. Committees met early in the morning and late at night, on weekends and holidays. One memorable committee meeting began in the evening and it was 5 a.m. when testimony was taken.

Attached is the 2005 Legislative Report of the Coalition of Texans with Disabilities. CTD was actively involved in all the issues listed. Our role and the organizations with which we partnered are identified. I want to especially thank Advocacy Inc., AARP, ADAPT and the Texas Center for Disability Studies for always being there. CTD efforts included:

- Testimony at public hearings
- Direct contacts to legislative offices
- Supplying language for legislation
- Written position papers distributed to the Legislature
- At least ten media events/interviews
- Email blasts and phone calls to advocates around the state
- Collaborative organization of two legislative rallies at the Capitol
- We held our annual convention just blocks from the Capitol in March, bringing in folks from around the state.
- We pulled off Capitol Ride '05, a seven-day public awareness event to draw attention to pressing legislative issues. CTD member and polio survivor Mikail Davenport handcycled 350 miles from South Padre Island to the steps of the Capitol, distributing position papers and attracting media all along the route.

Thanks to all the CTD members, volunteers, friends, legislators and Capitol staffers who helped us in our mission. — Dennis Borel, CTD Executive Director

Major Advocacy Project: Protecting the Americans with Disabilities Act (ADA)

In his official capacity as the state's top lawyer, Texas Attorney General Greg Abbott is fighting for state immunity from the civil rights protections of the ADA. He is taking the position that Texas has sovereign immunity from the ADA and is therefore allowed to commit acts of discrimination based on a person's disability without recourse. CTD is at the forefront of the battle.

SB1128, the ADA bill, was originated by CTD: this important civil rights legislation would have waived the state's immunity to ADA violations. Texas Attorney General Abbott opposed our efforts. CTD was offered a chance to pass SB1128, if we would accept Abbott's new language that would've gutted the bill. We rejected the deal and the bill later died. Though politics is the art of compromise, when it comes to the basic civil right to be free from discrimination based a person's disability, CTD will never compromise.

The notorious *Miller v. Texas Tech ADA case* recently received a favorable ruling. Miller had requested that high contrast tape be placed along stairs at Texas Tech University as a safety measure for the legally-blind professor. Tech refused the reasonable accommodation and was sued by Miller. Attorney General Abbott, acting as defense counsel, argued that Texas' immunity from the ADA rendered any discriminatory act moot. CTD strongly supported Miller through media activities and an amicus brief filed pro bono by ADA attorneys Cirkiel and Associates. The 5th Circuit Court of Appeals, considered among the most conservative benches in the country, ruled against the State and sent the case back to be heard. After five years, Miller will get her day in court. Will this ruling finally end the State's claims of immunity and allow Texans the basic civil right of being free from discrimination based on disability? We think not. The ruling was narrow and cited other legal prohibitions against discrimination, not the ADA. At this time, we believe that Texas state legislation is still needed to definitively resolve this critical issue.

Major Advocacy Project: State Services Privatization

Privatization will be a big change for Texans with disabilities. The State of Texas is moving forward with replacing several thousand of its field workers with a privatized **integrated eligibility** system relying on call centers and web sites. CTD originated and advocated passage of HB2819 which requires the State to improve its accessibility standards for web sites and telecommunications. Recognizing that people with disabilities will turn to the Centers for Independent Living for assistance, CTD advocated for additional funding for the centers, however this was not approved by the Legislature. CTD is researching other means to support the centers.

Medicaid managed care is expanding from its one location in Houston to eight more urban areas. CTD has been very active in design meetings and legislative efforts. Among advocates, the different positions taken by HMOs and doctors/hospitals became known as the Battle of the Titans. Not preferring one version over the other, CTD focused on the priorities for any managed care system to effectively serve people with disabilities including:

- contracting with local community based organizations for education, outreach and relocation from institutions,

- service coordination and use of the social, not medical, model,
- promotion of consumer directed services
- sustainability of the community direct care workforce, and
- appropriate community long term care services to all who are eligible without a waiting list.

Since the final legislation passed on managed care was vague, CTD and others **persuaded Senator Zaffirini to place an important statement of legislative intent in the Senate record reflecting the consumer priorities.**

II. Strengthening the Foundation of CTD Public Policy Work

CTD worked on strategies to strengthen the framework of disability advocacy. The strategies were not issue-specific, but rather designed to improve resources for any ongoing policy issues.

Political Leaders to CTD: CTD’s March ‘05 Convention drew DARS Commissioner Terry Murphy, Representative Elliot Naishtat and AAPD Executive Director Andy Imperato.

Livable Communities: A collaboration between advocates for people with disabilities and older Americans: In its second year, CTD technical assistance has secured participation of the influential 2-million member AARP-Texas on numerous pieces of legislation. CTD collaborated on community organizing and technical assistance in El Paso. CTD and AARP jointly presented the project at the Texas Conference on Aging. CTD is currently working with AARP to identify two other Texas cities for Livable Communities.

Texas Mobility Dealers: CTD formed a working relationship with a group of mobility dealers, businesses that do vehicle conversions, adding ramps, lifts and other accommodating devices. The group is examining out-of-date state regulations that are hampering the delivery of this important transportation service to Texans with disabilities.

III. CTD Appointments/Affiliations

CTD works to place its staff and individual members on a variety of committees, workgroups, task forces and boards that have influence over issues of importance to Texans with disabilities. Once at the table, CTD staff and members are active participants.

Staff placements:

Gubernatorial appointee, The State Independent Living Centers (SILC) Board

CTD is working to increase SILC involvement in policy education and advocacy and take a proactive stance in planning the long term future of independent living services in Texas.

HHSC Executive Commissioner Appointee, Promoting Independence Advisory Council

CTD is using this policy forum to ensure that Texas’ promoting independence initiative continues to move forward.

Appointee, Weatherization Policy Advisory Council, Texas Dept of Housing & Community Affairs CTD reviews the state plan to ensure that people with disabilities are a target group for this free home weatherization program.

Appointee, HR 3295 Help America Vote Act Advisory Committee, Office of the Secretary of State. CTD is working with the Office of the Secretary of State to implement this federal legislation, which has provisions regarding accessible voting and secret ballot for all Texans with disabilities. CTD has submitted substantive comments that ensure that Texans with disabilities may vote freely and privately.

Invited Presenter, Secretary of State Election Law Seminar
“Polling Place Accessibility” to 300+ county judges and election officials.

Appointee, Advisory Council, SB 95 Evaluation of Personal Attendant Training Programs
CTD provides pilot project grantees across the state with technical assistance, support, and procedural guidelines for systems change goals affecting three community care projects.

Appointee, Consumer Directed Services Workgroup
CTD promotes that people with disabilities control the recruitment, hiring, management, and firing of their personal assistants, which results in lower attendant turnover rates. Expansion of consumer directed services in all waiver programs will likely add durable medical equipment and respite care to consumer directed services. The committee makes recommendation directly to the Legislature.

Invitee, Law Enforcement and Mental Health in Strategy Conference, Hogg Foundation for Mental Health/Office of Governor
CTD sat with law enforcement, judges, and political leaders to develop a response to high profile incidents between police and local law enforcement.

Appointee, Goodwill Central Texas Community Advisory Council
CTD advises on state advocacy issues related to employment of people with disabilities.

Participant, Alliance for Full Participation
CTD worked in an idea exchange session to develop a blueprint for systems change that was forwarded to a national conference..

Judge, Lego Robotics Competition, with theme of disability assistive technology, for Texas middle school students.

CTD Member placements:

Appointee, Architectural Barriers Adv. Committee, Texas Dept. of Licensing and Registration
Gubernatorial Appointee, Texas Council on Developmental Disabilities
Appointee, Consumer Directed Services Workgroup
Appointee, Rehab Council of Texas, DARS
Appointee, Board of Directors, Advocacy, Inc.

Appointee, Austin Mayor's Committee for People with Disabilities
Appointee, Relay Texas Advisory Board

IV. Public Awareness, Other Projects, Programs and Awards

Texas PHA Project: This project provides training and technical assistance to Public Housing Authorities in Texas to increase integrated housing for people with disabilities, especially those individuals moving from institutions. 18 trainings were presented statewide during the 3-year project.

People with disabilities and weatherization contractors: CTD trained weatherization contractors from 10 states, who work in homes, on interacting with homeowners with disabilities.

Invited speaker: Brain Injury Association's State Conference: CTD presented issues surrounding violence against persons with disabilities, including red flags and how families can help their family member with a brain injury.

Youth with disabilities in the juvenile probation system: CTD trained juvenile probation workers from throughout Texas on interacting with youth with disabilities.

Capitol Ride '05: Police escorted Austin Mayor Will Wynn, CTD member Mikail Davenport, and kids with disabilities using racing wheelchairs down Congress Avenue as Davenport finished a seven day 350 mile journey from South Padre to Austin without the use of his legs. Davenport went on this handcycycle marathon to raise awareness of current public policy issues and the capability of people with disabilities, cancer survivors and older Americans. The cycling trek down Congress ended on the south steps of the State Capitol.

"350 Miles...7 Days...By Hand!" Released: This documentary short about Capitol Ride '05 is by filmmaker John Cates. Cates shadowed Davenport on the grueling 350 mile trip that alternated between unrelenting heat and drenching rain storms, often shooting film from the back of a moving pickup truck. Cates examines why Davenport would attempt a feat at the limits of human capacity, culminating with the finishing stretch up Congress Avenue accompanied by kids in racing wheelchairs and Austin Mayor Will Wynn. The documentary's world premiere was at CTD's Cinema Touching Disability Film Festival.

Team Everest: Public Awareness of the Potential of People with Disabilities: CTD's multimedia presentation on Team Everest was given multiple times this year. The presentations featured slides, video and first hand accounts by Gary Guller of the internationally recognized expedition. A very special presentation was at Ft. Sam Houston in San Antonio, home of the army rehab hospital for soldiers seriously injured in the Middle East. "The Making of Team Everest" multimedia presentation was introduced, describing how a small non-profit and a mountaineer with a disability accomplished the historic feat.

Second Annual Cinema Touching Disability Film Festival: The second year of what is believed to be the first Texas film festival focusing on people with disabilities. Using the media of film, CTD showed how cinema has reflected the changing societal role of people with disabilities. The film festival received substantial coverage in newspapers, internet, radio and TV.

Specialized Telecommunications Assistance Program (STAP): For the last six years CTD has operated outreach, providing financial assistance to individuals with disabilities, so that they may purchase specialized telephone equipment at no cost to them.

HAVA-Help America Vote Act

CTD developed and conducted statewide trainings on this new federal law that makes it easier than ever for voters with disabilities to participate in this basic right privately and independently.

Advocacy presentations were delivered at the Texas Paralyzed Veterans conference, the state independent living conference, the Enable America town hall meetings in Dallas and Austin and the *Our Lives* conference in El Paso.

Youth Leadership Project: the Kenny Murgia Memorial Scholarship: CTD awards the Kenny Murgia scholarship annually to one high school senior with a disability whose leadership skills have enhanced the lives of people with disabilities in their community. This year's winner is Raquel Salazar, a graduate of the Texas School for the Deaf.

Information and Referral

Each year CTD provides hundreds of Texans with disabilities information and referral services relating to financial, legal, housing, transportation, accessibility and employment issues.

Awards

- The First Annual *Cinema Touching Disability* Film Festival won the 2004 Barbara Jordan Media Award “for excellence in the communication of the reality of disabled people” in the category of Special Contributions by an Organization.
- The First Annual *Cinema Touching Disability* Film Festival also won the Austin Mayor’s Media Award for 2004.
- Capitol Ride '05 won the Austin Mayor’s Media Award for 2005.
- CTD was a finalist for *Government Technology Magazine*’s Best of Texas Award for our work on HB2819 and is featured in their e-publication.

CTD is a social and economic impact organization benefiting Texans with all disabilities of all ages.
CTD is a 501(c)3 membership organization controlled by people with disabilities.