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Texas Governor's Committee on Employment of the Handicapped [1976-1978]

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Governor Dolph Briscoe
HONORARY CHAIRMAN

GOVERNOR'S
CONFERENCE ON HANDICAPPED INDIVIDUALS

PLANNING OFFICE

3400 HULEN STREET, FORT WORTH, TEXAS 76107

(817) 737-6661

JIM B. GREY
EXECUTIVE DIRECTOR

April, 1978

MEMO TO: All Agencies, Associations, Organizations and others interested in the Handicapped

FROM: Jim B. Grey

SUBJECT: Nominations to the Committee on Problems of the Handicapped

As you are well aware, Governor Dolph Briscoe created the Committee on Problems of the Handicapped through Executive Order #38.

In order to get the best representation to this Committee we welcome your suggestions.

This Committee will be comprised of consumers, professionals, and others specifically dedicated to the best interests of the handicapped.

We are, right now, enthusiastically moving forward and the progress that we Handicapped of Texas will make probably will be attributed directly to the influence of this Committee.

Help keep the momentum going and send us a resume of someone you think will serve in the best interests of the Handicapped!

Thank you for your help with this. . .

Jim

THE GOVERNOR

Volume 3, Number 19, March 17, 1978

Executive Orders

Executive Order D.B. 38

Establishing the Committee on Problems of the Handicapped

WHEREAS, the Federal Congress and Texas Legislature have enacted legislation to insure handicapped individuals have equal rights and opportunities; and

WHEREAS, the Texas Legislature has charged certain state agencies to provide financial assistance, medical treatment, rehabilitation, and other services and material assistance to handicapped individuals; and

WHEREAS, the state, local and private sectors should constitute a full partnership with handicapped individuals to provide opportunities for all mentally and physically handicapped individuals consistent with their capacities and abilities; and

WHEREAS, handicapped individuals are entitled to play a role in determining their destiny; and

WHEREAS, as governor of the State of Texas I am deeply interested in the progress being made in achieving full equality and opportunity for handicapped Texans in our society.

NOW, THEREFORE I, Dolph Briscoe, Governor of Texas, under the authority vested in me, do hereby establish by Executive Order the Committee on Problems of the Handicapped and direct said Committee to convene a statewide conference of interested individuals to:

(1) examine and make an assessment of current problems facing individuals with mental or physical handicaps; and

(2) make the general public aware of their problems; and

(3) ascertain from handicapped individuals how Texas state government can be most responsive to their problems; and

(4) make recommendations to the governor to insure that governmental services assist handicapped individuals in living an independent life with dignity and full participation in community life to the greatest extent possible.

This Executive Order shall become effective on this 3rd day of March, A.D., 1978, and shall remain in effect until amended, modified, or repealed by me.

In official recognition whereof, I hereby affix my signature this 3rd day of March, A.D., 1978.

Issued in Austin, Texas, on March 3, 1978.

Doc. No. 781680

Dolph Briscoe
Governor of Texas

For further information, please call (512) 475-3021.

Governor Dolph Briscoe
HONORARY CHAIRMAN

GOVERNOR'S
CONFERENCE ON HANDICAPPED INDIVIDUALS

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JIM B. GREY
EXECUTIVE DIRECTOR

May 18, 1978

Mr. Lex Frieden
9667 Meadowvale
Houston, Texas 77006

Dear Lex,

I am sorry I was unable to get back to you today. . . and when I finished the work here in the office it was quite late. . . so I am happy to pass along the information by mail.

Attached are copies from a newly published Access Guide for National Parks. I have sent you the ones for Texas, but we can get information from other State Parks if you need.

A list of all the Regional Coordinators will be made starting next week. Also, starting next week, the coordinating individuals in each city will be named as the list develops, and I certainly hope I can count on your support as we move along with this. The short experience we have had with the HOTLINE indicates a lot of response and interest from the Houston area, and that is good.

I am sure T.I.R.R. has received copies by now from several sources regarding the HOTLINE and the Executive Order. I am happy to enclose another copy of both for your personal use.

Again, as I say, the publicity will be compiled and a more complete list of the coordinators in the state. This list should be by no means misunderstood as being finalized or closed in any way.

As you can well understand, Lex, the building of people throughout the state is a continuing one. I know you and I like things done a little faster, sometimes, than the state and paperwork allow us, but we are moving as positively forward as we can to develope what we hope will be a strong and effective base for solving problems of the handicapped and making new services abailable.

As the Governor's Office corrects parts of it, I will be sending you paperwork outlining the plan which sets up basically what will be the Committee on Problems of the Handicapped.

You will note in the Executive Order that it directs a state wide

conference to be held. Between now and late summer we hope to move throughout the state as coordinators orient associations and organizations working with the handicapped in preparation for the September Regional Forums and the October State Conference.

I hope things are going well at T.I.R.R. I wish I could attend the upcoming seminar, but there's too much work right now to allow me to come to Houston.

Again, I hope the enclosed information about the parks will be helpful.

Cordially,

Jim

JBG/ksr

GCHI QUESTIONS AND ANSWERS,
August 19, 1978

There were two questions that Larry and I, more than that, but there were two major ones that we hit off on; The first one was concerning the White House Conference testimony, and the other one was the Governor's Conference on Handicapped Individuals regarding the testimony there? So, I typed up a little thing and I am not certain we are going to have enough to go around but I am passing them around and they specifically address those questions and we will just continue that? Is it fairly short Van? Yea, it's real short. Something you could read off? Yea, it's real short and I was going to read it off. Unless you brought braile copies. No, what happened is our brailler is on vacation right now so I tried to fanagle but couldn't do it. It would be very helpful if you'd read it. Sure. First off, if it's all right with you'll I'm going to tape record it because Jim wanted to hear exactly what had been going on here. I've been with the Governor's Conference for about 2 1/2 months nowand there are some things that I may not be able to answer to your satisfaction. So, with that in mind in the event that there is something that I can't explain then any questions that you may have just let me have your address and Jim will respond with you directly regarding those questions, okay. But, we've spent a lot of time this week on the phone trying to you know get down some good solid information to relate to you'll. Since everything's passed out now let me read these to you. (see copied attachment) So those are the two major things that you and I talked about Larry and the other major one would have required mounds of paper-and that was the 800 line. Their are

some people who felt like the 800 line, they'd call up on it and they were being, the buck was being passed. I talked with Jim about that and he said that he would really appreciate some feedback as to when this happens and what was happening so that he could check it out. They have a staff of about five or six people who care answering these lines there in Fort Worth and chances are that most of the time it gets passed along fine. Every once in a while somebody forgets and so you feel like nobody answered your question. We asked for testimony to be written down and sent to the planning office because sometimes people can accuse us of not being responsive to the needs or fabricating problems. And, if we have it written down right there signed and documented then noone can say well you just pulled this problem out of thin air so this is the way Jim feels about the 800 line. But, he didn't say that it was impossible for the buck to have been passed there but he did say that if you will let him know specifically what happened, what the date was, what the conversation was that he would turn around and find out why it happened. Sometimes people feel like that the buck has been passed when you say, Well put it in writing and send it to us but that's really necessary. Okay. Now, we're open for any questions. Okay, I have been given the task here of scribe and so I have been writing down the various specific questions which members of the group would like to raise with you and their may be some additional questions to come to the floor spontaneously. One thing we'd like to know would be more information about representatives on the various regional committees and specifically if you could give us some information regarding the disabilities cross section of these representatives? Okay.

I can't give you any concrete numbers on how many of this disability and that disability are represented. I can't give you concrete numbers on that. I think Jim can at a later date or if you're going to have another meeting I will find that out and bring it back to you but I do know from traveling around quite a bit here in Texas that I have seen people with a lot of different disabilities represented in these different forums for the areas. I wish I could give you some concrete numbers on that but as far as I can see we do have a good cross section, at least I know we do in the main planning office. People with wheelchairs, people with visual perceptual problems and what not. Do you have any hearing impaired person on the planning committee? For this region or for the- Well we know you don't for this region. One question is why not for this region and the other part of it is do you for the other regions? Specifically in the planning part of the forum we do not have anyone in this region mostly because all of the hearings prepared work we are trying to coordinate through TCD. We have had some problems with TCD. At least we did back when we were setting up a forum for this region. We had gotten some mismailings and things like that. We mailed to people asking them for their help and we needed interpreters we needed input etc. Are you saying TCD was not cooperative with you? It's really hard to say because we have had people say well I never got your letter or things like that so I can't really say that they were uncooperative. We just could have had some problems with communication. Last week when I talked with Jim about TCD and you know what's going to happen with the interpreters as this is not going to be a really you know comprehensive meeting with everyone involved if we don't have a good number of interpreters

and he said that is being taken care of, things were being worked out with TCD now and that's where we're at. You're saying now then that the relationship is a very good one with TCD. I'm not saying it's very good, I'm saying that it's workable. I don't know, I have not been in touch with TCD all I'm giving here is the word from Jim. There is one serious conflict on dates. We talked about it over the phone and I talked about with you about one conflict in dates. We find that our coalition meetings are going to be held the last weekend in September and you have a forum scheduled for El Paso that weekend. Also their is a conflict with the TCD Board meeting which is on September, 9th, the same time as the San Antonio forum. Are you aware of that? Yes I am Larry, what would you suggest we do? I guess rather than suggesting what you do now it's more appropriate to suggest what you do next time. I'd like to know what actions were taken to solicit information as to what other people might have planned for those days before the dates were set up and who took that action and who did they talk with? You mean what grounds did we have for setting that up, in other words how did we determine those dates? I'm just asking did you consult any other people about what might be going on on those particular dates and if so what people and/or organizations did you consult? I know that Jim spent about two weeks trying to decide on specific dates for this. And, I don't know who he contacted during those times however I do know that he did take a long time which is kind of rare for Jim because he's a man who likes to do things really quick and get them out of the way. The fact that he spent that much time trying to decide indicates to me that he was looking for a lot of input from a lot of

different people. I find it rather difficult to understand and that's why I raised this question. As Pat said it's not a question of what we can do about it today but I find it difficult to understand that if there was an approach made early on to the Texas Commission of Deaf for soliciting their cooperation and assistance in these conferences that the GCHI did not become aware of their major board meeting on the date of September, 9th. Are you aware of the number of groups such as this one and others in the state of Texas alone? As far as we have been able to determine- What is that number? As far as we have been able to determine Pat there is around 200. Do you have a list of those? I think Jim does, do you want me to ask him to send you one? I have asked him for that list, he promised me he would mail it to me. Okay let me talk to you about that one in just a second-bring me back to that one, okay. But anyhow there's about 200. It would be very difficult to try to plan anything around 200 different organizations all with disabled members and all generally pressing for the same goals. It would be very difficult to plan around that. That's why I'm saying rather than sit here and try to find out you know why we did this and how this decision is made why don't we figure out what we can do about it now. You want some input into the governor's conference and you would like some governor's conference output to you and we can work toward that end. Speaking of organizations, could you tell us which consumer organizations a few of the consumer organizations that were contacted or that are participating on the regional and state advisory comittees? Well now the state advisory committee or rather the state meeting, Larry I hear there was some problem with the Access Committee or the task Force last week you had some questions about the same thing with Chuck Langer

the city advisory committee. Our dates for that are April 20th and 21st, that's tentative right now. The reason it's tentative is because it is a joint meeting between TRC, DHR, and the governor's conference. We were originally going to have it set up for October but the people with DHR say hay we're going to be doing the same thing why don't we get together and TRC jumped on it too and we decided we could save some money and also save some transport time for many of the people that were going to be coming. Why should they have to come to three different meetings if we could have it all together at one big place. So the place that they have determined is up near Dallas and at the spot, it's being built right now. If it makes it on time and if it meets the acdesability regulations then it will be at this place and it will be on the 20th and 21st. Pat this is completely off the subject and another thing to to bring back to me a little latter. And that is about these Department of Transportation hearings coming up. Jim has been working straight through this week trying to get those things moved to the South and he's following your suggestion as far as either I think you said Florida or New Orleans. Was that right? Yes. You would accept those. Okay, well this is what he's pushing for. He's pushing for either one of those. Okay. That's off the subject but it just popped up I just thought I'd tell you. I want to ask a question about the state conference in April, I'll get back to that but I think that you sidestepped my last question. Okay, well I didn't mean to. What I asked was could you name for our benefit some of the consumer organizations which are participating among the regional advisorary committees. And the state level and that's why I mentioned TRC and DHR for one. No, those are no consumer

organizations. All right. There are some groups here in San Antonio for one, we've been working with the student group out at San Antonio College which is comprised of all disabilities. And they're working on the set up committee for our forum here. Now I don't know what consumer groups are involved in each state forum because that's not part of the public relations or publicity part, it's a little out of my domain. But, as far as San Antonio goes we are depending a lot on the student group from San Antonio College to help out in a lot of different ways. I know that Jim has been in contact with MIGHT, I'm trying to think of the lady's name that he has been in contact with. What has MIGHT done? I don't know what they've done. I just know that Jim has been talking with some lady, she has an unusual name. Martha Arbuckle. Yes, Arbuckle, that's the one. The last contact between them that I know of was in June. Well I believe that things have been updated since then. Has there been any contact with the Texas Association for the Deaf which is pe haps the most important consumer organization of disabled citizens in the state? Yes there has. That's what I was talking about earlier in that we had some problems getting things worked out. That's the Texas Commissi on. I'm talking about the Texas Association. All right, I'm not aware of that one. Could you give us some information on the forematting of the forums? They are all going to be set up the same way. I have a thing in my briefcase which is the foremat for the forums. It is going to be set up very similar to the Whitehouse Conference in th t there will be general meetings at the start after registration and then they will be divided up into the different major areas of interest-housing, transportation, there will be a miscellaneous one in there to discuss anything that doesn't fit

into those. I don't quite understand what you mean by meetings. Is somebody going to give a talk and then testimony or what? Okay. Yes, there will be testimony just as there was in the White House Conference. I didn't attend that. Okay, I'm sorry I thought you had Larry. What happened specifically at the White House Conference was a general meeting to let people know what was going to go on at this forum and you know tell them what to expect, tell them where they can go and eat lunch, etc. etc. After that everybody split up and wnet to different rooms, each room was set up to receive testimony concerning a specific area that may have problems in it such as transportation, housing, like that. People would go and sit down and they either had a typed up prepared testimony that they would hand in and that's all that they would do or those who wanted to could stand up and address the people who were there and also had it tape recorded and transcribed about the problems that they had encountered. And this will be a day long thing. There will be a break in the middle where people can go and get some lunch and stuff like that and then come back. Does that answer that much of it for you Larry? It will be entirely testimony then on various subjects there. Well the major issues, you know. We have been receiving a lot of problems with the HUD proposed regulations and so people are going to talk about those problems and so forth. We have it scheduled to have some speakers in there and that was a bit of a sticky problem in that it's an election year. We found that every politician in the sate wanted to come and talk. And so it was suggested that those politicians that have been known to be active toward pushing for various laws to help the disabled would be allowed to come and address the general session. But the

primary push for each of the forums is to give testimony. Is your plan still to have speakers or what? Yes we're still going to have speakers. We're just trying to decide which ones have been the best in performance as far as disabled persons go. We're welcoming any input as to if you know of a legislature or anyone who has done an awful lot to aid the disabled. Yes. I have a question. I had understood that people from various state agencies were being asked to make presentations on their services. Is that uniform across the state or is that just in some regions? Well it isn't presentation that we're asking for. What would be the purpose of those? The Gonvernor's Conference wants to make a push for a lot of rual. The metropolitan areas of course will be there with very little difficulty. We've tried to make a push to get the disabled persons from rural areas there because we've found that in looking over the smistakes that the White House Conference had made, one of them was that there was very little representation from rural areas. And of course the problems in rural areas we feel like are much much bigger than in the metropolitan areas. There are fewer services offered in the rural areas. So we are going to have representatives from as many agenices as we can there to set up booths and meet people and talk with people who may be have never been associated with a TRC or counselor or anything before. They don't realize that there are some advantages and benefits that they have never known about. So. There will be booths and displays from different agencies but I don't think that any of them will be speaking. That's good to hear because we got a letter from Jim Gray direct to our EEO officer. I read it and it implied to me that we would have to make a presentation. Noo. Good. Come on it's not that bad.

It's true, that's what it said. Well I think that he may have specifically asked your agency to send someone to speak and it's perhaps because he's not finding someone in your area who would be a better speaker but as I understand it from Jim the major push is. Okay Van you get back to Jim and tell him then that I'm assuming that this means we won't be making a presentation. All right. All right, I'll tell Jim that if he specifically wants you to make a presentation that he needs to write you and let you know that. Right. Otherwise you will come prepared to set up a booth and talk with consumers about what you can do. Okay fine, what was your mane? Bill Johnson. Bill Johnson, okay. Hay Bill I have been talking to you on the phone forever. As you talk about involving rural people what type of travel compensation will be available to disabled people traveling great distances? Compensation in what? You mean as far as travel money. There will be no travel money available through the Governor's Conference. As a matter of fact most of the people working on the Governor's Conference going to other cities from our staff end up paying their own way there too. Is there a published budget of how the money is being spent. I don't know whether there is a published budget on how it's being spent but I think that if you have any questions (specific) that Jim would be glad to answer those. I'd like to see such a budget. I think the specific question is how is it being spent? Alot of it is going out in mail outs and printing I know that for a fact. What is the total budget? I don't know. I know that the maximum that each region can receive is about $200 for putting on the forums. That's why we're depending on a lot of volunteer effort. What would be the amount used for the state conference? I don't think they really know yet because they don't

know how much DHR or TRC is planning to give toward that. How much will they be holding apart for that? I don't know because I don't know how much the total budget is. Could that information be made available? I don't know whether it can, I'm certain it can it's public moneys. It's public information. I would think that talking to Jim Gray about the budget would satisify those questions. Would you be responsible for taking the questions that are unanswered here today back to Jim and get the answers and seeing that each of us gets copies of those answers. Yes I will. I need from you an address where I can mail you that. We will pass a paper around and give you each of our addresses. We would each like a copy. Good. I had the tape recorder going right on and so Jim wi ll hear the questions firsthand. I have another question. Getting back to the foremat of the forum. In deciding the foremat, Jim. What input was given about the foremat? I don't know. I think that he saw what was going on with the White House Conference and saw the problems there and for the lack of an already established foremat took that one and modified it to eliminate the problems. This is the indication I get from talking to him. One of the questions I had that I think may have been Larry's question, I don't know about the input from the White House Conference. You seem to take it to mean the National White House Conference. I'd like to know what's being done with the input that was given two years ago at the Texas White House Conference? Texas White House Conference? I don't know. In other words, what has any system on the handling of the materials from the statewide White House Conference been set up to use that material and if so whose responsibility is that? In talking with Jim the White HOuse

Conference office in Washington and they're having some financial problems right now even keeping their doors open. We're not even talking about that Van. No, no. We're talking about at the state level, the State White House Conference came up with a list of priorities or recommendations. It was published. Relative to issues in the state. Somewhere that was accumulated and published. Okay. Where is that and what is being done with that material? What we've received I assume is what you have received or any other agency. We don't have any specific, I don't know any specific responsibilities to the White House Conference. Well which committee then does have the responsibility of that material? The material that was acquired here in Texas for the White House Conference was shipped on to Washington, D.C. Only on national issues. Van I think the issue is that people are very much afraid that a lot of work was done a couple of years ago and it's been lost or it's been tossed aside or something and we wonder if, we know there are reports in existence. We wonder if they are being used or if they could be used appropriately in the upcoming effort so that the past effort isn't you know just lost and so that the next state conference would be just a repeat of the first so we can build on our experience rather than just to lose it. Frankly I fully intend to bring as my testimoy the published copy of the Texas White House Conference results. I want to see this used. I don't have time to keep giving my testimony every two years. I think it's very sad that we keep on collecting and collecting and collecting. I have not heard anything today of how we'll benefit and that's why I'm asking about the Texas White House Conference recommendations. The Texas White House Conference

was held before I got into this. That's why I'm at a little loss to explain that to you. Could you define to us the cross relationship between let's see, the Governor's Conference on Handicapped Individuals, the Governor's Committee on Employment of the Handicapped, and the Governor's Committee on Problems of the Handicapped?
Yes I can but let me finish with what I was saying before we go to that one. First off, in talking with Jim, I can't come down to his exact words because I don't remember them but they were something like the governor was not satisfied with testimony acquired in the Texas White House Conference and this is the major reason that he pushed to get the Governor's Conference that we have now into being. He was not satisfied with what happened there. So your dissatisfaction if you have any over that is shared. Now could you repeat your question? That's not our dsisatisfaction now, I think you misunderstood that point. Our dissatisfaction is not that that testimony was not adequate. The reason the govonor has pushed that conference is the conference was one of the recommendations from the Texas White House Conference so that's why. You're seeing no action as a result of that testimony is that right? That's what we're saying. All right. I was just wanting to follow up on that briefly. There will be a legislative report along with it. That that's what it was meant to be yes. Then there will be no difference if that's the way it is. I think the difference going beyond that point will be if some people may be pushed to get these things adopted. I have not seen a lot of push to take these recommendations. People have been sitting around waiting on things to happen as a result of the testimony but I am not aware of a large push by any of the consumer groups addressing specifically okay we have

determined that this was a problem now what are you going to do about it? The Texas White House Conference report was used numerous times during the last legislative session. It was cited and quotes the testimony related to problems of the handicapped with solutions that were cited in those recommendati ns. All of that testimony was done by consum-rs. None of it was done by people wh o had any kind of ongoing responsibility or anything concerned with the Governor's Conference. No, I know that but I mean what lobying efforts were made once it was over by any consumer groups trying to force laws to be made regarding this. One of the problems was of course was the dissemination of the report. Consumers groups provided an input but did not receive the final copy of recommendations. To my knowledge there is for example no copy available in braille. I don't know if there is one on cassette or not. No there is no copy. The only copy that exists is the print one. So, that's immediately to the disadvantage of the visually impaired. I'd like to know after the information is gathered during these forums in September what kind of time frame are we talking about before that informati n is going to be processed? Is it going to have to wait until April or is that information going to be processed and given to the Governor before the end of the current year? e are going to try and get it processed as quick as we can and give it to Dolf Briscoe before he goes out of office in hopes th t he can do s mething with it before he goes out. We have no assurances for the next guy that goes in that he's going to do anything with it but we are hoping that if we get it done as quickly as possible... Do you have a target date for turning over the material to Governor Briscoe?

We do want to try and get it done before the first of the year but we're not specifically tying ourselves down to any date because we don't know what's going to happen in these forums. Well assuming that you do do that, that you colsolidate the information and turn it over to the present governor prior to the first of 79 then what functions will the state conference have in April and what will the foremat for that be? I'm not sure of the forum and I don't think anyone else is either until we get some things finalized. What will its purpose be? Its purpose I think will be to disseminate the information we have here from the Governor's Conforence or at least talk about it and answer alot more questions. Okay. Wait wait-would you say that again? I don't understand it. What specifically do you not understand? What you just said. Okay. In as much as we are working with DHR and TRC and I'm sure there will be other things besides just the Gonvernor's Conference that will be going on and are goals and objectives. I do not that we are going to talk at the state forum about everything that we have acquired in the regional forums. I'm hoping if we have our material put together and categorized; We're having a hard time categorizing this. They went through about three or four different systems in order to categorize all this testimony for the White House information. So we are trying to find a very efficinet manner of categorizing because that's important before we can put it together into a final report. It makes it a lot easier for legislators who do not know the problems involved with a disability. So if we have everything categorized and put together and have our report made I am sure that some sort of summary of it will be available at the state forum. But in as much as we are going together with several other agencies it's hard to say exactly what will happen at the state forum. Who is going to be invited to that. As far as I know

all consumers that have been taking part in the forums and even those who haven't for that matter-everyone we can reach. What system is there to be developed for the registration at the forums and the state meetings to gather names and addresses that will then be on a nonconfidential list and how will those lists be available? The system for registration? The way it usually works Van is that if you don't put on your registration form that, by signing that you agree that your name can be used on a nonconfidential list then all of your lists are confidential. That means that no consumer organization can benefit by contacting people that are there at that forum and I feel that the last White House Conference did such a nonconfidential list and for some reason it's unavailable and I feel that it is the responsibility of somebody in the state to develop such a list and offer it being as it is public information, so was the liast list. Now, what system has been developed this time to make sure that the names and addresses gathered at those forums are on a nonconfidential basis and how may it be made available? When you talked to Jim did you tell Jim that this is what you wanted? I remember you and I talking about it at the HUD Conference. Okay, and what did Jim say? He told me he did not have the White House Conference list from the Texas White House Conference. All I can find out is that it was mailed to him. I know that it was mailed to him now if he didn't get it then there's a problem. He's used that list, I know that. I know that he does not. Right now I think, you know you had asked me about it and I went to Jim and asked him-Hay Pat wants a copy of your mailing list. And, Jim's reply to me was well I can't give it to her because there again different agencies have given me their names and they don't want me to pass them out. Se that's what I'm talking about Van. I know. There was a nonconfidential list and

what Jim did was screw it up by adding agency confidential people to it evidently. Okay. What I'm saying is let's don't do that again. All right you just made the statement. I'll take it to Jim. But isn't there a way to shake out that list anyway the nonconfidential list? When I talked with Jim about the request that Pat had made to me his reply was that in the future the list that he is using right now will be made available. Now, how he plans to do it or anything is... If it's non-confidential now it's going to be nonconfidential in the future. That would depend upon if he gets the consent of all those agencies that have given him that. He can't do that. He can't do what? I'm sorry but you just flat can't do that as an agency. You can't give consent across the board like that. That's why it's confidential in the first place. It's illegal for an agency to give consent of the use of its clients lists. I don't know. If they can't do it now they can't do it in the future. I don't know why Jim is not giving the list out now except he does want to protect the membership of the different agencies and he did say when I talked to him on the phone that a list will be available at a later date. Now, if we're talking about the same list or if we're talking about one that has been refined to take out those that do not want their names and addresses public we'll have to wait and see. You mentioned earlier a list of 200 organizations, is that list available. No, I didn't mention a list, I said that there were over or very near 200 organizations on a state level that we have come in contact with. You know if you can count them you must have a list. Do you have a partial list of those approximately 200 organizations that could be made available to us? I don't have that list but I think Jim may be able to help you out? Would you ask him?

Why do you want these lists specifically, Larry? We are a consumer organization interested in contacting other consumer organizations. Maybe it would be good just to ask a question that has to do with the purpose of GCHI and I wonder if one of the purposes of the GCHI would be to foster the development of consumer groups and to encourage their activity on their own behalf? Is that part of GCHI's purpose or is the purpose something else? And, if it is something else what is it? Okay. I don't think that that is the purpose of GCHI to foster other groups in starting nor do I think it's the purpose to try and disseminate information to other groups. What we're trying to do is mostly put on these forums and acquire testimony. We find that we're working with alot of groups in doing that. But you have to have a long range purpose for doing that. That's just an activity within some larger context. Well in this Executive Order 38 to establish the GCHI it lists four amjor goals and one was to examine and make assessment of current problems facing individuals with mental and physical handicapps; to make the general public aware of these problems; to ascertain from handicapped individuals how Texas state government can be most responsive to their problems; and to make recommendations to the governor to ensure that governmental services assist handicapped individuals in living indedependent lives with dignity and full participation in community life to the greatest extent possible. May Isask about goal #2? Okay. To make the general public aware of their problems. Make the general public aware I interpret that you'll provide information. I would agree with you on that. Wait you just said- Is the handciapped consumer not part of the general public? Yes. So then is this not part of your mandidate to provide information, to disseminate information relevant or relative to the problems of

handicapped people. Well, now Larry we've got to back up and have our forums to get some general testimony first before we can disseminate the information and let them know what the problems are. There exists information now. There exists information now Pat but not acquired by the Governor's Conference. We can't say this is what we found to be so. No but... We can say that this is what has been produced in the past but we can't say this is what we actually have found as the product of our work. Are you doing that? Are we doing what? Saying that this is what has been produced in the past and who are you disseminating it to? WE are not getting involved with the White HOuse testimony at all Pat. That's not the purpose of the Governor's Conference. Now, if you think it's replication of services and that this testimony has already been given I think you've got a good point but that's not the purpose of our organization. It's to start fresh and take everything that we've got. Now, if you know, if somewhere in there someone had said take everything that's been done before and put it together before you go into this then I could answer probably all of your questions regarding the White HOuse. Who recommended the goals for the Gonvernor's Conference on Handicapped Individuals? I don't know. I couldn't say. A little earlier I asked if you would define for us the difference between or the relationship between the Governor's Committee on Employment of the Handicapped, the Governor's Committee on the Problems of the Handicapped, and the Governor's Conference on Handicapped Individuals? Okay, I'm sorry, we got off the track there Larry. I'll keep you on it. All of these things are different mandidates that Dolf Briscoe has made in that he wants to find out about this, that, and the other but we're not interrelated more than just maybe knowing some of the people in these different groups and saying hay, help us out, do some articles and so forth. We have separate offices in different parts of the state.

There is no interconnection. Can you explain the purpose of each one? No I'm sorry I'm not with them Pat. Is that some of the information that you will be sending? Is that what you want? I would like an answer to that question. All right. Yes sir. Well it seems to be like that I got some information from the GCHI on this governor's committee on problems of the handicapped, isn't Jim the one that's compiling that committee? Yes he is. You mean organizing the committees for each forum? We have gotten information asking for nominations to a committee on problems of the handicapped. Through the governor's office. And what's the status of that committee now? All right, what's going on is that Jim is looking for autobiographies from people about what they've done as far as with the disabled community because the governor's committee that is active right now whose purpose is to establish these forums and get everything going should be sometime in the spring, what are you talking about? What's it called? The Governor's Committee on Problems of the Handicapped. That's the one we're on right now, the one that I'm with. That exists now. You're saying that exists. The Governor's Committee on Problems of the Handicapped? Yea. Does that exist? Yea. You're a member of that. We are on the Governor's Conference on the Handicapped. This is the initial stage. Let's back up. All right. Who are you? Where are you from? He established the Committee on Problems of the Handicapped. The first part of it was this conference, okay. Now once the people that are working on the conference have gotten the forums out of the way then the Committee on the Problems of the Handicapped will be established and that's what we're looking for with these autobiographies. We're one in the same thing in that we're just the start of it. See, we're going to back off after all of the nominations have been made to this advisory committee.

But Jim. Jim and I will be backing out of it, you know. We're not going to be involved in it to the best of my knowledge unless you know somebody says hang in there. Well he is the chairperson for the GCHI, isn't he? He is hanging in there right now running the whole thing but I know that Jim would like to you know. He's the executive director for the Governor's Conference on the Handicapped and Joani is the assistant director. How many paid staff do they have? I don't know. I know that we've got people answering the telephone and the secretarial staff up there but I think as far as here there's only about five people in Fort Worth. Could I ask a question? Sure. How did the people get picked to set up the forums because San Antonio sure has known about the forum here alot longer than Corpus has and Corpus doesn't seem to be able to get any communication from the person who is doing something down there. He isn't even in Corpus to start with. Okay, let me see, do you know who the regional director is? His name is George, oh I don't know, George somebody. Okay. The way we did it was we decided on a general outline of what we needed each forum to do and set it up and we're trying to make all the forums the same. Now with the different regions-Corpus is not part of this region right here. They have their own public relations person, they have their won regional director and on like that. If you find that they are not putting out the information on the Governor's Conference for that region you should contact the regional man and tell him, at the same time let me tell Jim Grey that nothing's been done there. Well, I'm not saying that nothing's been done but I'm saying that I found out about it through the people here in San Antonio and I know that TRC finally got some information on it about two weeks ago. Okay. And George was in Corpus and was asked to contact me and didn't even get in touch with me.

George never did. No. Okay. He will be getting in touch with you very soon. I should hope so. Before we get off of it let me clear something up in my mind about everything here and that is, It is my understanding that it is the Governor's Conference on Handicapped Individuals that is a temporary structure and the Committee on Problems of the Handicapped is an ongoing structure hopefully. Right. Okay. What decisions will the new Governor have in this? What decisions will he have in this? Yes. Well he'll have the same power to do anything with it that Briscoe has right now. As to what he does we'll just have to wait and see. Are there plans to nominate people to that committee before January? I know that Jim is processing all of the input now, all of the autobiographies that are being sent in. Was that the intent though to have a committee set up by the first of the year? No it was not. So the original intent was to wait until after the first of the near. The intent was to get the Advisory Committee established in time for the state forum but there was no date as far as the first of the year goes. If we had stayed with our original October thing then of course you know the Advisory Committee would have been established by then but this did give us some more leeway and time. The last time I talked with Jim I think he was looking at something like close to 1500 different resumes from various different consumers and representatives of different consumer groups trying to find someone members to compose this advisory committee. Who all was asked to give input to such a committe. He released a letter of all this general information and I am not sure of everywhere that he sent it. I know that he sent it to alot of agencies. I got this from Chuck. I have a complaint to register about that. All right. Jim has known of the existence of TCD now called CTD ever since it existed. He was invited to a trainign conference. He has been sent all of our communications. We have never

been addressed as an organization. I have personally received amil in my name but I'd like to know if it's happened to other organizations and I'd also like in the future to be addressed as an organization. Okay. Further along that line we would like to know because we're very interested. Our questions are borne out of interest and concern for the needs of disabled citizens in our state. Okay, we're interested in the issues. We're interested in handicapped people representing their needs and their concerns as clearly and as concretely as possible. And so we're looking for cooperation and support from any and every committee, organization, and agency that shares these concerns. We feel that one of the major problems for addressing those concerns is a communication breakdown. Nevertheless the result is frustration and a disunity and failure to accomplish anything meaningful. That's really going to be the nature of my testimony at the San Antonio froum. What we would like to know is how can CTD and GCHI work together? And I don't mean individual members going and giving testimony. I mean organizations working with another group or organization. We would like to know how can we work together? Do you want me to offer some suggestions at this time? Certainly. Or do you want a complete list at a later date? Well, we'll take a partial list now. Take them both. Also we would like for you to ask Jim to present this at our Deligate Assembly which of course conflicts with the El Paso meeting. Although we had a night previous and the morning thereafter that he could have spoken at supposedly he declined that invitation. We'd like to ask for that same information in writing. First off Jim isn't doing any treaveling at all Pat. I'm doing all the traveling for him okay. Then you could come to our Deligate Assembly. Okay, thank you. I will check with Jim and see. Right now I don't know whether I'll have to be at all the forums but if I don't have to be at the forums I'll try

to be at your Deligate Assembly. Okay. Well you've raised a lot of questions to address. First off, okay how can we work together? Do you want to work together? It sounds to me like you're viewing the Governor's Conference and the ststimony involved in that with a suspicious eye. And if you are I wouldn't blame you if you didn't want to go to it or work with us. At least that's what I'm feeling. I think I cleared up that in my preface to my question if you were listening to it. I think what we're expressing here is frustration over the lack of the breakdown I think is the word I used, the breakdown in communication. Okay. We feel an urgency to mend those communication lines and let's get going. In sense of a joint effort I think an answer to that question could be coming from our forums. We have the system. And I think we're heading for something better. Okay. I think that alot of the work, about the most that any of us could do before the forums begin is to get the word out. I'm trying to get the word out via the media but word of mouth also has a tendency to make alot of people come. I think even more so than just hearing it on the radio and television. That's one thing that we can all do. Get the word out about the Governor's Conference. The next thing, I know that the cateorgization according to disabilities or however we're going to do it and putting it altogether after it's over is where we are going to need help. But now specific systems where we want these people to do this and this and that, I don't know yet. But I do know that the biggest part of the job is going to come after the forums are held. An even bigger one is going to be after we get all of the information together. So we can make sure that it not only goes to the legislature but that they do something about it. Some strong lobying afterwards for one. I think everybody here is aware of the conflict over Transbus and all of that mess. I spent last Thursday Friday and Saturday in Washington. What's happening there is that there are

six lawyers with the Paralized Veteran's Association aht are lobying on the hill very strongly for the Transbus and the opposition to them is not lobying at all. And so whichever side you take on the Transbus issue I'm just saying that there are some people who are being very effective by lobying efforts and so the job for us is getting the word out. Next we've got to put it in a forum that people are going to be able to handle. And then after we get it in a form that they are going to be able to handle somebody's going to have to stand over those people and say now, what are you going to do about it? And these are all problems. Now where our initial, you know our Governor's Conference leaves off and where the committee takes over I don't know yet. If they are real go getters and they're very active and they also agree with me that the efforts after it's compiled and given to them are just as important as getting the testimony in the first place then you know I can perceive that you will be working with some new people from then on. Then one thing you're asking us to do is to help get the word out. I think we're very committed to doing that. I think it is important in that perhaps what we would say would be different that perhaps what you might anticipate. But we do feel it's important to have some things set up for. We will support your request to get the word out. I'd like to ask you if you are willing to do the same in kind to help us get the word out. With the Governor's Conference as a whole or myself as an individual get the word out. However. Well as an individual I am more than happy to get the word out. Thank you. That's no problem. nd I feel that it would be fairly easy to commit the Governor's Conference too but I think I'd rather let Jim do that. Would you consult with him on that? Yes I will. Getting back to this forum and everything like that. Really what we need is we need if you have any push in these rural areas. This is really where we need alot of push. We can bombard the Metropolitan

areas with all sorts of media. We can also get with the various agency people and get them to push the clients. But the people who have never received one single service from any agency at all and have been sticking it out in the house is the people we are trying to get to.

The second meeting of the Governor's Planning Committee for Handicapped Individuals was held on March 4, 1977 at the Governor's Mansion.

Those in attendance included Sam Millsap, Sr., Chairman, Lex Frieden, Carol Whitcraft, Ph.D. for Jess Irwin, Willis Williams, Pat Pound, Mary Ann Board, Burt Risley, Joe Villarreal, Caren Phelan, Ph.D., Muriel Le Blanc, Bob Ferrie, Bob Blase, and Marolyn Stubblefield.

Sam Millsap, Chairman, opened the meeting by informing the group of activities since the last meeting. Through the Office of the Governor, the appointments of Sam Millsap as Director and of Marolyn Stubblefield as Assistant Director were extended until July 1, 1977. An additional grant through Texas Rehabilitation Commission has been requested to pay expenses both of Alternate Delegates in Washington and of extending the office.

Burt Risley who had just returned from a White House Conference Advisory Board meeting reported on the national level effort. Concerns in the areas of accessibility and planning were expressed. The good reputation of the Texas Conference and Delegation was reported.

The group shared their interim efforts. Carol Whitcraft, Ph.D., reported on the TRC's work with Southwestern Bell on employing the handicapped. On behalf of this project Jess Irwin was in Dallas at the time of our meeting. Mary Ann Board expressed her appreciation to Pat Pound for her efforts to keep the Delegation informed of current activities on behalf of the handicapped.

Further organization of the Delegation was recommended by Carol Whitcraft, Ph.D., who suggested identifying the five priority issues for Texas. Other suggestions about the White House Conference included an exhibit hall for exposure to new products, meetings with federal agency heads, legislators, and President Carter, and a special gathering with the Delegation and the Texas Congressional Delegation. Marolyn Stubblefield will discuss these recommendations with the White House Conference staff at a meeting planned for the next week in Washington.

Discussion was held on the proposed Office for Handicapped Individuals. The most effective method to achieve the group's goals was debated between the creation of a new office by executive order and the revamping of the Governor's Coordinating Office for the Visually Handicapped, an existing office by legislative mandate.

Further investigation was recommended by sharing the proposed amendment to the Governor's Coordinating Office for the Visually Handicapped and by contacting the Committee on Organizations of the Handicapped. Pat Pound volunteered to share this information as soon as it was available. To follow up on this further study Sam Millsap volunteered to contact Mrs. Briscoe to ascertain her ideas on the matter and to suggest her assigning a staff liaison if she is unable to participate in this group.

Thought you might be interested in sharing this information with people you know.

---Pat Pound

TO: Interested Parties

FROM: Charles W. Hoehne

SUBJ: Attorney General's Opinion Request on Employment of the Handicapped by State Agencies

DATE: February 7, 1977

Attached you will find a request on behalf of the Committee on Human Resources of the Texas Senate for an Attorney General's opinion on matters which seem to bear upon the viability and integrity of state policies concerning handicapped citizens. The situation prompting the opinion request involves three issues that are of paramount importance to rehabilitation.

The first issue relates to Senate Bill 881 passed by the 64th Legislature, amending the State Employees Travel Act to enable state employees who are handicapped to be reimbursed for the cost of public transportation while performing their duties as state employees.

The second issue relates to the viability and integrity of Title V, Sections 503 and 504, and their amendments to the Rehabilitation Act of 1973 which not only prohibits discrimination in hiring and employment practices on the basis of an individual's handicap, but mandates affirmative action in the employment of the handicapped.

The third issue relates to the State of Texas' declared policies concerning the rehabilitation and employment of its handicapped citizens. The Texas Legislature has affirmed and reaffirmed that state government should serve as a useful and constructive model for other employers through the consistent promotion of policies supportive of rehabilitation and employment of handicapped Texans. Arbitrary job requirements related to vision, hearing, and speech are not congruent with such legislative intent.

In short, these three issues are critical and far-reaching. Please read and study the attached material with these issues in mind in anticipation of a follow-up contact regarding this matter. It will be of great importance to submit evidence to the Attorney General about the fact that handicapped people are in fact successfully carrying out a great number of jobs similar to that described for social worker, regardless of their disabilities.

Your interest and cooperation in this matter is appreciated.

CWH:pc
Attachments

THE ATTORNEY GENERAL
OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

January 11, 1977

Senator Chet Brooks
Human Resources Committee
Senate Chamber
Austin, Texas 78711

Re: RQ-1547 Employment of the handicapped by state agencies

Dear Senator:

This will acknowledge receipt of your letter requesting our opinion on the above subject.

We have assigned your request for this opinion for study, and as soon as the opinion has been prepared and is ready for release, we will advise you.

By copy of this letter we are notifying the Department of Public Welfare and the Governor's Coordinating Office for the Visually Handicapped of your request and asking them to submit briefs if they would care to do so.

Yours very truly

C. Robert Heath, Chairman
Opinion Committee

CRH/mw

cc: Department of Public Welfare
John H. Reagan Building
Austin, Texas

Governor's Coordinating Office
for the Visually Handicapped
Westgate Building, 1122 Colorado, Suite 1004
Austin, Texas

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SENATE COMMITTEE ON HUMAN RESOURCES

SENATE CHAMBER
AUSTIN, TEXAS 78711

RQ-541

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JAN

OPINION COMMITTEE
ATTORNEY GENERAL'S OFFICE

January 5, 1977

John Payton
Staff Director

Senator Chet Brooks, Chairman
Senator Betty Andujar
Senator Bill Braecklein
Senator Ron Clower
Senator Lloyd Doggett
Senator Ike Harris
Senator Gene Jones
Senator Frank Lombardino
Senator Bill Meier
Senator Walter Mengden
Senator Bill Patman

The Honorable John L. Hill
Attorney General
Supreme Court Building

RE: State Employment of the Handicapped

Dear General Hill:

For and on behalf of the Committee on Human Resources of the Texas Senate, your opinion is requested on two matters which seem to bear on the viability and integrity of state policies concerning handicapped citizens.

Pursuant to the Position Classification Act, there has been established within the State Department of Public Welfare a classified position known as "Public Welfare Worker I (Social Worker I)," identified as Position No. 5001-A in Pay Group 10. For your convenient reference, I enclose a copy of the published job description on this position. You will note that the job description specifically requires that an individual employed in this capacity has "vision, speech and hearing." Further, there is a potential requirement that an applicant for this position be able to drive an automobile and it will be apparent upon examination of the job description that the job description has otherwise been written so as effectively to preclude an individual who is blind or perhaps handicapped by other conditions from being employed as a "Public Welfare Worker I (Social Worker I)."

In 1975, the 64th Legislature amended Section 8 of the Travel Regulations Act of 1959 (Section 8 of Article 6823a, V.T.C.S.), to read as follows:

> "Sec. 8. An employee whose duties customarily require travel within his designated headquarters may be authorized a local transportation allowance for this travel. Such allowance, however, may not exceed the transportation allowance for use of a privately owned automobile as set by the Legislature in the General Appropriations Acts, except that an employee with a physical handicap which precludes his use of a privately owned automobile may, without regard to the standard otherwise set in the General Appropriations Acts, be authorized a reasonable transportation allowance not to exceed the amount to which such handicapped employee would be entitled for similar travel occurring outside of his designated headquarters." [Emphasis has been added to reflect language added by the 64th Legislature's amendment of this Section.]

The purpose of the foregoing amendment was quite simple. In recent years, the Legislature has on numerous occasions declared the policies of the State of Texas concerning its handicapped citizens. In terms which admit to no ambiguity or equivocation, the Texas Legislature has for about twelve years now consistently and progressively been committing Texas to policies favoring treatment of and services to handicapped citizens of a type which tend to enable such individuals to become more useful, independent, self-sufficient and contributing members of their communities.

For example, at Section 1 of Article 4419e, V.T.C.S., state policy concerning its handicapped citizens is described in the following language:

> *"Section 1. The policy of the State of Texas is to encourage and enable persons who are blind or otherwise physically handicapped to achieve maximum personal independence, to become gainfully employed, and to otherwise fully enjoy and use all public facilities available within the state."*

Similarly, Article 664-5, V.T.C.S., as approved by the 64th Legislature in its enactment of House Bill 1673, describes the purpose of the program authorized by Article 664-5 in the following terms:

> *"Section 1. (a) The purpose of this article is to further the State of Texas' policy of encouraging and assisting handicapped citizens to achieve maximum personal independence by engaging in useful and productive activities."*

Section 1 of Article 664-6, V.T.C.S., describes the purpose of the program it authorizes in virtually identical language:

> *"Section 1. (a) The purpose of this Act is to further the State of Texas' policy of encouraging and assisting handicapped citizens to achieve maximum personal independence by engaging in useful and productive activities."*

State policy in the construction of public buildings and facilities for use by handicapped persons was first declared by the 61st Legislature in 1969, and that policy has since been expanded by each subsequent Legislature. Section 1 of Article 678g states that policy in the following language:

> *"Section 1. The provisions of this Act are enacted to further the policy of the State of Texas to encourage and promote the rehabilitation of handicapped or disabled citizens. It is the intent of this Act to eliminate, insofar as possible, unnecessary barriers encountered by aged, handicapped or disabled persons, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings."*

Section 30.01, Education Code, V.T.C.A., states:

> *"It shall be the policy of the State of Texas to provide rehabilitation and related services to eligible handicapped individuals so that they may prepare for and engage in a gainful occupation or achieve maximum personal independence."*

Section 8 of the Travel Regulations Act of 1959 was amended in order to alleviate a situation which the 64th Legislature regarded as inconsistent with the advancement of state policies of the type referred to above. It had come to the attention of the Legislature that certain types of handicapped individuals were encoutering difficulty in obtaining and maintaining employment with state agencies and departments because of travel requirements associated with various types of positions. Because of their handicaps, certain individuals are unable to use personally owned vehicles in the performance of work for the State of Texas or, if required to use personally owned vehicles, find it necessary to hire an individual to serve as driver. Prior to the 1975 Amendment, however, there did not appear to be any authority under the Travel Regulations Act of 1959 to reimburse such handicapped state employees for their travel expenses at rates exceeding those payable to nonhandicapped state employees who use personally owned vehicles in connection with their state work.

The 1975 amendment to Section 8 of the Travel Regulations Act of 1959, therefore, simply authorized handicapped employees of the State of Texas to be reimbursed for official travel, occurring within or beyond a handicapped employee's designated headquarters area, at a rate not to exceed the cost of taxi fares or other available modes of rented or public conveyance. It was felt that by authorizing such special reimbursement to handicapped state employees on the necessary costs of their official state travel, the State of Texas would not only be better advancing general policies of the type set out above, but that the state also would thereby be serving as a useful and constructive model for other employers.

Further, Senate Bill 271, Acts of the 64th Legislature, 1975, added to Section 3 of Article 4419e, V.T.C.S., a new subsection (f) which, germane to the issues at hand, provides as follows:

> *"(f) An employer who conducts business in this state may not discriminate in his employment practices against a handicapped person on the basis of the handicap if the person's ability to perform the task required by a job is not impaired by the handicap and the person is otherwise qualified for the job."*

Violation of subsection (f) of Section 3, Article 4419e, V.T.C.S., constitutes a misdemeanor punishable by a fine of not less than $100.00 nor more than $300.00. In addition, a handicapped individual who can

establish that an employer has discriminated against him in a manner prohibited by this subsection has the option of bringing a civil action for damages.

The issues of immediate concern to the Committee on Human Resources are not addressed solely by Texas statutes. Organizations receiving in excess of $2,500.00 in federal funds through contracts or subcontracts are under certain conditions required to take affirmative action to employ and advance in employment qualified handicapped employees. Established by subsection (a) of Section 793 of Title 29 of the United States Code, the applicable requirement is as follows:

> *"(a) Any contract in excess of $2,500 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 706(6) of this title. The provisions of this section shall apply to any subcontract in excess of $2,500 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States."*

Section 794 of the same title of the United States Code would appear to be parallel with subsection (f) of Section 3, Article 4419e, V.T.C.S., with Section 794 of the federal statute reading as follows:

> *"No otherwise qualified handicapped individual in the United States, as defined in section 706(6) of this title, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

Relating the foregoing statutory provisions to the State Department of Public Welfare's job description for a "Public Welfare Worker I (Social Worker I)," the Committee on Human Resources has had the following information called to its attention:

A) Individuals handicapped by blindness or other conditions are at this time, in Texas and elsewhere, successfully employed as social workers and in other related, equally demanding professional positions; it may be expected that this reality will be fully attested to and documented in briefs to be filed by consumer organizations and professional organizations in the fields of rehabilitation, special education, and social work, in relation to this opinion request.

B) The State Department of Public Welfare finances its operations in large part through grant-in-aid funds received through the federal government.

C) The State Department of Public Welfare has not to date established, for the benefit of any of its handicapped employees who may not be able to drive personally owned vehicles in discharging their official state responsibilities, any written policies providing for the reimbursement of such employees' necessary travel expenses in a manner consistent with the authority provided by the 1975 amendment to Section 8 of the Travel Regulations Act of 1959.

Accordingly, your opinion is respectfully requested on the following questions:

1) Is the enclosed Department of Public Welfare job description for the position of "Public Welfare Worker I (Social Worker I)" inconsistent with declared state policies established for the purpose of enabling handicapped citizens to become more useful, independent, self-sufficient and productive?

   a) Assuming that evidence is produced which conclusively shows that an individual handicapped by a condition such as blindness can in fact adequately perform the usual and customary work tasks of a social worker, would use of the enclosed job description for Position No. 5001-A to preclude or discourage the employment of a qualified handicapped individual as a Social Worker I constitute a violation of subsection (f) of Section 3 of Article 4419e, V.T.C.S.?

   b) If your response to Question #1-a is in the affirmative, who within the State Department of Public Welfare would have personal exposure to the penal sanctions and civil liability provided for in Section 6 of Article 4419e?

   c) Is the Department of Public Welfare's enclosed job description for a "Public Welfare Worker I (Social Worker I)" inconsistent with the requirements of Sections 793 and 794 of Title 29 of the United States Code?

2) Does Section 8 of the Travel Regulations Act of 1959, as amended, authorize a state agency such as the Department of Public Welfare to reimburse an individual whose handicap precludes him from driving a personally owned vehicle in the performance of his official state duties at a rate determined according to reasonable and rational standards, so long as the rate does not exceed the transportation expenses which such a handicapped employee would incur

by using cabs or other public conveyances for necessary travel incidental to his defined duties and responsibilities?

a) If a state employee is handicapped by a condition which prevents or renders it inadvisable for him to drive a personally owned vehicle in carrying out his assigned work for the State of Texas, and if such a handicapped state employee pays an individual to drive the handicapped employee's vehicle in connection with the handicapped state employee's work, may the handicapped state employee be reimbursed for both the use of his personally owned vehicle and the expense of a driver, so long as the total claim for travel expense reimbursement does not exceed the cost of using cabs or other public conveyances for an equivalent amount of state business travel?

b) If your response to Question #2-a is in the affirmative, then in determining the cost of transportation by cab in the hypothetical situation described in that question, would it be permissible to consider both the cab fare between different destinations at which state work is performed and also charges for time which a cab driver would spend waiting while the handicapped employee performs his state work?

c) Does the current language of Section 8 of the Travel Regulations Act of 1959 allow a state agency to establish a system to reimburse a handicapped employee for reasonable expenses involved in hiring a third party to drive the handicapped employee to various destinations to perform state work, with the third party's vehicle being used for such purposes, as long as the rate of reimbursement does not exceed the amount of reimbursement which the handicapped employee could claim if cabs or other public conveyances were used for an equivalent amount of travel?

d) Is there any provision of state law which otherwise precludes a state agency or department from establishing special systems for reimbursing the transportation expenses of handicapped state employees who might be unable to drive a personally owned vehicle in the performance of the usual and customary job tasks of the positions in which they might be employed?

e) Would the establishment of a special system for reimbursing handicapped employees for transportation expenses incurred incidental to the performance of their state duties (if permissible) be indicative of "affirmative action to employ and

advance in employment qualified handicapped individuals," pursuant to the general purposes or specific requirements of provisions such as Section 793 of Title 29 of the United States Code?

On behalf of the members of this Committee, I thank you for your assistance in this matter.

Sincerely,

Chet Brooks
Chairman

CB:lhr

Enclosure

CLASSIFICATION OF POSITIONS — POSITION NO. 5001-A

PAY GROUP 10

PUBLIC WELFARE WORKER I
(Social Worker I)

GENERAL DESCRIPTION

Under direction, performs professional social service work in one or more program areas of the Department of Public Welfare. Duties require the application of judgment to problems involving the identification of needs or problems of clients, determination of eligibility for social services, location of proper resources, and documentation of case records. Program areas include protective services to children; adoption and foster care; vocational rehabilitation; work incentive; services to the aged, blind, or disabled; and preventive health care. Supervision is received through frequent individual and group conferences and through periodic review and evaluation of casework reports. Work is generally sedentary and requires vision, speech, and hearing. Work may require tolerance to stress in moderate to considerable degrees. Use of an automobile may be required.

EXAMPLES OF WORK PERFORMED

Interviews client and collateral sources to gather case information and to determine eligibility for social services.
Describes available resources and services to client, making referral to proper Department unit or community organization as needed.
Evaluates information from interview to identify client's need or problem.
Advises client or client's relatives in formulating a service plan, explaining Department functions and procedures, and describing feasibility and consequences of alternatives.
Motivates client in stress situation to explore and use own resources to confront problem.
Visits client in place of residence, appraising living conditions, to establish need for and duration of services.
Investigates circumstances of problem or complaint, asking questions of client, family members, neighbors, or other sources of information.
Advises and counsels child in stress situation, encouraging him to explore and elaborate on his feelings about himself, his relationship to family members, and his environment.
Advises client who is having problems following service plan or training program, suggesting resources or alternatives to alleviate problem.
Composes narrative reports, summarizing case activity and recommending further action as needed, according to Department guidelines.
Interviews and evaluates potential provider of home care services, obtaining information concerning training, experience, and suitability for type of service required and explaining terms of provider contract.

PART III

CLASSIFICATION OF POSITIONS — POSITION NO. 5001-A
PAY GROUP 10

PUBLIC WELFARE WORKER I
(Social Worker I)

MINIMUM QUALIFICATIONS

Education and Experience

Graduation from an accredited college or university.

One year of full-time paid experience in direct social service work may be substituted for one year of the required college work, with a maximum substitution of two years.

Knowledge, Skills, and Abilities

Knowledge of English language (such as style, vocabulary, grammar, and organization of expression required for composing correspondence and reporting casework).
Knowledge of interviewing concepts (such as body language, eye contact, structuring an interview, and analyzing responses).
Ability to interview individual, applying interviewing concepts, eliciting, relating, and evaluating information, and interpreting terms as needed.
Ability to listen to client, exploring and reflecting feelings, and to present relevant alternatives, describing feasibility and consequences of choices.
Ability to evaluate information in relation to eligibility criteria.
Ability to motivate client or employee to resolve stress, applying general counseling techniques and general concepts of human behavior.
Ability to appraise living conditions, including physical and emotional environment, applying relevant criteria.
Ability to appraise nature and seriousness of threat to child or to elderly person or of crisis situation in family.
Ability to state areas of agreement and disagreement in non-judgmental, non-coercive terms.
Ability to compose narrative reports of case activity, summarizing and evaluating data on client.

The White House Conference on Handicapped Individuals Texas Conference

Sam D. Millsap, Sr. Director
A. J. Bob Blase Assistant Director
Marolyn Stubblefield Assistant Director

February 16, 1977

TO : Governor's Planning Committee for Handicapped Individuals

FROM : Sam Millsap, Sr.

SUBJECT: Meeting

A meeting of the Committee will be held on Friday, 4 March from 2 - 5 p.m. in Austin at the Governor's Mansion. Mrs. Briscoe plans to meet with us to firm up plans for the office for Handicapped Individuals in the Governor's Office. We can catch up with each other and plan future activities at that time.

On Saturday, 5 March at 10:00 a.m. a meeting of the Texas Delegation to the White House Conference on Handicapped Individuals will be held. All of you are invited to attend this gathering which also is being hosted by the Briscoes. Representatives from HEW and the White House Conference have been invited to attend.

We regret that budget limitations restrict our ability to reimburse you to transportation only. Please make your own arrangements for accommodations.

We look forward to meeting with you soon.

SM/rp

1222 N. Main Suite 711 San Antonio, Texas 78212 (512) 223-3831

GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED

Introduction

The Governor's Coordinating Office for the Visually Handicapped was established by H.B. 1673 as a new concept in assuring the provision of human services to the hard-core handicapped in a more cost efficient and cost beneficial manner. This is to be effected by the provision of an ongoing system of monitoring, review, consultancy, and catalytic activities to various agencies of the state. The payoff of such a system is two-fold in that it enables the individual to switch from a dependency role to that of contributing member of society and it is very cost efficient.

Organization

This report addresses the major issues, gives a specific approach to the resolution of each of the issues raised and how these approaches relate to the developmentally disabled, the needs of the visually handicapped, and a detailed examplanation with examples of the actual operations of the GCOVH.

Needs of the Visually Handicapped

The GCOVH was organized to deal initially with the visually handicapped because they have a high proportion of service delivery problems, although they possess a high potential for leading a relatively independent life if they receive the proper array of services. Studies indicate that the blind are a severely neglected population in Texas, few services are available for the crucial developmental period of zero to three years of age, and adequate

parent counseling is not available. It was also found that an adult who becomes blind has difficulty receiving necessary services and there is little or no programmatic emphasis for the older blind.

The GCOVH has as its primary responsibility the coordination of the efforts of state, regional, local, and private agencies in order that the visually handicapped citizens of Texas shall receive all services to which they are entitled in the most rapid, efficient, and cost efficient/cost beneficial manner possible. The GCOVH is not primarily engaged in the provision of direct services, but acts in a coordinating, catalytic, monitoring and advocacy mode. To accomplish the mandated responsibilities, the GCOVH is divided into three distinct but interactive functional areas: Ombudsman and Individual Assistance, Technical Assistance, and Program Development.

Illustrated Functions of the Office

The Ombudsman and Individual Assistance function provides information on what services are available to the visually handicapped and which agencies provide these services. This service is available to individuals calling the toll-free number, 1-800-292-9211.

The Technical Assistance function is intended to assure the availability of methodology, devices, and information regarding program adequacy relative to the unique needs of the visually handicapped. The GCOVH is not specifically charged with the direct training of clients, but whenever appropriate, will develop training packages which can be used by the various agencies to train necessary staff.

Program Development is intended to be a supportive, consultative, and advisory system for assisting state and local agencies with the interpretation and implementation of human services laws. (See the

work flow chart on the following page.)

Resolving the Issues

Previous efforts have been made in this state, as well as other states and at the federal level, to develop coordinating systems to facilitate cooperation across agency and service delivery "boundaries" to ensure that handicapped individual receive a comprehensive array of services. Although most of these efforts were unsuccessful, the concept is sound, and the GCOVH was designed after a careful analysis of these prior systems. The writers of H.B. 1673, which created the GCOVH, recognized the need for a staff structure that was different from the usual (which had proven problematic). H.B. 1673 was designed to be specific rather than general in scope and therefore provided the authority and mandate to carry out important coordinating activities.

Issue No. One: Coordination of Responsive Services is Lacking.

No central system exists to recognize and coordinate the services which are presently available.

The GCOVH key staff have actual programmatic and administrative experience inworking with the various state and local agencies that deliver services to the handicapped and have an in-depth understanding of the issues and problems facing these agencies. H.B. 1673 provides for a Technical Advisory Council made up of the heads of the major agencies serving the visually handicapped so that there will be high level commitment to the development of a total system of services. The GCOVH will develop position papers utilizing consultation with experts plus "needs trends" gleaned from information provided by the Individual Assistance function as it deals with the specific problems of individuals. Each paper will include a problem analysis section

dealing with the specific problems of blind individuals, and a program action section which includes services and components cutting across agency boundaries.

Issue No. Two: Ancillary Resources are Inadequate.

Because there are limits to tax resources, both state and federal, services provided by the private sector must be integrated into the total service delivery system.

Through the inward WATS line, the GCOVH will conceptually develop a system or array of service needs beyond the scope of traditional services. The GCOVH will also involve the private sector such as business and volunteers to meet these needs. The GCOVH will attempt to educate employers as to the employment potential of blind individuals.

Issue No. Three: Objective Interface is Lacking.

There is no assurance that a complete array of services is available. Thus, those services which are delivered may not be cost beneficial because complementary services are not available.

Service delivery agencies do not have the authority to examine the overall needs of the visually handicapped. The GCOVH, through the Individual Assistance function, will determine what services or programs are lacking, and than as authorized by H.B. 1673, will work with agency heads, both those on the Technical Advisory Council and any other agencies that could provide appropriate services to fill any missing links.

Issue No. Four: Under-Utilization of Services Causes Frustration.

There is a high probability that a visually handicapped individ-

ual may never be aware of, and therefore never receive, all of the services available to him.

There now exists little in the way of formal information and referral systems in the agencies serving the blind, so the Individual Assistance function of the GCOVH will be a major information and referral system for the visually handicapped. The GCOVH is also developing a state-wide system for the use of radio for educational, rehabilitative, vocational, etc. usage.

Issue No. Five: Existing Technology is Not Being Implemented.

Technology has been developed which is not being used, i.e., compressed speech.

One of the major roles of the GCOVH is to provide the agencies with the necessary expertise for implementing the use of proven technology for training and educating the blind. The GCOVH will not be primarily involved in the direct training of clients, but will provide training packages for state agencies and regional and local staff to facilitate the use of more modern, efficient technology and services for the visually handicapped.

Issue No. Six: Consumer Input is Minimal.

Only recently have state and federal laws required that input from the consumer be considered in the design and implementation of human services. Getting the true input and needs of the consumer is still difficult because many consumers do not understand the public announcements of public hearings relative to human services and they may lack financial funding to attend such hearings.

Although high level administrators and state agencies may intend

to deliver the most useful and practical services to handicapped individuals, many times there is no user input regarding what services are actually needed or where problems exist with service delivery or utilization. The Individual Assistance function of the GCOVH will provide feedback information to high level management regarding service needs of the visually handicapped population.

Issue No. Seven: Accountability Systems are Internal.

It is not sound business practice for the major human services deliverers to be the sole evaluators as to cost and quality benefits of the services they deliver.

The GCOVH will provide information to the Governor, the Legislature, the Legislative Budget Board, Governor's Budget Office, and other interested citizens. An annual report relative to programmatic delivery problems validated by individual cases will be made by the GCOVH.

January 12, 1977

Mr. Lex Freiden
9667 Meadowvale
Houston, Texas 77013

Dear Mr. Freiden:

As I was requested to do in the meeting of December 16, 1976, I have investigated the current funding problems which the Governor's Coordinating Office for the Visually Handicapped is encountering. Enclosed are materials which I hope will be useful to you in studying the problems. I trust that you all will consider these materials thoroughly before the next meeting of the presentors so that action can be taken at this time to decide the involvement of the Texas White House Conference in this matter. Of special importance is the material which specifies the portions of the bill which now apply to all handicapped persons.

In my opinion, the greatest advantages of the Coordinating Office at this time are advocacy and accountability. Less new dollars need be spent on services to the handicapped, if the current services could be held accountable to the needs of those whom they are to benefit. As a year-round advocate for the handicapped, the Coordinating Office could offer much in structure and a strong voice needed by the Texas White House Conference to accomplish enforcement of its recommendations. If Legislators find it easy to abolish the Coordinating Office (a newborn advocate for the handicapped) they may decide that advocacy for any handicapped group is not important. Also, they may determine that any advocacy group which takes action which is unpleasant toward agencies which are not accountable can also be easily abolished. I feel very strongly that if we let the office be destroyed now, we shall find it tremendously difficult to create any similar system in the future. Although a computer information bank is not now a part of the Coordinating Office, the structure of the office is such that it offers an excellent framework through which such could be developed.

If you have any further questions, please contact me, and I will attempt to find answers before the next meeting. Thank you.

Sincerely,

Pat Pound/slv

Pat Pound, Presentor
Texas White House Conference
for the Handicapped

11511 Fast Horse
Austin, Texas 78759

PP:slv

Enc.

HB 1673
TEXAS
BILL OF RIGHTS
FOR THE
HANDICAPPED

GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED

DR. ROBERT J. WINN
EXECUTIVE DIRECTOR

January 5, 1977

DOLPH BRISCOE
GOVERNOR

OPEN LETTER
REGARDING THE
GOVERNOR'S COORDINATING OFFICE
FOR THE VISUALLY HANDICAPPED

TO WHOM IT MAY CONCERN:

In recent weeks numerous questions have been posed regarding this agency. Inquiries have been made to board members and staff by Legislators, handicapped persons, professional persons, advocates for the handicapped, various government and private agencies, parents of handicapped children, and numerous others. This document is in partial response to those questions. It also addresses the legislative mandate to provide accurate and timely information.

Rather than attempt to design many different responses to requests for fragmented pieces of information, this document is designed to respond to the questions which have arisen consistently. Any further amplification or information will be gladly provided upon request.

The questions and the unofficial informational responses to them are as follows:

I. WHAT IS THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED?

It is a state agency created by the 64th Texas Legislature after an exhaustive interim committee study of the needs of the visually handicapped.

II. WHAT ARE ITS MAJOR FUNCTIONS?

Advocacy for the visually handicapped;

Coordination of service effort planning;

Monitoring of agencies who provide services to the visually handicapped;

Catalytic activities to improve service quality and cost efficiency;

WESTGATE BLDG. SUITE 1004 AUSTIN, TEXAS 78701 512-475-7064

Technical information and assistance across agencies and systems;

Dissemination of information and individual assistance to visually handicapped persons, parents, and professionals; and

Reports and recommendations to the Governor and the Legislature.

III. DOES THIS OFFICE DUPLICATE THE EFFORTS AND RESPONSIBILITIES OF OTHER AGENCIES?

No. Its purpose is to promote responsible actions across agencies. The agency was created for this purpose because it has no vested interest in any service delivery bureaucracy. The GCOVH is mandated to identify the real needs of the handicapped and design recommendations which will meet those needs in an economical, yet effective manner. This agency does not provide direct services nor is it authorized to do so.

IV. WILL THE PRESENCE OF THE OFFICE RESULT IN GREATER COSTS TO THE STATE?

No. Just the reverse. By bringing extremely sophisticated professional expertise to bear on the situation, the office will cause the savings of millions of dollars, and at the same time cause both the quality and quantity of services to improve greatly. The GCOVH will make it possible to save these dollars by coordinating other service delivery agencies, thereby eliminating existing duplication, and further eliminating isolated planning by individual state agencies.

V. WHY WAS THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED CREATED ONLY FOR THE BLIND WHEN SO MANY OTHER HANDICAPPED PEOPLE HAVE NEEDS JUST AS PRESSING?

The office was seen by its sponsors as a pilot effort to perfect systems of improvement of a critical situation. It was felt that the blind are a manageable population with which to begin. The long range intent of the Legislature was to then expand the service to all handicapped groups. It was also recognized that a relatively small group such as the blind were greatly underserved and had a critical need for advocacy and identity.

VI. DOES THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED PROVIDE AN OMBUDSMAN OR CONSUMER INFORMATION SERVICE?

Yes. Visually handicapped persons can express viewpoints or concerns and secure information by calling the toll free number which is 1-800-252-9211.

VII. IS THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED ONLY INTERESTED IN CHILDREN'S PROGRAMS?

No. Its mandates and activities cover all ages. Its purpose is to design and improve systems which are directed at alleviating and removing the barriers of blindness. Because of the extreme need, children's programs have been addressed as one of the priority considerations of this agency.

VIII. HOW DO THE HANDICAPPED CITIZENS OF TEXAS FEEL ABOUT THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED?

Those who have been in communication with the board and the staff have been nearly unanimous in stating the following positions:

They have wanted such an advocate for years and are extremely pleased that it is now in existence;

They feel that the staff is very professional and is making excellent progress in their behalf;

They are very concerned because they have heard that this agency may not be financed in future years; and

They want the agency continued, expanded to include all handicapping conditions, strengthened and fully supported.

These concerns have been repeatedly expressed by the handicapped persons who made presentations at the Texas White House Conference for the Handicapped.

IX COULD SOME OTHER EXISTING STATE AGENCY ASSUME THE SAME FUNCTIONS AND DO THEM EFFECTIVELY, AND PERHAPS AT LESS COST:

No. Only an office which does not deliver direct services itself can provide the objectivity and responsiveness to consumer inquiry required to provide elected leaders with practical, realistic decision making options which reflect the true needs of the handicapped and at the same time make plans which are not influenced by bureaucratic territorial needs.

These informal responses will be followed in the near future with detailed position papers, an analysis of the position of handicapped Texans, legislative recommendations, and fiscal recommendations.

Thank you for your interest and concern regarding this crucial effort on behalf of handicapped Texans.

Sincerely,

Garland Wade

Garland Wade, Chairman
Governor's Coordinating Office
for the Visually Handicapped

GW/jan

SELECTED GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED ACTIVITIES

The following is a current status report of the progress of the Governor's Coordinating Office for the Visually Handicapped.

Studies and legislative hearings reveal that thousands of Texans are experiencing blindness or substantial visual loss and are unaware of public and private agencies that provide services to help them obtain sight restoration and for those who cannot benefit from medical treatment and hospitalization, they receive pre-vocational, vocational and placement services which will allow them to live as productive blind citizens.

Therefore, through public service spot announcements on all 320 AM and FM radio stations in Texas and articles in the newspapers of this State, the public is being informed of the existence of the Governor's Coordinating Office for the Visually Handicapped and is being made aware of its toll free WATS line number which is operational 24 hours a day, 7 days a week. Since this office became operational, many personal contacts have been made by the Governor's Coordinating Office for the Visually Handicapped staff with organizations of and for the blind advising them of this office and its functions and obtaining consumer input regarding unmet needs of the blind and visually impaired. Staff of this office cooperating with INSIGHT, a social and recreational organization for the blind, is in the process of establishing INSIGHT chapters in the major cities throughout Texas and by expanding athletic programs to the State School for the Blind and in public school system programs serving blind and visually impaired students.

Distribution has been made of a brochure describing the Governor's Coordinating Office for the Visually Handicapped and the procedure for obtaining information. Distribution to date includes: State Commission for the Blind offices, the National Federation of the Blind of Texas, the Texas Federation of the Blind. Blinded Veterans Association, Randolph Sheppard Vendors Association of Texas, Texas School for the Blind Ex-Students Association, All Veteran Administration Hospitals in Texas, the Retinitis Pigmentosa Foundation, the Lions Clubs, radio stations.

We are in the process of establishing a statewide volunteer program which will provide special training related to the needs of blind and visually impaired citizens and the particular types of volunteer services needed by the visually handicapped.

We are in the process of establishing a network of sub-frequency radio stations with programs geared to the particular needs of the blind and visually impaired citizens.

We are in the process of initiating a statewide newsletter consisting of news articles of special interest to the blind and visually impaired and will be sent to approximately 25,000 to 30,000 individuals.

Staff of the Governor's Coordinating Office for the Visually Handicapped served as a delegate to the White House Conference on Handicapped Individuals here in Texas. Consumer input was obtained as to the needs of blind and visually impaired and needs of the handicapped in general.

The following are samples of the requests and problems presented to the Individual Assistance Department either by mail or by telephone:

A college student needed information of Braille relative to a school project.

A partially blind person needed help in taking the Merit System Council test.

A 16-year old with limited vision needed help getting appropriate courses in school.

A totally blind woman has a vending stand and requested assistance in getting a new location.

A totally blind man needed information as to where to obtain talking books.

A totally blind man entering private business needed to continue to receive disability income until he got established.

A geologist, who recently lost a considerable part of his vision, needed technical information concerning low vision aids and getting technical information recorded.

An attorney representing a 14-year old blind retarded boy, who has been refused educational services for some time, requested assistance in the protection of educational rights of his client.

An almost totally blind diabetic woman needed information regarding financial assistance as her husband is disabled also.

A man whose vision had been restored needed assistance in obtaining a driver's license.

A mother of three, almost totally blind herself by retinitis pigmentosa, needed housing.

A deaf and totally blind man needed vocational training for employment.

A woman needed special glasses due to her progressively degenerating eye condition.

A child going progressively blind needed to begin instruction in Braille.

A partially blind child had been denied into an appropriate school program needed assistance.

School vision screening pilot projects sponsored by the Commission for the Blind in cooperation with Educational Service Centers have been given support by the Governor's Coordinating Office for the Visually Handicapped as follows:

A. Assisting in initial planning of project formats in Educational Service Centers Regions II, VX, VII and XII.

B. Assisting these regions, where appropriate, to locate qualified personnel for their projects.

C. Assisting with obtaining information on procedures and equipment to carry out projects.

D. Providing a portion of the staff to train vision screeners.

E. Responding to requests from Educational Service Centers for further assistance when questions and problems arise regarding special populations and resources.

We have been responding to requests from teachers, nurses and other persons for information on vision screening.

On June 16, 1976, an interagency meeting was held to survey the status of activities related to the implementation of H.B. 1673, federal funding mechanisms, and long range planning. Prior to the meeting questionnaires were provided to the agency heads of the Texas Commission for the Blind, the Texas Education Agency, the Texas School for the Blind, and the Texas Department of Mental Health and Mental Retardation to be completed in advance for discussion during the meeting. Also attending the meeting were Legislative Budget Board staff, legislative aides, and staff from both the House and Senate Education Committees.

We have been assisting Educational Service Centers Regions V and XIX in holding workshops on diagnostic and evaluation procedures for their staffs and other related professionals in the Regions:

A. Providing consultative service

B. Coordinating resources

1. Arranging for expert consultants to make presentations

2. Develop printed and graphic materials for the workshops.

We have been working with the Texas School for the Blind's pilot diagnostic and evaluation project through consultation with their project director and his supporting subcommittees.

We have been formulating plans and models for creating a statewide D & E system:

A. Gathering information by contacting key personnel in the Commission for the Blind, Texas Education Agency, Texas School for the Blind and other related agencies, organizations and professionals.

B. Obtaining and analyzing information on existing systems and models.

C. Taking steps to identify all available resources in Texas.

We have been initiating and supporting efforts to make the Vision-Up Project available to Texas. This project is an early childhood diagnostic and educational program designed for visually handicapped children.

A. Held awareness meetings for agency and related professionals.

B. Facilitated a program for training of the Commission for the Blind's staff on the use of Vision-Up.

We have written and submitted a proposal to obtain federal funding for A Model Project for Early Identification and Education for the Unserved Multihandicapped Visually Impaired Pre-School Children of Texas. This project is based on the Vision-Up Project.

We have provided consultative expertise to Criss Cole Rehabilitation Center's Diagnostic and Evaluation Team to develop appropriate approaches to low vision evaluation and programming for their clients.

We have been providing training workshops for teachers on the utilization of low vision, Educational Service Center Region VII. (In Progress)

Staff has provided consultative expertise on orientation and mobility programming and manpower needs planning to the American Association of Workers for the Blind's special interest group on Orientation and Mobility.

Planning and actions have been initiated on developing a Statewide Media System.

A. Comprehensive Survey on Planning was carried out related to production and timely delivery of all educational and recreational reading in Braille, large type and recorded form as well as the use of specialized educational aids and appliances and their distribution statewide on a cost efficient and cost effective basis.

B. A contract has been negotiated to develop a computerized Braille production system utilizing advanced technology. The system already has limited production capability. It will be utilized to provide rapid access to written material (books, periodicals, professional documents, newspapers, bank statements, etc.) not normally available in Braille. This will serve educational, rehabilitative, and occupational needs. The system also may facilitate the educational and rehabilitation process by providing computer assisted instruction in Braille to all areas in the state through use of telephone lines and inexpensive remote terminals. Recent technological developments indicate there is potential for additional uses of this system.

C. Approaches to the production of clear, useable large print materials have been investigated in response to many requests from teachers, consumers and others. The Governor's Coordinating Office for the Visually Handicapped now has under investigation several approaches which may respond to this need in a rapid cost efficient fashion.

D. The Governor's Coordinating Office for the Visually Handicapped is in the process of establishing several approaches to making the optacon available to appropriate consumers. This device permits the blind to read regular print. It has much potential for specialized professional, personal and educational use. Maximum benefit from the optacon cannot be derived without effective training of the client. Action has been taken to develop such training.

E. Projects are under development to make specialized speaking calculators and accompanying training in their use available to the blind. These will be of value to both the education process and in making visually handicapped persons more independent and vocationally productive.

F. The medium of compressed speech in recorded form is being investigated and steps are being taken to make it appropriately available. Many visually

handicapped find it more practical to obtain their information by listening rather than slower tactual reading processes.

The Governor's Coordinating Office for the Visually Handicapped has successfully activated the Texas Committee on Blind Made Products. Working with the State Board of Control to purchase products from sheltered workshops, many more severely handicapped blind can be deinstitutionalized.

The Governor's Coordinating Office for the Visually Handicapped has provided numerous responses to consumer, professional and agency requests for technical programmatic information. Selected examples are as follows:

Information to teachers on how to obtain specialized materials for their students.

Consultation to agencies on how they might obtain funding sources for special projects relating to the visually handicapped.

List of sources for aides and appliances needed by visually handicapped persons to do their jobs or perform daily living tasks.

Promoted professional development by providing information to university students on topics related to the visually handicapped.

Information to parents on how to systematically approach obtaining specific services for their children from both public and private sector agencies.

Providing sponsorship support for a statewide interagency workshop on new approaches with the handicapped.

Assisted professionals by making contacts and arrangements for them to attend professionally relevant meetings.

Provided information to several participants, aiding them in preparing their presentations for the White House Conference on the Handicapped.

Provided conceptual input and letter of support to a university submitting a project to develop manpower to serve the visually handicapped.

Staff members of the Governor's Coordinating Office for the Visually Handicapped are participating in programmatic activities such as those sponsored by the Texas Society for the Prevention of Blindness.

SUMMARY OF H.B. 1673 AS IT IMPACTS ON THE HANDICAPPED IN GENERAL

Equal Educational Services To All

Section 1 of H.B. 1673 provides:

- .any educational institution receiving tax funds must provide equal educational opportunities to all individuals within its geographical jurisdiction (page 2)
- .no such educational institution may deny services to any individual solely on the basis of a physical or mental handicap (page 2 & 3)
- .such educational institutions must provide such special education services as required by law, and, where authorized, to cooperate with other appropriate agencies (page 3)

Exemptions

Section 2 of H.B. 1673 states that handicapped children can only be excluded from the requirements of compulsory attendance if:

- .the child has a permanent mental or physical handicap, which has been determined by extensive and comprehensive evaluation to be such that attendance is useless or inconsistant with the child's best interests (page 3 & 4)
- .if the child's condition has been medically verified as temporary and remediable (page 4)

School District Responsibility

Section 3 of H.B. 1673 provides:

- .the district in which a handicapped child resides has primary responsibility to see that the child receives services appropriate to his needs (page 5)
- .the district retains financial responsibility if a determination is made that the child's best interests cannot be properly served through the district's programs (page 5)
- .to remain eligible for Foundation School Program funds, the district must make available for each handicapped child an amount of money equivalent to the average amount of local tax money expended for every child regularly enrolled in the district's programs (page 5)

State Vocational/Educational Programs

Section 4 of H.B. 1673 provides that the advisory council to the State Board for Vocational Education shall:

- .recommend methods through which increased numbers of physically and mentally handicapped individuals may effectively benefit from programs of vocational education (page 8)

- .recommend innovative programs which extend vocational education to the handicapped through other non-profit facilities (page 8 & 9)

- .report annually to the Governor, and on December 1 prior to regular sessions to the legislature; showing the numbers and types of handicapped individuals involved in vocational education programs, the types and quality of programs provided per individual, the state and federal funds utilized, and the impact on handicapped individuals as well as describing the cooperation received from various agencies (page 9)

Section 6 of H.B. 1673 provides that:

- .a percentage of state vocational funds is to utilized for the handicapped in the same percentage amount as provided in federal law regarding vocational education (page 10)

Defining and Prioritizing Handicaps

Section 7 of H.B. 1673 defines "handicapped children" as:

- .children who have physical or mental disabilities, singularly or in combination (page 10)

- .those whose disabilities cause a substantial handicap in deriving benefit from regular school programs (page 10)

- .those whose disabilities can be expected to render them eligible for vocational rehabilitation services or eligibility evaluation (page 10-11)

Section 9 of H.B. 1673 directs the State Board of Education to develop such policies and procedures for comprehensive special education to assure that:

- .if all exceptional children cannot receive comprehensive special education programs, the handicapped will be served first (page 11)

- .the priority in services will be determined according to the severity of the handicap(s) (page 11)

- .sufficient records will be kept to allow meaningful evaluation of program effectiveness (page 11-12)

devoted to the production of farm crops, forest products, or livestock ceases to be used for the production of farm crops, forest products, or livestock, the land shall be appraised at market value, and the owner shall pay to each taxing authority imposing ad valorem taxes on the land a tax equal to the difference between the taxes paid or payable on the land during the previous four years under its open-space land for farm crops, forest products, or livestock designation and that tax that would have been levied had the land been appraised at market value for the same period of time plus interest at the rate of 5 percent per annum calculated from the dates on which the difference would have become due.

Minimum appraisal of forest land

Sec. 5. The value for ad valorem tax purposes of open-space land used for the production of forest products as provided in Section 2 of this Act shall not be less than the appraised value of such land for the 1976 tax year; provided, however, that the value used for any tax year shall never exceed the fair market value of the land as determined by other appraisal methods.

Effective date

Sec. 6. This Act takes effect January 1, 1977, but only if the constitutional amendment proposed by Section 5, S.J.R. No. 11, 64th Legislature, Regular Session, 1975, is adopted.

Emergency

Sec. 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended.

Passed by the House on May 7, 1975: Yeas 84, Nays 51; that the House refused to concur in Senate amendments to H. B. No. 1535 on May 15, 1975, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H. B. No. 1535 on May 29, 1975, by a non-record vote; passed by the Senate, with amendments, on May 15, 1975, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H. B. No. 1535 on May 29, 1975, by a viva-voce vote.

Approved June 21, 1975.

Effective Jan. 1, 1977, upon adoption of sec. 5 of S.J.R. No. 11.

H. B. No. 1673

An Act relating to educational services for the blind and visually handicapped; providing for early identification and appropriate referral of blind and visually handicapped individuals; establishing the Governor's Coordinating Office for the Visually Handicapped; prescribing minimum standards and procedures to assure the more adequate education of individuals handicapped by serious visual loss; delineating the responsibilities of certain state-supported organizations carrying out activities impacted upon or impacting upon educational effort in behalf of blind and visually handicapped individuals; authorizing the Texas School for the Blind to conduct research, demonstration and training activities necessary for the fostering of greater adequacy in the educational effort exerted in behalf of blind and visually handicapped students by the local independent school districts of the state; providing for necessary administrative and programmatic improvements at the Texas School for the Blind; authorizing the establishment of a pilot program of state purchases of goods and services manufactured by multiply handicapped blind individuals who do not derive sufficient benefits from educational programs to be enabled to undertake employment in competitive job settings; amending Sections 21.033, 31.33, 31.40, 11.06, 11.08, and Subdivision (2) of Subsection (b) of Section 16.16, Texas Education Code, as amended, and adding Subsection (c) to Section 1.04, Subsection (c) to Section 15.12, Subsection (c) to Section 31.34, Subsections (p) and (q) to Section 16.16, and Sections 11.102, 11.091, 11.061, 11.062, 11.063, 11.071, 11.052, 11.161, 16.161, and repealing Subdivision (3) of Subsection (b) of Section 16.16; amending the Revised Civil Statutes of Texas, 1925, by adding Articles 3207d, 4413(202), 5446b, and 664—5; amending Subsection (e) of Section 2 and Section 3, Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 3207a, Vernon's Texas Civil Statutes), and adding Subsection (e) to Section 2a; amending Section 13, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664—3, Vernon's Texas Civil Statutes), and adding Section 13B; providing an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1.04, Texas Education Code, is amended by adding [11] Subsection (c) to read as follows:

"(c) Any educational institution supported either wholly or in part by state tax funds shall, if undertaking to provide educational services to any individual within the jurisdiction or geographical boundaries of the educational institution, provide equal educational services to all individuals within its jurisdiction or geographical boundaries pursuant to the provisions of this code and pursuant to the provisions of regulations promulgated by the Central Education Agency to give effect to the intent of the legislature in its enactment of this code. No individual otherwise eligible for educational services through an educational institution supported either wholly or in part by state tax funds may deny services to any individual solely on the basis of the individual's having a physical or mental handicap, but the educational institution shall instead be obligated to provide handicapped individuals such special educational services as might from time to time be authorized by law or, where expressly authorized, to assist in and contribute toward the provision of appropriate

11. V.T.C.A. Education Code, § 1.04, subsec. (c).

special educational services in cooperation with other educational institutions and other appropriate agencies, institutions, or departments."

Sec. 2. Section 21.033, Texas Education Code, as amended, is amended [12] to read as follows:

"Sec. 21.033. Exemptions

"The following classes of children are exempt from the requirements of compulsory attendance:

"(1) any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship;

"(2) any child who has a physical or mental handicap that:

"(A) is not of a temporary and readily remediable nature, and

"(B) according to the great weight and preponderance of adequate diagnostic and evaluative information of a current nature, consisting of both specialty medical examinations and pertinent specialty assessments by qualified personnel regularly engaged in the provision of special education and related services to handicapped individuals, renders the child's attendance in regular classrooms or in special educational facilities supported with tax funds useless or inconsistent with the child's best interests;

"(3) any child who has a physical or mental condition of a temporary and remediable nature which renders such child's attendance unfeasible and who holds a certificate from a qualified physician specifying the temporary condition, indicating the treatment prescribed to remedy the temporary condition, and covering the anticipated period of the child's absence from school for the purpose of receiving and recuperating from such remedial treatment;

"(4) any child more than 17 years of age who has satisfactorily completed the work of the ninth grade and who presents to the chief administrator of the school which such child would otherwise attend satisfactory evidence showing that his services are needed in support of a parent or other person standing in a parental relation to the child; and

"(5) any child expelled in accordance with the requirements of law."

Sec. 3. Section 15.12, Texas Education Code, is amended by adding [13] Subsection (c) to read as follows:

"(c) The responsibility of a school district to participate in the costs of providing special education services to physically or mentally handicapped children domiciled within its geographical boundaries is not abated by a determination that it would be useless or inconsistent with the child's best interests to attend the regular classrooms or special educational facilities of the school district, and a school district's eligibility for state funds through the Foundation School Program established in Chapter 16 of this code is conditioned on the school district's making available, in accordance with regulations of the Central Education Agency and for the purpose of assuring equal educational opportunities for handicapped children domiciled within the school district's geographical boundaries, a sum of money derived from local ad valorem property tax collections which is for each handicapped child at least equivalent to the average amount expended from local ad valorem property collections on each child regularly enrolled in the educational programs operated by the school district."

12. V.T.C.A. Education Code, § 21.033.

13. V.T.C.A. Education Code, § 15.12, subsec. (c).

Sec. 4. Section 31.33, Texas Education Code, is amended [14] to read as follows:

"Sec. 31.33. Duties

"The council shall be the advisory council to the State Board for Vocational Education and shall:

"(1) recommend and evaluate the role and scope of secondary institutions, public junior colleges, community colleges, technical training institutes, and public senior colleges and universities in a comprehensive plan for developing manpower education and training in the State of Texas;

"(2) recommend the appropriate subjects to be taught at each level of training and in each of the above types of institutions;

"(3) recommend a state plan designating the method and the criteria to be utilized in establishing area technical schools which will be consistent with the Vocational Educational Act of 1963, as amended, the Manpower Development and Training Act of 1962, as amended, and other federal statutes;

"(4) recommend and evaluate a list of courses offered by these types of institutions eligible to be funded by the legislature or through the allocation of federal funds. These courses shall be freely transferable among the public institutions in the State of Texas, with credit for such courses to be given on the same basis as if they had been taken at the receiving institutions;

"(5) recommend to the governor and the legislature methods of funding existing programs and propose methods for funding new programs;

"(6) suggest and evaluate pilot projects and present recommendations to the governor and the legislature for implementing cooperative programs among the several types of institutions named hereinabove, which will provide a more effective and efficient method of supplying business and industry with trained manpower;

"(7) recommend the establishment of the responsibility of public schools, public junior colleges, community colleges, technical training institutes, and public senior colleges and universities in adult basic education, adult technical education, and adult vocational education;

"(8) recommend, encourage, and evaluate cooperative programs between educational institutions and industry, and, with the assistance of industry, assist in the development of new curricula and instructional materials as may be required for new and emerging occupational categories as may be prescribed by industry;

"(9) provide up-to-date statistical data on employment opportunities in the Texas economy to persons trained in these institutions through cooperation with the Texas Employment Commission and other appropriate research agencies at both the state and national levels;

"(10) recommend a state plan for the development of a comprehensive manpower program in conjunction with the Manpower Development and Training Act of 1962, as amended;

"(11) recommend the state plan, training institutions, and means of coordination of manpower training as provided in the Manpower Development and Training Act of 1962, as amended;

14. V.T.C.A. Education Code, § 31.33.

"(12) recommend research projects as may be necessary to implement and improve a statewide system of technical, vocational, and manpower training from funds provided by appropriations from the United States Congress or private gifts, grants, or awards;

"(13) recommend and evaluate a program of teacher certification for instructors of occupational training courses;

"(14) recommend and evaluate a statewide plan for the development of a comprehensive program of apprenticeship training;

"(15) recommend methods through which increased numbers of physically and mentally handicapped individuals may effectively benefit from programs of vocational education offered at secondary institutions, the Texas School for the Blind and the Texas School for the Deaf, public junior colleges, community colleges, technical training institutes, and public senior colleges and universities; and

"(16) recommend and evaluate innovative programs to assure that physically or mentally handicapped individuals who cannot readily participate in programs of vocational education offered at secondary institutions, the Texas School for the Blind and the Texas School for the Deaf, public junior colleges, community colleges, technical training institutes, and public senior colleges and universities derive vocational education benefits from sums appropriated for vocational education by the legislature, by extending vocational education programs through nonprofit facilities operated other than on campus settings."

Sec. 5. Section 31.34, Texas Education Code, is amended by adding [15] Subsection (c) to read as follows:

"(c) The council shall make a report to the governor annually and to the legislature not later than December 1 prior to the regular session of the legislature, setting forth the numbers of physically and mentally handicapped individuals deriving benefits from vocational education programs within the State of Texas during the period covered by the report, indicating the severity of the handicaps of the individuals involved, reflecting the types of vocational education being received, specifying the amounts of state and federal vocational education funds expended, evaluating the impact of such vocational education services on the lives of the handicapped individuals involved, and describing the cooperation received from other state boards and agencies pursuant to Section 31.36 of this code."

Sec. 6. Section 31.40, Texas Education Code, is amended [16] to read as follows:

"Sec. 31.40. Allocation of State and Federal Funds

"(a) The State Board for Vocational Education shall have the authority to allocate, as provided herein, funds appropriated by the legislature and funds of the United States government received by the State of Texas under the Vocational Education Act of 1963, as amended, and the Manpower Development and Training Act of 1962, as amended, or other such federal statutes, as may come under its jurisdiction. Only institutions and programs approved by the State Board of Education or the Coordinating Board, Texas College and University System, will be eligible for the distribution of such funds; such program approvals shall include all those previously approved including industrial arts.

15. V.T.C.A. Education Code, § 31.34, subsec. (c).

16. V.T.C.A. Education Code, § 31.40.

"(b) Of the state funds appropriated for the support of vocational education programs within the State of Texas, there is hereby allocated for specific and identifiable use in behalf of individuals with handicapping conditions of such severity as to render such individuals eligible for vocational rehabilitation services, a percentage of the appropriation of state funds which corresponds to the percentage of the federal appropriation for vocational education required by federal law to be expended in behalf of handicapped individuals."

Sec. 7. Subdivision (2), Subsection (b), Section 16.16, Texas Education Code, as amended, is amended [17] to read as follows:

"(2) 'Handicapped children' means children who have physical or mental disabilities, singularly or in combination, that:

"(A) cannot readily be corrected through routine medical services of a nonextended nature;

"(B) for the children constitute or result in a substantial handicap to the deriving of benefits from regular classroom programs and routine school activities; and

"(C) can reasonably be expected to render the children eligible for vocational rehabilitation services or, if the handicaps are particularly severe, eligible for referral to vocational rehabilitation agencies for evaluation of eligibility for vocational rehabilitation services, at the time when the children reach the age at which vocational rehabilitation services may appropriately be provided."

Sec. 8. Subdivision (3) of Subsection (b), Section 16.16, Texas Education Code, as amended, is repealed.[18]

Sec. 9. Section 16.16, Texas Education Code, is amended by adding [19] Subsections (p) and (q) to read as follows:

"(p) The State Board of Education shall adopt such policies and procedures for the administration of the comprehensive special education program for exceptional children in Texas as might be necessary to assure that:

"(1) in the event that comprehensive special education services cannot be provided to all exceptional children, handicapped children throughout the State of Texas will be served first;

"(2) the priority in services to handicapped children will be determined according to the severity of the handicaps of the children eligible for special education services; and

"(3) sufficiently detailed records are kept and reports received to allow meaningful evaluation of the effectiveness of the policies and procedures adopted pursuant to this subsection.

"(q) Special services extended to children who are handicapped by a hearing or visual impairment, or by both hearing and visual impairments, shall be provided by qualified staff certified by reputable public or private nonprofit organizations in the fields of work for the blind or work for the deaf as having the professional credentials and competencies required for certification within those fields."

17. V.T.C.A. Education Code, § 16.16, subsec. (b), subd. (2).

18. V.T.C.A. Education Code, § 16.16, subsec. (b), subd. (3), repealed.

19. V.T.C.A. Education Code, § 16.16, subsecs. (p), (q).

Sec. 10. Chapter 11, Texas Education Code, is amended by adding [20] Section 11.102 to read as follows:

"Sec. 11.102. Supplemental Allowances for Exceptional Expenses of Blind Education

"From the Foundation School Fund there shall be made available a special supplemental allowance for each blind student or for each student with a serious visual handicap and another medically diagnosed handicap of a significantly limiting nature, who is receiving special education services through any approved program whatsoever. The amount of the special supplemental allowance for each blind student or for each such multiply handicapped student shall be equivalent to the special allocation for deaf students enrolled in regional day school programs, as authorized by Paragraph (1), Subsection (s), Section 11.10 of this code. The supplemental allowances may be expended only for special services uniquely required by the nature of the student's handicap and may not be used in lieu of educational funds otherwise available under this code and through state or local appropriations."

Sec. 11. The Revised Civil Statutes of Texas, 1925, are amended by adding [21] a new Article 3207d to read as follows:

"Art. 3207d. Early identification and registry of blind and visually handicapped

"Section 1. Under the general supervision of the Governor's Coordinating Office for the Visually Handicapped, there shall be maintained a current and comprehensive register of the blind and of persons within the State of Texas handicapped by a visual condition that is likely to deteriorate either to blindness or to a substantial visual handicap.

"Sec. 2. An individual employed by an organization directly or indirectly supported by the State of Texas or deriving income from the vending of goods or services to the State of Texas or any political subdivision of the state or engaged in a business or profession requiring a license issued under the laws of the State of Texas on encountering in a business or professional capacity an individual who is handicapped by a serious visual impairment shall, if a professional or commercial relationship is established with the visually handicapped individual:

"(1) determine through inquiry if the visually handicapped individual is known to the Governor's Coordinating Office for the Visually Handicapped; and

"(2) if the visually handicapped individual is not known to the Governor's Coordinating Office, forward to the Governor's Coordinating Office the name, mailing address, telephone number if available, age, sex, race, and federal Social Security number of the visually handicapped individual if a Social Security number is available.

"Sec. 3. On receipt of information forwarded pursuant to Section 2 of this article, staff designated by the Governor's Coordinating Office for the Visually Handicapped to maintain the register of blind and visually handicapped individuals shall contact the visually handicapped person about whom information has been forwarded to ascertain if the individual should appropriately be included on the register. If it appears that the individual's visual condition is not of a nature such that special governmental services are or potentially might be required because of the visual condition, the individual need not be included on the Register of Blind and Visually Handicapped, but if the individual's visual condition is such

20. V.T.C.A. Education Code, § 11.102.
21. Vernon's Ann.Civ.St. art. 3207d.

that governmental services are presently needed or might with reasonable likelihood be needed at a future date, appropriate information concerning the individual shall be included in the register.

"Sec. 4. Appropriate systems, standards, and procedures shall be developed for the Register of the Blind and Visually Handicapped to assure:

"(1) that information contained in the register is effectively shared with all state programs offering services that are beneficial to the blind and visually handicapped;

"(2) that state programs providing services to blind and visually handicapped persons supply for inclusion in the register information pertinent to the services provided and the outcome of the services;

"(3) the effective long-range planning of state services for the blind and visually handicapped;

"(4) the meaningful evaluation of the effectiveness and impact of special services provided to the blind and visually handicapped; and

"(5) the maintenance of a service monitoring and review process to minimize unreasonable delays in the initiation of appropriate services, duplication of services, or inadequate coordination of the respective educational, rehabilitative, or other special effort which various organizations might from time to time exert in behalf of blind or visually handicapped individuals.

"Sec. 5. The Governor's Coordinating Office for the Visually Handicapped is authorized to enter into such arrangements as might be determined necessary, appropriate, and consistent with objectives of cost-effectiveness in developing the electronic data processing capabilities required for efficiently discharging the responsibilities enumerated in this article."

Sec. 12. Subsection (e), Section 2, Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 3207a, Vernon's Texas Civil Statutes), is amended [22] to read as follows:

"(e) The Commission shall cooperate with the Governor's Coordinating Office for the Visually Handicapped in maintaining a current and comprehensive register of blind and visually handicapped persons within the State of Texas, including the maintenance of appropriate information regarding individuals whose medical history or medical prognosis is such that there is a reasonable likelihood that the individuals may experience a substantial visual handicap in the future."

Sec. 13. Chapter 11, Texas Education Code, is amended by adding [23] Section 11.091, to read as follows:

"Sec. 11.091. Diagnostic and Evaluation Center

"(a) With the advice of its technical advisory council, the Governor's Coordinating Office for the Visually Handicapped shall establish a comprehensive diagnostic and evaluation center and program in Austin for multiply handicapped blind children and youth. The center shall be operated on a cooperative, interagency basis under the general coordination of the Governor's Coordinating Office for the Visually Handicapped.

"(b) To the maximum extent feasible and practicable, the diagnostic and evaluation center shall utilize resources available in the Austin area through the State Commission for the Blind, the Texas School for the Blind, the Criss Cole Rehabilitation Center, the State Department of Mental Health and Mental Retardation, the University of Texas, and other public or private organizations in the area.

22. Vernon's Ann.Civ.St. art. 3207a, § 2, subsec. (e).
23. V.T.C.A. Education Code, § 11.091.

"(c) The purposes and functions of the diagnostic and evaluation center are:

"(1) to provide thorough diagnostic studies of multiply handicapped blind children and youth, to determine the nature and scope of special education and related services needed by the individuals, which studies shall at the minimum consist of a comprehensive evaluation of pertinent medical, psychological, social, cultural, environmental, and related factors which bear on the individual's ability to benefit from educational programs and which bear on the types of special services the individual needs in order to obtain maximum benefits from educational services;

"(2) to develop scientifically valid instruments, methodologies, and procedures for measuring in a useful and meaningful manner the total developmental assets and deficiencies that relate to the capacity of a multiply handicapped blind child or youth to benefit from educational programs and to prepare for a full and useful life as an independent, contributing member of society;

"(3) to test, develop, demonstrate, and help implement concepts, formats, and processes for establishing, executing, periodically reviewing, and from time to time modifying individualized written service plans for all blind or visually handicapped children or youth participating in educational programs within the State of Texas;

"(4) to stimulate and assist in the development of more adequate diagnostic and evaluative resources in other communities for blind and visually handicapped children and youth throughout the state, experimenting with a variety of new and innovative methods for providing with diagnostic and evaluative services at the community level with a view toward ultimately assuring timely and convenient access to the diagnostic and evaluative resources required for developing and carrying out individualized service plans with optimum effectiveness; and

"(5) to develop new and innovative methods for applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve the educational problems of blind and visually handicapped children or youth.

"(d) The costs of the comprehensive diagnostic and evaluation center and program, including initial costs of establishment and recurrent costs of operation, shall be defrayed through such sums as the legislature might appropriate for these purposes, through such grants, gifts, bequests, and donations as the cooperating agencies might receive for the establishment and support of the center and program, through reasonable fees charged to organizations requesting diagnostic and evaluative services for multiply handicapped blind children and youth, and through such budgets as might be developed by the cooperating agencies with interagency contracts.

"(e) Every blind or visually handicapped individual eligible for educational services through preschool, kindergarten, elementary, secondary, or vocational-technical programs within the State of Texas shall receive the educational programs according to an individualized written service plan which:

"(1) shall be developed following adequate diagnosis and evaluation of all pertinent medical, psychological, social, cultural, environmental, and related factors which bear on the individual's ability to benefit from educational programs;

"(2) shall be jointly developed by a representative of an educational program who is qualified and experienced in working with

individuals handicapped by serious visual loss, by the blind or handicapped individual and his parent or guardian, and by representatives of other public or private organizations providing or capable of providing specialized services which tend to assure greater effectiveness of the educational effort exerted in behalf of the blind or visually handicapped individual;

"(3) specifies in measurable terms the goals and objectives to be accomplished as a result of the educational and specialized services to be provided by the various organizations working with the blind or visually handicapped individual;

"(4) specifies the time by which each service is to be initiated, the anticipated duration of each service, and the time within which the objectives and goals of the services might be achieved;

"(5) contains a procedure and schedule for periodic review and evaluation of progress toward established objectives and goals based on objective criteria and contains a record of the reviews and evaluations;

"(6) summarizes the views of the blind or visually handicapped individual, or, as apropriate, his parent or guardian or other representative concerning his goals and objectives and the special services being provided;

"(7) outlines the obligations undertaken by the individual's family in connection with the individualized written service plan, including family commitments regarding physical restoration services, procurement of optical aids, and related services;

"(8) provides assurances that the blind or visually handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including but not limited to procedures for utilizing the ombudsman services of the Governor's Coordinating Office for the Visually Handicapped;

"(9) reflects that the individual has been provided a detailed explanation of the various service resources available to him within the community and throughout the state;

"(10) reflects that the individualized written service plan has been reviewed as frequently as necessary, but in no event less than once annually, by competent educational authorities, representatives of cooperating organizations, the individual and his parent or guardian, and that the plan has been modified, refined, or redeveloped in a manner consistent with determinations made through such review;

"(11) describes in detail the arrangements made to provide the blind or visually handicapped individual with orientation and mobility training, instruction in Braille or use of large print, other training to compensate for serious visual loss, access to special media, and special tools, appliances, aids, or devices commonly utilized by individuals with serious visual losses; and

"(12) sets forth the plans and arrangements made for contacts with and continuing services to the blind or visually handicapped individual during periods in which he might not be involved in school programs.

"(f) Whenever services are terminated under an individualized written service plan on the basis that the handicapped individual is not capable of benefitting from educational services, the following conditions and procedures must be met or carried out:

"(1) the decision shall be made only with the full participation of the blind or visually handicapped individual, his parent or guardian,

and representatives of other organizations in the area in which the individual resides who are also providing services to the individual;

"(2) the rationale for the decision shall be recorded as an amendment to the individualized written service plan, certifying that the concerted provision of educational and related services has demonstrated beyond reasonable doubt that the individual is not capable of benefitting from educational services;

"(3) a copy of the individualized written service plan and the certification that the individual is not capable of benefitting from educational services will be sent to the Governor's Coordinating Office for the Visually Handicapped for review and further investigation, following which, if it is determined that the termination of services is appropriate and justified, recommendations and referrals will be offered to the blind or visually handicapped individual and his parent or guardian regarding services to be considered through residential school programs, other state institutions, community facilities operated by the State Department of Mental Health and Mental Retardation, or other resources as appropriate to the case and as accessible to the individual's parents or guardian;

"(4) until such time as when the individual whose written plan of services has been terminated attains the age of 21 years and is referred for consideration for vocational rehabilitation services, there shall be at least an annual review of the individual's case, during which the individual and his parent or guardian will be afforded clear opportunity for full consultation in the reconsideration of the determination that the individual is incapable of benefitting from educational services, except in situations where a periodic review is precluded because the individual has refused services or has refused a periodic review, or is no longer present in the state or cannot be located, or has a medical condition that is rapidly progressive or terminal."

Sec. 14. Title 70, Revised Civil Statutes of Texas, 1925, is amended by adding [24] Article 4413(202) to read as follows:

"Art. 4413(202). Governor's Coordinating Office for the Visually Handicapped

Purpose

"Section 1. The purpose of this article is to create the Governor's Coordinating Office for the Visually Handicapped to insure more effective coordination and cooperation among all public and private nonprofit organizations established and operated to provide services that are pertinent to the special needs of blind and visually handicapped individuals and to carry out the functions hereinafter specified in this article.

Definition

"Sec. 2. In this article, the term 'visually handicapped' includes the blind, the deaf-blind, and persons with a visual impairment that requires the provision of special services.

Creation of office

"Sec. 3. (a) The Governor's Coordinating Office for the Visually Handicapped is hereby established.

24. Vernon's Ann.Civ.St. art. 4413(202).

"(b) The governor, after receiving recommendations of the Policy Board and Technical Advisory Council for Planning and Operations, shall appoint an administrator and other staff for the office, and they shall serve at his pleasure.

"(c) State agencies that provide services to the visually handicapped may loan or detail employees to the office. The administrator may enter into contracts with the state agencies for the reimbursement of costs incidental to the loaning or detailing of employees.

Functions of the office

"Sec. 4. (a) The Governor's Coordinating Office for the Visually Handicapped shall:

"(1) provide advocacy and ombudsmanship services for visually handicapped citizens of the state;

"(2) hear, consider, and mediate or resolve those differences arising among state-supported organizations responsible for the direct extension of services to visually handicapped individuals when such organizations are unable to resolve such differences themselves and in a manner consistent with the best interests of visually handicapped individuals;

"(3) assure effective interagency coordination of the service efforts of the agencies represented on its technical advisory council, so that the respective efforts of such agencies tend to be adequately coordinated and complementary rather than fragmented and duplicative;

"(4) serve as an information center and referral resource for the visually handicapped;

"(5) evaluate the impact of agencies, departments, and institutions carrying out programs or services that are relevant to the needs of visually handicapped individuals, including the development of sufficient specialized manpower to meet such needs, and assess the cost-effectiveness of all services authorized and funded by the legislature to assist visually handicapped individuals either directly or indirectly;

"(6) develop mechanisms and procedures that tend to assist visually handicapped individuals in bridging gaps between educational, institutional, rehabilitative, vocational, and related types of services operated by public and private nonprofit organizations throughout the state;

"(7) receive, review, and investigate reports received of individuals whose educational services have been terminated under individualized written service plans because of a certification that such individuals are incapable of benefitting from services, and assure that the situation and circumstances of such individuals are appropriately reviewed at least once annually according to the requirements of laws;

"(8) generally supervise, oversee, and assure the effective management and operation of

"(A) a centralized state register of the blind and visually handicapped;

"(B) a state program of purchasing goods and services manufactured by handicapped individuals according to the requirements of law and in nonprofit sheltered workshop facilities;

"(C) a comprehensive diagnostic and evaluation center for multiply handicapped blind children and youth; and

"(D) a centralized special media depository consisting of Braille, large print, recorded materials, and related types of communicative media required by individuals unable to read ordinary print;

"(9) develop standards and procedures to assure that all state agencies and departments responsible for extending substantial and identifiable services to visually handicapped individuals consider the views of visually handicapped individuals or groups in matters of policy development and implementation arising in the administration of authorized state service programs; and

"(10) provide accurate and timely information to the governor and the legislature regarding the practical impact of state services on the lives of visually handicapped citizens of the state, together with appropriate recommendations as to future funding, necessary changes in existing statutes, and related matters that bear on the progressive and efficient improvement of services for the visually handicapped.

"(b) The Governor's Coordinating Office for the Visually Handicapped shall not undertake the direct operation of any substantial service activities that any other agency of the state is authorized, capable, and willing to discharge.

"(c) Interagency contracts or agreements entered into by state agencies, departments, or institutions to advance the purposes of this article or to facilitate the delivery of services to visually handicapped individuals shall be deemed effective for all pertinent purposes when a copy of such interagency contract or written agreement is placed on file with the Governor's Coordinating Office for the Visually Handicapped, the type of interagency coordination and cooperation which this Article encourages in a complex area of human services being beyond the contractual situations contemplated by the Interagency Cooperation Act (Article 4413(32), Vernon's Texas Civil Statutes).

Technical Advisory Council for Planning and Operations

"Sec. 5. (a) The Technical Advisory Council for Planning and Operations is established. The chief executive officers or their designees of the Central Education Agency, Department of Mental Health and Mental Retardation, State Commission for the Blind, and the Texas School for the Blind serve as ex officio members of the council. In addition, the administrator shall appoint a member of the faculty of a college or university which specializes in the area of training for the blind and two representatives of nonprofit organizations which provide services for the visually handicapped to serve on the council.

"(b) Lay members of the council serve for terms of two years, receive no compensation, and are entitled to reimbursement for actual and necessary expenses incurred in performing their duties.

"(c) The administrator may appoint representatives of other public or private agencies to serve as advisors to the council and may authorize the reimbursement of their actual and necessary expenses incurred in serving the council.

"(d) The council shall serve as an interagency planning council for the coordination of services to the visually handicapped. The council shall assist the administrator in clarifying the statutory responsibilities and expectations of each agency and in determining which agency is primarily responsibile for serving a multiply handicapped blind individual.

Policy Board

"Sec. 6. (a) The Policy Board for Services to the Visually Handicapped is established.

"(b) The board is composed of 10 members appointed by the governor, with the following qualifications:

"(1) the president of a state organization of the blind to alternate every two years;

"(2) the president of the student body of the Texas School for the Blind or a visually handicapped student in a public school to serve as ex officio member;

"(3) the president of the state society of ophthalmology or the state association of optometry to alternate every two years;

"(4) a special education teacher who works with the visually handicapped at the Texas School for the Blind or in a public school to alternate every two years;

"(5) a parent of a multiply handicapped blind child;

"(6) a parent of a visually handicapped child;

"(7) a blind person not employed in rehabilitation or special education; and

"(8) three representatives of the general public.

"(c) Members of the board serve for terms of two years. Members do not receive a salary but are entitled to reimbursement for actual and necessary expenses incurred in carrying out their duties.

"(d) The board shall advise the administrator of the needs of the visually handicapped in this state, recommend methods of meeting those needs, and assist the administrator in evaluating state programs and services provided for the visually handicapped. The board shall also assist the administrator in establishing the policies, rules, and regulations required to implement the provisions of this Act."

Sec. 15. Title 89, Revised Civil Statutes of Texas, 1925, is amended by adding [25] an Article 5446b to read as follows:

"Art. 5446b. Central media depository for individuals unable to use ordinary print

Purpose

"Section 1. The purpose of this article is to enable the Texas State Library, the Central Education Agency, the State Commission for the Blind, volunteer organizations involved in the production of Braille or recorded materials for the blind, the Library of Congress, and related types of organizations to work together more closely and effectively, with minimum cost, through establishing a comprehensive central state depository for Braille, large print, slow speed records and machines, tape recordings and tape players, and related forms of communicative media. It is the intent of this article to allow various agencies and organizations interested in and responsible for such services to work together cooperatively in one facility, without requiring one central management.

Creation of central media depository

"Sec. 2. The creation in Austin of a central media depository of materials and devices required by blind and visually handicapped individuals, or by other individuals who are unable to use ordinary printed materials, is hereby authorized.

Coordination

"Sec. 3. The establishment and operation of the central media depository shall be under the general supervision of the Governor's Coordi-

25. Vernon's Ann.Civ.St. art. 5446b.

nating Office for the Visually Handicapped. Specific arrangements for administrative support, sharing of staff and equipment, and related matters involved in the operation of this facility shall, subject to the approval of the Governor's Coordinating Office for the Visually Handicapped, be developed, periodically evaluated, and from time to time modified by the agencies and organizations using or occupying space in the central media depository.

Ancillary services

"Sec. 4. The Governor's Coordinating Office for the Visually Handicapped shall allow the central media depository to be used for the repair of special media and equipment required by individuals who are unable to use ordinary print for research and demonstration, for training, and for the production by volunteer organizations of materials in special media.

Funding

"Sec. 5. The costs of the special media depository, including initial costs of establishment and recurrent costs of operation, shall be defrayed through such sums as the legislature might appropriate for these purposes, through such grants, gifts, bequests, and donations as the cooperating agencies might receive for the establishment and support of the special media depository, through reasonable fees charged for services not customarily available without charge through any of the using or occupying agencies or organizations, and through such budgets as might be developed by the cooperating agencies and organizations through the use of interagency contracts and agreements."

Sec. 16. Title 20, Revised Civil Statutes of Texas, 1925, is amended by adding [26] a new Article 664—5, to read as follows:

"Art. 664—5. Pilot Program for Purchase of Blind-Made Products and Services

Purpose

"Section 1. (a) The purpose of this article is to further the State of Texas' policy of encouraging and assisting handicapped citizens to achieve maximum personal independence by engaging in useful and productive activities.

"(b) This article is additionally based on legislative findings that:

"(1) the program herein established will result in job opportunities needed by multiply handicapped blind persons who, unless provided with such employment opportunities, have no practical alternative other than to become lifetime, nonproductive residents of state institutions; and

"(2) the immense savings in costs of permanent institutionalization of such multiply handicapped blind persons will greatly exceed the nominal costs of the program hereby established.

"(c) The further purpose of this article is to research, demonstrate, and develop approaches through which the state's purchase of blind-made goods and services may, if shown to be sound and effective in meeting the needs of severely handicapped individuals, be generally extended to disability groups other than the blind.

26. Vernon's Ann.Civ.St. art. 664—5.

Texas Committee on Purchases of Blind-Made Products and Services

"Sec. 2. There is hereby established a committee to be known as the Texas Committee on Purchases of Blind-Made Products and Services (hereinafter referred to as the committee) to be composed of a private citizen conversant with the problems incidental to the employment of the blind, a representative of a sheltered workshop for the blind organized under the laws of the State of Texas, a representative of a sheltered workshop organized under the laws of the State of Texas for the purpose of serving disability groups other than the blind, a representative of a volunteer organization operated primarily for the purpose of serving a disability group or groups other than the blind, and a representative of each of the following agencies or departments of the government of the State of Texas: the State Board of Control, the department of any state-supported institution of higher education offering an advanced degree in vocational rehabilitation counseling, the department of the Central Education Agency concerned with vocational education or with special education, the State Commission for the Blind, and the State Department of Mental Health and Mental Retardation. The members of the committee shall be appointed by the administrator of the Governor's Coordinating Office for the Visually Handicapped for terms of two years expiring on January 31 of odd-numbered years, shall serve without compensation other than reimbursement for expenses actually incurred in the performance of services performed in connection with the work of the committee, and shall designate one of their number to be chairman. A member of the committee who is unable personally to attend a scheduled meeting of the committee may designate a person from his agency or department to represent him at the meeting.

Fair market price, determination, revision; distribution of orders

"Sec. 3. It shall be the duty of the committee to determine the fair market price of all suitable products and services manufactured by the blind and offered for sale to the various agencies and departments of the government of the State of Texas and of the political subdivisions of the state by any nonprofit agency for the blind organized under the laws of the State of Texas and recognized by the State Commission for the Blind as capable of contributing to the purposes of this article, to revise such prices from time to time in accordance with changing market conditions, and to make such rules and regulations regarding specifications, time of delivery, authorization of a central nonprofit agency to facilitate the distribution of orders among agencies for the blind, and other relevant matters of procedure as shall be necessary to carry out the purposes of this article. The needs of various state agencies shall be processed by requisition through the State Board of Control and in accordance with those rules and regulations to be established by the State Board of Control.

Procurement at determined price

"Sec. 4. All suitable products or services hereinafter procured in accordance with applicable state specifications by or for any state department or agency, including agencies and departments of political subdivisions, shall be procured from such nonprofit agencies for the blind in all cases where such products or services are available within

the period specified at the price determined by the committee to be the fair market price for the products or services so procured, unless otherwise specifically provided by the Constitution of the State of Texas.

Technical consultation from governor's budget office and Legislative Budget Board

"Sec. 5. In carrying out the duties specified in this article, the committee shall have available to it technical consultation by representatives of the governor's budget office and the Legislative Budget Board on matters relating to the cost-benefit consequences of this program for the government of the State of Texas, and such representatives of the governor's budget office and the Legislative Budget Board shall have complete access to all records pertinent to the program herein established and shall make such reports to the legislature as they might from time to time deem indicated.

Coordination with Texas Department of Corrections

"Sec. 6. It is the intent of the legislature that there be close cooperation between the committee and the Texas Department of Corrections in furthering the purposes of this article and in contributing to the economy of state government. To these ends, the committee and the Texas Department of Corrections are authorized to enter into such contractual agreements, cooperative working relationships, or other arrangements as might be determined necessary for effective coordination and the efficient realization of the objectives of the committee and the Texas Department of Corrections.

Correlation with related federal programs

"Sec. 7. The committee is expressly authorized to adopt, insofar as applicable, procedures, practices, and standards utilized by any presently existing or subsequently authorized federal program of like effect to the state program herein established.

Feasibility study; reports; and recommendations

"Sec. 8. As part of its activities under this article, the committee shall study the feasibility of extending the program herein established to severely handicapped individuals whose disabilities are not of a visual nature. The study shall include an assessment of the potential market of the State of Texas and its political subdivisions for goods and services manufactured by severely handicapped individuals in nonprofit, sheltered workshop facilities throughout Texas, estimated number of individuals who might benefit from an extension of the program and who are not being effectively served through other available state-supported programs of education and special services for the handicapped, consideration of the manufacturing capabilities of sheltered workshops throughout the state, and consideration of additional costs, if any, or additional savings, if any, accruing to the state's general revenue fund in the event of the program's expansion. The committee shall report its findings to the governor and the legislature, together with the committee's specific recommendations as to any indicated statutory changes and timetables for the implementation and administration of an expansion of the program, if the committee recommends expansion of the program in the future.

Research

"Sec. 9. In order to conduct the feasibility study authorized in Section 8 of this article, the committee and cooperating sheltered workshops are authorized to utilize the labor and services of individuals with various types of disabilities of a nonvisual nature in manufacturing goods and services for the State of Texas and its political subdivisions.

Rules

"Sec. 10. The Governor's Coordinating Office for the Visually Handicapped is authorized, following consultation with and recommendation by the committee, to promulgate such rules as might be necessary for the effective implementation and administration of this article."

Sec. 17. Section 13, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664—3, Vernon's Texas Civil Statutes), is amended [27] to read as follows:

"Sec. 13. The following manufactured products, if they meet the state specifications as to quantity, quality, and price, shall have preference in purchases made of those types of items by the Board:

products of workshops, organizations, or corporations whose primary purpose is training and employing mentally retarded persons or physically handicapped persons."

Sec. 18. Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664—3, Vernon's Texas Civil Statutes), is amended by adding [28] Section 13B to read as follows:

Not applicable to blind-made goods or services

"Sec. 13B. The foregoing provisions of this Act are not applicable to state purchases of blind-made goods or services when such blind-made goods or services are offered for sale to state agencies and departments, or agencies and departments of political subdivisions, as a result of efforts made by the Texas Committee on Purchases of Blind-Made Goods and Services acting in accordance with legislation applicable to the committee."

Sec. 19. Section 11.06, Texas Education Code, is amended [29] to read as follows:

"**Sec. 11.06. Functions and Purposes of Texas School for the Blind**

"The Texas School for the Blind is constituted, funded, and operated for the following functions and purposes:

"(1) to provide educational services on a residential basis to blind children and youth who, for whatever reasons, are unable to obtain adequate educational opportunities in their local communities;

"(2) to provide short-term services to blind children and youth for the purpose of equipping such blind children and youth to be able to benefit from educational services available in their local communities;

"(3) to serve multiply handicapped blind children and youth who cannot be effectively assisted through community programs, but whose developmental capacities are such that it may not be convincingly demonstrated that the children and youth should appropriately be admitted to residential institutions operated by the State Department of Mental Health and Mental Retardation;

27. Vernon's Ann.Civ.St. art. 664—3, § 13.
28. Vernon's Ann.Civ.St. art. 664—3, § 13B.
29. V.T.C.A. Education Code, § 11.06.

"(4) to serve as the primary catalyst within the State of Texas for promoting greater excellence and relevance in educational services for blind individuals;

"(5) to serve as a resource to local school programs throughout the state in connection with the efforts of local school programs to serve blind and visually handicapped individuals effectively;

"(6) to serve as a mechanism for training and ongoing staff development for those who are involved in providing educational and closely related services to blind or visually handicapped children and youth in local communities throughout the state;

"(7) to serve as a research and demonstration facility through which new and improved methods of providing educational services are developed to meet the current and future educational needs of blind and visually handicapped children and youth and through which are developed new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve the educational problems of blind and visually handicapped children or youth; and

"(8) to cooperate with any and all other public or private organizations, as appropriate, in more effectively carrying out, through effective interagency coordination and vigorous interagency communication, those provisions of this code which relate to the education of the blind and visually handicapped, as well as those provisions of closely related state statutes."

Sec. 20. Chapter 11, Texas Education Code, is amended by adding[30] Sections 11.061, 11.062, and 11.063 to read as follows:

"**Sec. 11.061. Management and Supervision of the Texas School for the Blind**

"(a) There is established as the principal governing body for the Texas School for the Blind a five-member board consisting of five individuals designated by the membership of the State Board of Education from among its membership to serve in this capacity and to be known as the Board of the Texas School for the Blind. The State Board of Education shall cause the Board of the Texas School for the Blind to be constituted annually, designating members with a view toward assuring continuity and a progressively increasing knowledge and expertise about matters related to the operation of the Texas School for the Blind.

"(b) The chief administrative officer of the Texas School for the Blind shall be its superintendent, who is empowered to take all necessary and appropriate action to carry out the functions and purposes of the Texas School for the Blind, pursuant to such general policies as the Board of the Texas School for the Blind might from time to time prescribe, and subject only to a requirement of reporting not less than quarterly to the Board of the Texas School for the Blind as to his activities, progress in the implementation of general policies prescribed by the board, matters of programmatic exceptionality, general statistical summaries of services provided by the Texas School for the Blind during the period covered by the report, budget matters of major consequence or concern, and such additional matters as the Board of the Texas School for the Blind might from time to time request to be specifically covered in the superintendent's reports.

30. V.T.C.A. Education Code, §§ 11.061 to 11.063.

"(c) The superintendent and Board of the Texas School for the Blind are to function, insofar as possible, in a posture, attitude, and capacity equivalent to the manner in which the superintendent and board of a local independent school district function.

"(d) The Board of the Texas School for the Blind shall establish and not less than semi-annually meet with two advisory committees, the nature and composition of which shall be as hereinafter indicated, and both of which shall be available to the superintendent for consultation and assistance on request at any time.

"(e) There shall be an educational advisory committee consisting of two teachers employed in classroom settings at the Texas School for the Blind, two teachers working primarily with blind and visually handicapped students in public school settings, and two staff of the Texas School for the Blind not employed in classroom settings.

"(f) There shall be a consumers advisory committee, consisting of the parents of two students attending the Texas School for the Blind, the parents of two blind children enrolled in public school programs, one former graduate of the Texas School for the Blind employed in a profession other than education, and one former student of the Texas School for the Blind successfully engaged in a vocation not normally requiring college training.

"(g) Members of the two advisory committees shall serve two-year terms, and shall be appointed by the Board of the Texas School for the Blind following consideration of such recommendations as might be made by the Superintendent of the Texas School for the Blind.

"(h) The Board of the Texas School for the Blind shall annually elect one of its members to serve as chairman.

"(i) Members of the advisory committees to the superintendent and Board of the Texas School for the Blind shall receive no salary for their services but shall be entitled to reimbursement for the actual and necessary expenses of their travel in providing services for the Texas School for the Blind.

"**Sec. 11.062. Business Office of Texas School for the Blind**

"(a) Within 30 days next following the date on which this section becomes effective, there shall be established on the campus of the Texas School for the Blind a business office to handle all fiscal, budgetary, purchasing, and personnel matters incidental to the operation of the Texas School for the Blind. The staff of the business office shall be appointed by the Board of the Texas School for the Blind on recommendation of the superintendent. The staff of the campus business office shall, at a minimum, include a qualified business manager, a well-qualified accountant, a purchasing and supply officer, a personnel clerk, an accounting clerk, and a capable secretary or clerk-typist.

"(b) The Board of Education is directed to transfer to the School for the Blind, for defraying the costs of its campus business office, such sums as might be necessary out of amounts appropriated and expended for the operation of the agency's special schools business office. If employees designated by the Board of the Texas School for the Blind to staff the campus business office are selected from among Central Education Agency staff assigned to its special schools business office, there shall be no reduction in the total number of business office staff employed on the payroll of the Central Education Agency unless the Board of Education, on recommendation of the Commissioner of Education, determines that a reduction in force is necessary for reasons unrelated to the estab-

lishment of a campus business office at the Texas School for the Blind. If employees designated by the Board of the Texas School for the Blind to staff the campus business office are selected from positions other than those presently existing in the special schools business office of the Central Education Agency, there shall be a reduction in the staff of the special schools business office proportionate to the cost of establishing the campus business office at the Texas School for the Blind.

"(c) Appropriate classification levels of staff assigned to the campus business office of the Texas School for the Blind shall be determined by the Commissioner of Education, following recommendations offered by the superintendent and following consultation with the State Classification Officer. The state comptroller shall pay the salaries of the employees of the campus business office on receipt of a letter from the State Classification Officer.

"(d) The staff of the campus business office of the Texas School for the Blind shall assist the superintendent in preparing and executing the school's operating budget, in preparing and defending the school's future budget requests before the State Board of Education and the legislature, and in developing and administering such grant proposals as might from time to time be submitted by the Texas School for the Blind to the federal government, other state agencies, and private organizations, subject only to such general policies as might be prescribed by the Board of the Texas School for the Blind.

"(e) Requisitions and vouchers duly issued by the campus business office of the School for the Blind to the State Board of Control and to the state comptroller shall be honored by the State Board of Control and the state comptroller.

"(f) With the concurrence of the superintendent and Board of the Texas School for the Blind, the campus business office may enter into such contractual arrangements as seem economical, efficient, and feasible regarding the use of electronic data processing equipment, cooperative arrangements for plant maintenance and groundskeeping, shared use of staff and physical plant, and related matters.

"Sec. 11.063. Staffing and Funding of School for the Blind

"(a) With the concurrence of the Board of the Texas School for the Blind, the superintendent is authorized to adopt a salary structure for the Texas School for the Blind with maximum levels not to exceed an amount equivalent to the maximum salary levels of the five local independent school districts offering the highest salaries, and not less than those of the Austin Independent School District, including consideration of employee benefits, being paid to staff employed for the special education of children with severely disabling handicaps.

"(b) The funding of the Texas School for the Blind shall consist of:

"(1) such amounts as might be specifically appropriated to the Texas School for the Blind by the legislature;

"(2) such sums as which the Central Education Agency might make available to the Texas School for the Blind pursuant to other provisions of this code;

"(3) budgets developed through contracts and agreements;

"(4) amounts received through gifts and bequests; and

"(5) payments from local school districts in an amount equivalent to the amount of ad valorem tax collections which would have been expended on each child sent to the Texas School for the Blind from within its geographical boundaries had the child been enrolled

in a program of special education offered by the local independent school district.

"(c) All amounts whatsoever and howsoever received by the Texas School for the Blind are hereby appropriated for expenditure in relation to the functions and purposes of the Texas School for the Blind as set forth in Section 11.06 of this code."

Sec. 21. Section 11.08, Texas Education Code, is amended [31] to read as follows:

"Sec. 11.08. Medical Services for the Texas School for the Blind

"Appropriate ophthalmological or optometric services shall be provided to examine and treat all students at the Texas School for the Blind in relation to their ophthalmic needs. Other specialty medical and psychological services shall be provided as needed."

Sec. 22. Chapter 11, Texas Education Code, is amended by adding [32] Section 11.071 to read as follows:

"Sec. 11.071. Travel and Clothing Expenses for Certain Blind Students

"Economically deprived children attending the Texas School for the Blind shall be entitled to the same clothing and travel benefits as are allowed under Section 11.051 of this code for economically deprived children attending the Texas School for the Deaf."

Sec. 23. Chapter 11, Texas Education Code, is amended by adding [33] Section 11.052 to read as follows:

"Sec. 11.052. Director of Education for the Visually Handicapped

"(a) With the approval of the State Board of Education, the commissioner of education shall appoint a Director of Education for the Visually Handicapped, who together with not less than three nor more than five qualified coordinators shall be primarily responsible for the development and administration of a comprehensive statewide plan for the education of the visually handicapped which will ensure that visually handicapped children have an opportunity for achievement equal to the opportunities afforded their peers with normal vision.

"(b) The director shall be responsible for:

"(1) the development of standards and guidelines for all special education services for the visually handicapped which the Central Education Agency is authorized to provide or support pursuant to the provisions of this code, including matters related to standards and accreditation;

"(2) the supervision of such field offices as might from time to time be established to assist local school districts in serving visually handicapped children more effectively;

"(3) the development and administration of special programs for children handicapped by both serious visual loss and serious hearing loss;

"(4) the evaluation of special education services provided for visually handicapped children by local school districts and the approval or disapproval of state funding of such services;

"(5) the maintenance of effective liason between special education programs provided for the visually handicapped by local school districts and related initiatives exerted by the Governor's Coordinating Office for the Visually Handicapped, the State Commission for the Blind, the Department of Mental Health and Mental Retardation, the

31. V.T.C.A. Education Code, § 11.08.
32. V.T.C.A. Education Code, § 11.071.
33. V.T.C.A. Education Code, § 11.052.

School for the Blind, and other related programs, agencies, or facilities as appropriate; and

"(6) the furnishing of such reports, data, statistical information, and perceptions as might be required by the Governor's Coordinating Office for the Visually Handicapped in order to validly measure and assess the impact of all educational programs affecting the blind and visually handicapped of the state, including programs of higher education funded to provide necessary manpower for this field.

"(c) The minimum components of the comprehensive statewide plan for the education of the visually handicapped developed, administered, and coordinated by the director and his staff shall include but not be limited to the following:

"(1) adequate provision for comprehensive diagnosis and evaluation of each school-age child having a serious visual impairment;

"(2) procedures, format, and content of the individualized written service plan for each such visually handicapped child;

"(3) emphasis on providing educational services to visually handicapped children in their home communities whenever possible;

"(4) methods to assure that visually handicapped children receiving special education services in local school systems receive, prior to being placed in a classroom setting or within a reasonable time thereafter, the compensatory skills training, communicative skills, orientation and mobility training, social adjustment skills, and vocational or career counseling required in order for such students to succeed in classroom settings and to derive lasting benefits of a practical nature from the education obtained in local school systems;

"(5) flexibility on the part of the local school systems to meet the special needs of visually handicapped children through:

"(A) specialty staff and resources provided by the local school district;

"(B) contractual arrangements with other qualified agencies, either public or private;

"(C) supportive assistance from regional service centers, field offices of the Central Education Agency, or adjacent school districts;

"(D) short-term or long-term services through the Texas School for the Blind or related types of facilities or programs;

"(E) other instructional and service arrangements approved by the director; or

"(F) any combination of the foregoing;

"(6) a statewide admission, review, and dismissal process;

"(7) provision for effective interreaction between the visually handicapped child's classroom setting and his home environment, including provision for parental training and counseling either by local school personnel or by representatives of other organizations directly involved in the development and implementation of the individualized written service plan for the child;

"(8) a requirement for the continuing education and professional development of local school district staff providing special education services to the visually handicapped;

"(9) adequate monitoring and precise evaluation of special education services provided to visually handicapped children through local school districts; and

"(10) a requirement that local school districts providing special education services to visually handicapped children develop procedures for assuring that staff assigned to work with the visually handicapped children have prompt and effective access directly to resources available through cooperating agencies in the area, through the Texas School for the Blind, through the Central Media Depository, the Comprehensive Diagnostic and Evaluation Center, sheltered workshops participating in the state program of purchases of blind-made goods and services, and related types of resources.

"(d) In developing, administering, and coordinating the statewide plan for the education of the visually handicapped, it shall be the duty of the director to encourage the use of all pertinent resources, whether such resources exist in special education programs or in closely related programs operated by other public or private agencies, through encouraging the development of cooperative working relationships and by assisting in the development of contractual arrangements between local school districts and other organizations, and it shall be the duty of the director to discourage interagency competition, overlap, and duplication in the development of specialized resources and the delivery of services."

Sec. 24. Chapter 11, Texas Education Code, is amended by adding [34] Section 11.161 to read as follows:

"Sec. 11.161. Educational Programs for Blind Adults

"The Central Education Agency shall establish and develop a state program for the education of blind adults, according to the same criteria, standards, and guidelines as used in providing educational services to the adult deaf pursuant to Section 11.16 of this code."

Sec. 25. Chapter 16, Texas Education Code, is amended by adding [35] Section 16.161 to read as follows:

"Sec. 16.161. Responsiveness to Special Needs of Blind and Deaf Children

"In addition to the meaning of certain terms defined in the foregoing Section 16.16 of this code, when comprehensive special education services are required for children with serious visual or hearing handicaps or a combination of such handicaps, the following terms, in addition to continuing to have their usual defined meaning to the extent not inconsistent with the language of this chapter, shall have the following meanings:

"(1) 'Exceptional children' includes children from date of birth through age 22, inclusive;

"(2) 'Special services' includes parental counseling and training, competent orientation and mobility training, and express authority to provide nonacademic services either directly or through contract or working arrangements with other organizations, either within or without the classroom."

Sec. 26. Section 3, Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 3207a, Vernon's Texas Civil Statutes), is amended [36] to read as follows:

Executive director; other workers

"Sec. 3. The Board of the State Commission for the Blind may appoint and fix the compensation of an executive director, assistant executive director, and such other workers as may be necessary to make effective

34. V.T.C.A. Education Code, § 11.161.
35. V.T.C.A. Education Code, § 16.161.
36. Vernon's Ann.Civ.St. art. 3207a, § 3.

the purposes of the State Commission for the Blind within the appropriations available. Upon undertaking specific activities supportive of programs of special education and vocational education for the blind and visually handicapped, the Board of the State Commission for the Blind is authorized to employ a total of five individuals in exempt positions, to consist of the executive director and assistant executive director, a deputy director for cooperative programs with other agencies and departments of the state or of its political subdivisions, a deputy director for technical and consultative services to private organizations and special resource facilities within the field, and a deputy director for the regular programs of the agency. The salaries and related costs of these positions may be paid out of the general funds of the agency, out of special grants received by the agency, or through funds becoming available under interagency agreements. The Board of the State Commission for the Blind may establish the salaries of these exempt positions in amounts not to exceed the average amounts paid for equivalent positions in any other five state agencies engaged in the direct extension of state-supported services to eligible individuals."

Sec. 27. Section 2a, Chapter 80, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 3207a, Vernon's Texas Civil Statutes), is amended by adding [37] Subsection (e) to read as follows:

"(e) The State Commission for the Blind and other concerned state agencies or instrumentalities may not refuse to enter into any interagency agreement developed for the purpose of advancing the declared policies of the State of Texas regarding the rehabilitation or education of the blind and visually handicapped. Such agreements shall be negotiated and undertaken with a view toward extending and improving the types of services regularly, routinely, currently and effectively being carried out by state-supported agencies and instrumentalities directly at the time of the effective date of this subsection. The programs or services so developed through interagency agreements or contracts shall be implemented with due consideration to making efficient use of all available specialty and fiscal resources, and with careful attention being first given to avoiding unnecessary duplication, overlap, or redundancy in the respective efforts of state-supported organizations or instrumentalities."

Sec. 28.[38] (a) There is appropriated to the Governor's Coordinating Office for the Visually Handicapped the sum of $300,000 from the General Revenue Fund, to be used during the biennium ending August 31, 1977, for the purposes of this Act.

(b) There is appropriated to the Governor's Coordinating Office for the Visually Handicapped any federal funds that become available to it to be used during the biennium ending August 31, 1977, for the purposes of this Act, including the construction of facilities to be operated on an interagency basis.

(c) The legislature intends that the Governor's Coordinating Office for the Visually Handicapped and all other state agencies carrying out activities significantly affecting the lives of visually handicapped citizens of this state enter into any cooperative agreements and interagency contracts that are expedient or necessary to assure the most effective use of all available resources.

Sec. 29. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative

37. Vernon's Ann.Civ.St. art. 3207a, § 2a, subsec. (e).

38. Vernon's Ann.Civ.St. art. 4413(202) note.

public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 29, 1975: Yeas 125, Nays 7; and that the House concurred in Senate amendment to H. B. No. 1673 on May 31, 1975: Yeas 136, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas; passed by the Senate on May 31, 1975: Yeas 31, Nays 0; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Approved June 21, 1975.

Effective June 21, 1975.

PRISONERS—AMOUNT OF MONEY ON RELEASE OR DISCHARGE

CHAPTER 735

H. B. No. 1688

An Act relating to the amount of money an inmate is entitled to receive when released or discharged from a penitentiary; amending Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes); and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes), is amended [39] to read as follows:

"Sec. 28.

"When a convict is entitled to a discharge from the State penitentiary, or is released therefrom on parole or conditional pardon, the Director of Corrections or his Executive Assistant shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving convict's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such description of the convict as may be practicable. He shall be furnished, if needed, suitable civilian clothes, and all money held to his credit by any official of the Texas Department of Corrections shall be delivered to him.

"The amount of money which a convict is entitled to receive from the State of Texas when he is discharged from the State penitentiary or released from the State penitentiary on parole or conditional pardon shall be $200."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative

39. Vernon's Ann.Civ.St. art. 6166z1.

Report of 12/16/76 meeting by Lex Frieden

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On Thursday, December 16, 1976, the Director and Assistant Directors of the Texas White House Conference on Handicapped Individuals, the State Conference Moderator, and the Issue Presentors from the San Antonio Conference met with the First Lady of Texas, Mrs. Dolph Briscoe, in the Governors Mansion in Austin. The meeting was held to discuss the implementation of plans for solving the problems relating to handicapped individuals in the State of Texas. Also present at the meeting and assisting with the plans were Mr. Jess Irwin, Commissioner of the Texas Rehabilitation Commission, and representing the State Commission for the Blind.

At the meeting, Mrs. Briscoe reinterated the Governors interest in the important issues developed at the State Conference. She also expressed her own commitment to working with handicapped individuals who are citizens of Texas in an effort to eliminate barriers which may interfere with their full participation in society.

Each person present agreed to assume certain responsibilities, including the documentation of specific issues which require immediate attention. Since many of these issues involve the legislature, it was suggested that interested individuals approach their respective representatives to develop support for future action involving the handicapped. A decision was made by the group to meet again in late January or early February. Before the meeting was adjourned, everyone present agreed to continue working together with the same commitment and spirit of unity that characterized the first State Conference on Handicapped Individuals.

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At the meeting, Mrs. Briscoe reiterated the Governors interest in the important issues developed at the State Conference. She also expressed her own commitment to working with handicapped individuals who are citizens of Texas in an effort to eliminate barriers which may interfere with their full participation in society.

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The White House Conference on Handicapped Individuals Texas Conference

Sam D. Millsap, Sr. Director
A. J. Bob Blase Assistant Director
Marolyn Stubblefield Assistant Director

TO : Governor's Planning Committee for Handicapped Individuals

FROM : Sam Millsap, Director

SUBJECT: Meeting

DATE : January 14, 1977

At our meeting in December we set the tentative time for our next meeting for 21 - 22 January, 1977. Because of our lack of funds after paying the State Conference bills, we are unable to hold the meeting as scheduled. Funds for travel expenses exist while those for per diem expenses do not. Since committee members and White House Conference Delegates live in far flung parts of the State, we do not feel it is fair to expect everyone to pay expenses. Plans for alternate funding are being developed, and a meeting within the next six weeks is our goal.

The Newsletter is well on its way. Jim Grey has agreed to be co-editor with Marolyn. They will meet in Ft. Worth on 20 January to get the first edition copy ready. If you have any last minute additions, get in touch with Jim or Marolyn.

Each of you needs to send a list of the priorities for spring activities to Marolyn as soon as possible. Because of lack of funds, we will have to plan in a long distance way. Send a list with explanations outlining the five most important activities for our State effort.

Enclosed is a list of who and where we are.

SM/MS/rp
Enclosure

1222 N. Main Suite 711 San Antonio, Texas 78212 (512) 223-3831

The first meeting of the Governor's Planning Committee for Handicapped Individuals was held on December 16, 1976 at the Governor's Mansion.

Sam Millsap, Chairman, opened the meeting by bringing the group up to date on White House Conference activities since the State Conference and by thanking the Governor and Mrs. Briscoe for their support. Mrs. Briscoe expressed her concern for the effort of holding an annual Texas Conference on Handicapped Individuals and of establishing an office for the handicapped out of the office of the Governor by asking for the group's ideas.

Ideas were shared about the next phase of the project and included an active role in the Legislative Session to insure stability and continuance of the Conference, maintaining the perspective of all handicapped individuals working together, and coordinating with all State Agencies to increase their efforts on behalf of all handicapping conditions.

Specific recommendation for legislation was to research and recommend how an office to advocate for all handicaps should be established. A Legislative Committee consisting of Pat Pound, Jim Grey and Lex Frieden was named to follow up on this recommendation. They were further charged with coordinating the recommendations from the State Conference which should be drafted as new legislation or which call for effective enforcement of existing legislation.

Jess Irwin announced the ability of the Texas Rehabilitation Commission to implement a program of extended living and working for handicapped individuals. This new program was greeted with a great deal of enthusiasm. Mr. Irwin further advised the group of their potential role as a link between consumers and State Agencies, encouraging us to advocate on behalf of all handicaps.

The establishment of a newsletter to be published quarterly and sent to the White House Conference participants, public officials, consumer groups, providers of services, and concerned citizens was discussed. This effort was considered crucial to follow-up the State Conference as well as to maintain communication of the project's efforts. Marolyn Stubblefield was named Editor and the regional chairpersons were named to gather news items from their areas. It is hoped that the first edition will be printed by February 1, 1977, through Goodwill Rehabilitation Service of San Antonio.

Efforts to coordinate with existing programs were stressed. The Developmental Disabilities Advocacy and Protective Services System sponsored by the State Bar of Texas seems to be parallel to the White House Conference. Marolyn Stubblefield will contact Dale Bebee, Director, and attempt to integrate the efforts of the two groups. Jim Grey discussed the need to get involved with President-Elect Carter's transition teams and volunteered to investigate this opportunity.

The next meeting was scheduled for 21 - 22 January. Friday afternoon, the 21st, is to be a work session for the group to establish priorities and a strategy for successful continuation of our efforts. On Saturday, the 22nd, the newly elected Delegates to the White House Conference in May are to meet, receive an orientation, to follow-up plans, and participate in an advocacy workshop. Further information will be made available concerning the meeting.

Marolyn Stubblefield

Marolyn Stubblefield
Assistant Director

MS/rp

January 10, 1977

Governor's Planning Committee

A. J. Bob Blase	3838 Pleasanton Road San Antonio, Tx. 78221	512 - 924-6111
Mary Ann Board	8903 C. E. King Parkway #111 Houston, Tx. 77044	713 - 527-9561
Janey Briscoe	Governor's Mansion Austin, Tx. 78711	512 - 475-2121 Tex-An 822-2121
Lex Frieden	9667 Meadowvale Houston, Tx. 77713	713 - 797-1440 781-8949
Jim Grey	3400 Hulen Ft. Worth, Tx. 76107	817 - 737-6661
Charles Hoehne	Commission f/t Blind 314 W. 11th Street Austin, Tx. 78711	512 - 475-3872 Tex-an 822-3872
Jess Irwin	Texas Rehab. Commission 7745 Chevy Chase Drive Austin, Tx. 78731	512 - 452-8192 Tex-An - 823-4201
Muriel La Blanc	Texas Rehab. Commission 2209 Calder Beaumont, Tx. 77701	Tex-An 855-8235 713 - 835-2511
Sam Millsap	1222 N. Main Ave. Suite 711 Cypress Tower San Antonio, Tx. 78212	512 - 223-3831 Tex-An -826-5318 512 - 656-0161

Governor's Planning Committee

Pat Pound	Criss Cole Rehab. Center 4800 N. Lamar Austin, Tx. 78756	512 - 454-4721 Tex-An - 828-8175
Marolyn Stubblefield	1222 N. Main Ave. Suite 711 Cypress Tower San Antonio, Tx. 78212	512 - 223-3831 Tex-An - 826-5318
Joe Villareal	3519 Link Valley #55 Houston, Tx. 77025	713 - 665-5450
Willis Williams	Goodwill Industries of Amarillo P. O. Box 4005 Amarillo, Tx. 79105	806 - 335-2375

HB 1673
TEXAS BILL OF RIGHTS FOR THE HANDICAPPED

GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED

DR. ROBERT J. WINN
EXECUTIVE DIRECTOR

DR. JOHN P. BEST
DEPUTY DIRECTOR

DOLPH BRISCOE
GOVERNOR

January 28, 1977

Mr. Lex Frieden
9667 Meadowvale
Houston, Texas 77063

Dear Mr. Frieden:

I have recently been contacted by Mrs. Pat Pound who I understand is a delegate to the White House Conference for the Handicapped. Mrs. Pound has talked with me several times about the Governor's Coordinating Office for the Visually Handicapped and its functions as well as the impact and implications of H. B. 1673. From what she has told me of the concerns and desires of the representatives of the White House Conference, I have the impression that the notion of an outside information service which makes it possible for a handicapped person to call one place to get a variety of advice, assistance, and information about services and resources would be very helpful. That type of Ombudsman and Individual Assistance Services is one of the central themes of this office, but it is applied only to the visually handicapped at this time. We can certainly see the value of broadening the scope of such services to encompass all disability groups. In fact, two sections of H. B. 1673 have very definite impact on persons with all types of disabilities. One such section is the portion which prioritizes services in such a manner to guarantee that the hard-core handicapped receive badly needed services. Another example is the blind-made products section which authorizes the piloting of programs for all handicapped individuals.

Mrs. Pound has asked that I touch on these matters and also that I send you some specific information materials which we have in our office. The materials should be helpful in getting a clearer picture of what a new agency such as ours does. Included in the materials are:

1. Open Letter Regarding the Governor's Coordinating Office for the Visually Handicapped

2. Summary of Recommendations by GCOVH and Budgetary Impact of GCOVH Recommendations

3. Draft Document of Recommendations Regarding State Services to the Visually Handicapped

WESTGATE BLDG. SUITE 1004 AUSTIN, TEXAS 78701 512-475-7064

It is our hope that your perusal of these materials will reveal that we have been careful, thorough, and objective in assessing the present situation regarding the visually handicapped Texans. If this sort of effort were conducted on behalf of persons with other disabilities, undoubtedly, the impact of such ombudsman and individual assistance activities would be great.

I hope that this information is helpful to you and that it includes all of the materials which Mrs. Pound wanted me to explain and send to you.

If we can be of any help in answering questions about any of these materials, please let me know.

Sincerely,

John P. Best
Deputy Director

JPB/slv

Enclosures



GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED

DR. ROBERT J. WINN
EXECUTIVE DIRECTOR

January 5, 1977

DOLPH BRISCOE
GOVERNOR

OPEN LETTER
REGARDING THE
GOVERNOR'S COORDINATING OFFICE
FOR THE VISUALLY HANDICAPPED

TO WHOM IT MAY CONCERN:

In recent weeks numerous questions have been posed regarding this agency. Inquiries have been made to board members and staff by Legislators, handicapped persons, professional persons, advocates for the handicapped, various government and private agencies, parents of handicapped children, and numerous others. This document is in partial response to those questions. It also addresses the legislative mandate to provide accurate and timely information.

Rather than attempt to design many different responses to requests for fragmented pieces of information, this document is designed to respond to the questions which have arisen consistently. Any further amplification or information will be gladly provided upon request.

The questions and the unofficial informational responses to them are as follows:

I. WHAT IS THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED?

It is a state agency created by the 64th Texas Legislature after an exhaustive interim committee study of the needs of the visually handicapped.

II. WHAT ARE ITS MAJOR FUNCTIONS?

Advocacy for the visually handicapped;

Coordination of service effort planning;

Monitoring of agencies who provide services to the visually handicapped;

Catalytic activities to improve service quality and cost efficiency;

WESTGATE BLDG. SUITE 1004 AUSTIN, TEXAS 78701 512-475-7064

Technical information and assistance across agencies and systems;

Dissemination of information and individual assistance to visually handicapped persons, parents, and professionals; and

Reports and recommendations to the Governor and the Legislature.

III. DOES THIS OFFICE DUPLICATE THE EFFORTS AND RESPONSIBILITIES OF OTHER AGENCIES?

No. Its purpose is to promote responsible actions across agencies. The agency was created for this purpose because it has no vested interest in any service delivery bureaucracy. The GCOVH is mandated to identify the real needs of the handicapped and design recommendations which will meet those needs in an economical, yet effective manner. This agency does not provide direct services nor is it authorized to do so.

IV. WILL THE PRESENCE OF THE OFFICE RESULT IN GREATER COSTS TO THE STATE?

No. Just the reverse. By bringing extremely sophisticated professional expertise to bear on the situation, the office will cause the savings of millions of dollars, and at the same time cause both the quality and quantity of services to improve greatly. The GCOVH will make it possible to save these dollars by coordinating other service delivery agencies, thereby eliminating existing duplication, and further eliminating isolated planning by individual state agencies.

V. WHY WAS THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED CREATED ONLY FOR THE BLIND WHEN SO MANY OTHER HANDICAPPED PEOPLE HAVE NEEDS JUST AS PRESSING?

The office was seen by its sponsors as a pilot effort to perfect systems of improvement of a critical situation. It was felt that the blind are a manageable population with which to begin. The long range intent of the Legislature was to then expand the service to all handicapped groups. It was also recognized that a relatively small group such as the blind were greatly underserved and had a critical need for advocacy and identity.

VI. DOES THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED PROVIDE AN OMBUDSMAN OR CONSUMER INFORMATION SERVICE?

Yes. Visually handicapped persons can express viewpoints or concerns and secure information by calling the toll free number which is 1-800-252-9211.

VII. IS THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED ONLY INTERESTED IN CHILDREN'S PROGRAMS?

No. Its mandates and activities cover all ages. Its purpose is to design and improve systems which are directed at alleviating and removing the barriers of blindness. Because of the extreme need, children's programs have been addressed as one of the priority considerations of this agency.

VIII. HOW DO THE HANDICAPPED CITIZENS OF TEXAS FEEL ABOUT THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED?

Those who have been in communication with the board and the staff have been nearly unanimous in stating the following positions:

They have wanted such an advocate for years and are extremely pleased that it is now in existence;

They feel that the staff is very professional and is making excellent progress in their behalf;

They are very concerned because they have heard that this agency may not be financed in future years; and

They want the agency continued, expanded to include all handicapping conditions, strengthened and fully supported.

These concerns have been repeatedly expressed by the handicapped persons who made presentations at the Texas White House Conference for the Handicapped.

IX COULD SOME OTHER EXISTING STATE AGENCY ASSUME THE SAME FUNCTIONS AND DO THEM EFFECTIVELY, AND PERHAPS AT LESS COST:

No. Only an office which does not deliver direct services itself can provide the objectivity and responsiveness to consumer inquiry required to provide elected leaders with practical, realistic decision making options which reflect the true needs of the handicapped and at the same time make plans which are not influenced by bureaucratic territorial needs.

These informal responses will be followed in the near future with detailed position papers, an analysis of the position of handicapped Texans, legislative recommendations, and fiscal recommendations.

Thank you for your interest and concern regarding this crucial effort on behalf of handicapped Texans.

Sincerely,

Garland Wade

Garland Wade, Chairman
Governor's Coordinating Office
for the Visually Handicapped

GW/jan

THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED
Summary of Recommendations

Recommendation: The Governor and the Legislature reject Texas Education Agency's $22 million request for the establishment of a Regional Program for Visually Handicapped (Foundation School Program), but continue funding of programs for the visually handicapped through the Special Education-Foundation School Program for the biennium.

Recommendation: The Legislature and the Governor approve the hiring of 1 Director of Special Education for the Visually Handicapped (Exempt position - $28,500) and 1 Assistant Director of Special Education for the Visually Handicapped (Salary - $22,428) and 3 Coordinators of Special Education for the Visually Handicapped (Salary - $25,000 each) in the Texas Education Agency's Central Office of Special Education (Administration of Programs and Services) but require these individuals to meet certain personnel qualifications as outlined by the GCOVH.

Recommendation: The Legislature and the Governor approve $250,000 in FY 1978 for the development of a curriculum training package for personnel from the Education Service Centers by the Staff of the Texas Education Agency's Central Office of Special Education.

Recommendation: The Legislature and the Governor authorize $1.024 million to be distributed to the Education Service Centers for FY 1979 to pay salaries and overhead cost of educational specialists to serve the visually handicapped.

Recommendation: The Governor and the Legislature instruct the Texas Education Agency-State Textbook Division to expend at least $190,000 of its appropriation on tape cassette units, illustrated large print books, and computer Braille for visually handicapped students.

Recommendation: The Governor and the Legislature grant the School for the Blind $10.2 million for the biennium with instructions that the School submit to the Governor for approval by September 1, 1977, a plan which details the process of fulfilling the functions and purposes of the School as defined by H.B. 1673.

Recommendation: The Legislature and the Governor approve State Commission for the Blind-Criss Cole Rehabilitation Center's request for $2.3 million ($495,804 in general revenue funds) for the biennium with instructions that unused space be utilized to operate a pilot Diagnostic and Evaluation Center.

Recommendation: The Governor and the Legislature approve the $2 million biennial request ($340,000 in general revenue funds) of the State Commission for the Blind for initiation of a Cooperative Schools Project.

Recommendation: The Governor and the Legislature approve $3.3 million for the biennium ($667,484 in general revenue funds) for the State Commission for the Blind's Community Mental Health/Mental Retardation Cooperative Services Program.

Recommendation: The Governor and the Legislature encourage the Coordinating Board to approve Texas Tech University's application for initiation of a certified degree program to train educators dedicated to multihandicapped/visually handicapped children.

For further discussion of these Recommendations and for informational papers on Vocational/Career Education for the Visually Handicapped and the Texas State Library, please consult the report of The Governor's Coordinating Office for the Visually Handicapped, Recommendations Regarding State Services to the Visually Handicapped.

Budgetary Impact of GCOVH Recommendations

Recommendation	Agency Request	GCOVH Recommendation	Budgetary Impact
Texas Education Agency			
Foundation School Program	$ 22,560,000	-0-	-$ 22,560,000
Spec. Educ. Administration (A)	198,356	125,928	- 72,428
Spec. Educ. Administration (B)	-0-	250,000	+ 250,000
Education Service Centers	-0-	1,024,000	+ 1,024,000
Vocational Education	a	a	a
Textbook Division	a	a	a
Subtotal, TEA	$ 22,758,356	$ 1,399,928	-$ 21,358,428
Texas School for the Blind	$ 10,961,977	$ 10,961,977	-0-
Higher Education	a	a	a
Texas State Library	a	a	a
State Commission for the Blind			
Criss Cole Rehab. Center	$ 2,373,148	$ 2,373,148	-0-
Cooperative School Project	2,095,806	2,095,806	-0-
MH/MR Community Services	3,337,430	3,337,430	-0-
Subtotal, SCB	$ 7,806,384	$ 7,806,384	-0-
Total Impact of GCOVH Recommendations on Direct Service Agencies	$ 41,526,717	$ 20,168,289	-$ 21,358,428

Notes: a The recommendation is not directed at budgetary amounts, but at program considerations within a larger program. There is no fiscal impact.

THE GOVERNOR'S COORDINATING OFFICE FOR THE VISUALLY HANDICAPPED
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