

Texas Sunset Advisory Commission
Supplemental Comments on Health and Human Services Commission
On Behalf of Disability Rights Texas
November 13, 2014

Thank you for this opportunity to provide testimony during the Sunset process for the Health and Human Service Commission. These comments are on behalf of Disability Rights Texas (DRTx) and are being presented by Steven Aleman, Policy Specialist. My colleague, Susan Murphree, Sr. Policy Specialist, is providing general remarks. These comments add to her remarks but are limited to one point on Issue 1 and Staff Recommendation 1.1.

Federal law authorizes Disability Rights Texas to both advocate and protect the rights of persons with disabilities. That is, Disability Rights Texas is involved in ensuring that individuals in the community (a) receive the services and protections that will enable them to function as independently as they possibly can, and (b) are given the opportunity to move to a less restrictive community-based placement. (See www.disabilityrightstx.org)

Issue 1 – Consolidation of Health and Human Services Agencies

Regarding the federal-state vocational rehabilitation program for individuals with disabilities currently under DARS, we wish to bring to your attention certain federal requirements as you consider including DARS in a consolidated agency. Specifically, the federal Rehabilitation Act and the implementing federal regulations set out requirements for the designation of a state agency to administer the vocational rehabilitation program and we believe that the Sunset Commission should be mindful of these requirements to avoid unintended complications and compliance problems as it pertains to any new organizational structure that subsumes DARS.

The federal requirements that we base these remarks upon are located at Title 29 U.S.C. Section 721 and Title 34 C.F.R. Section 361.13. In short, these federal requirements allow states some flexibility but in essence Texas has one of two options: designate a state agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and is responsible for the administration of the state agency's vocational rehabilitation program, or designate an overarching agency which includes a vocational rehabilitation office that is located at an organizational level and has an organizational status comparable to that of other major organizational units of the agency. In other words, Texas may not relegate the vocational rehabilitation program to a division buried in the hierarchy of a mega agency. Any potential new iteration of DARS must be a peer.

The Commissioner of DARS and the DARS Council touch on the placement of DARS in any new organizational structure (see pages 40a – 40b of the staff report with hearing material).

Thank you for the opportunity to provide testimony on possible changes and enhancement of Commission staff recommendations. For more information, please contact Steven Aleman at saleman@disabilityrightstx.org.