

Texas Governor's Committee on People with Disabilities



**Policy Recommendations for the 2018-2019 Biennium
85th Legislative Session: January 2017**

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Texas Governor's Committee on People with Disabilities

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About the Texas Governor's Committee on People with Disabilities

The Texas Governor's Committee on Employment of the Handicap was created by Governor Allan Shivers in September 1950. The committee was continued by Governor Dolph Briscoe in 1978 through [Executive Order DB-40](#). Executive orders by Governor William P. Clements in 1981 ([WPC-14A](#)) and 1987 ([WPC 87-16](#)) and Governor Mark White in 1983 ([MW-10](#)) continued the committee, with Executive Order MW-10 changing the name to Governor's Committee for Disabled Persons. In 1991, the committee was statutorily created and named the Texas Governor's Committee on People with Disabilities (GCPD) by [Senate Bill 381](#). [GCPD](#) works toward a state where people with disabilities have the opportunity to enjoy full and equal access to lives of independence, productivity and self-determination. The governor appoints 12 members to serve on GCPD, seven of whom must be people with disabilities. Representatives from six state agencies serve as ex-officio or advisory members.

GCPD makes [recommendations](#) to the governor and the Texas Legislature on disability issues; promotes compliance with disability-related laws; promotes a network of local committees doing similar work; and recognizes employers for hiring and retaining employees with disabilities and media professionals and students for positively depicting Texans with disabilities. GCPD members and staff also provide technical assistance, information and referral services to citizens of Texas on issues affecting Texans with disabilities. Members of GCPD work on issues related to access, communication, education, emergency management, health, housing, recreation, transportation, veterans and workforce. GCPD's enabling law is outlined in the [Human Resources Code, Chapter 115](#).

Mission

GCPD's mission is to further opportunities for persons with disabilities to enjoy full and equal access to lives of independence, productivity and self-determination.

Key Services

GCPD recommends changes in disability policies and programs in the areas of accessibility, communication, education, emergency preparedness, health, housing, recreation, transportation, veterans and workforce. GCPD also supports a network of committees on people with disabilities, issues awards to promote greater awareness, and promotes compliance with disability-related laws.



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Executive Summary

The Texas Governor's Committee on People with Disabilities (GCPD) in accordance with its enabling statute, Title 7 Chapter 131, Sec. 115.009.(3), respectfully submits this report to the Governor and to the 85th Texas Legislature on recommended changes in state laws relating to persons with disabilities. This report offers guidance to the Governor and legislators on issues and challenges facing Texans with disabilities and GCPD's recommendations to best address these challenges.

Within this report GCPD provides information on goals, purpose, challenges and recommendations for each targeted policy or program issue area. GCPD believes that each recommendation should be actionable and promote access and equity toward lives of independence and self-determination for Texans with disabilities. To that end, GCPD offers recommendations that strive to address issues in a coordinated and comprehensive manner, leverage relevant partnerships to effectively take advantage of all available resources and implement strategies that maximize performance outcomes for people with disabilities.

Policy input was gathered from public hearings at GCPD's quarterly meetings, listening sessions with disability stakeholder groups and staff research directed by legislation requiring an interim study on accessible parking. GCPD's policy recommendations are organized into 10 primary issue areas related to access, communications, education, emergency management, health, housing, recreation, transportation, veterans and workforce. These policy recommendations, with the unanimous support of all committee members, focus on vital issues important to Texans with disabilities, including:

- providing affordable, appropriate and accessible housing;
- ensuring accessible, affordable, reliable and safe transportation;
- adjusting the physical and recreational environment for inclusiveness and accessibility;
- increasing work, volunteer and education opportunities;
- ensuring access to key health and support services; and
- fostering participation in civic, cultural and social activities.

Based upon stakeholder input and the needs of Texans with disabilities, some issue areas do not require any proposed changes to state law during this biennium. GCPD's most significant policy work is contained in the access

and communications issue areas and are provided through two supplemental reports posted on GCPD's website.

During the 84th Legislative Session, House Bill 1317 was enacted, charging GCPD to conduct a study on accessible parking. The study gathered information on the parking laws of other states and their best practices for accessible parking enforcement and education. Other elements of the study included data from two online surveys obtained from more than 7,500 participants and input from GCPD's August 2016 public hearing at the Capitol. This biennial policy report summarizes GCPD's 12 key parking recommendations and directs members of the Texas Legislature and policy advocates to GCPD's published parking report for more background and detail. The report is published on GCPD's website at: [A Review of Accessible Parking for Persons with Disabilities in Texas](#).

Another leading focus for GCPD has been improving access to effective communications for Texans who are Deaf or hard of hearing. Several policy proposals were developed and researched at the request of members of Deaf advocacy organizations, including the Texas Association for the Deaf and the Deaf Grass Roots Movement. GCPD's issue areas include recommendations to address unserved or underserved members of the Deaf community, including Texans who are DeafBlind, students who are Deaf and newborn children who failed a newborn hearing screening and are at greater risk for a developmental delay in language development. GCPD's recommendations also include support for a proposal to fully implement emergency communications technology and text-to-911 to support Deaf Texans statewide access to 911 emergency call centers.

GCPD strongly endorses our state's investment in the establishment and funding of a support service provider (SSP) program to assist DeafBlind Texans who have significant challenges and lack any public program to assist them in accessing their community. The Helen Keller National Center has identified an estimated 2,486 DeafBlind Texans. DeafBlindness is a disability in which a person not only has deafness, with their hearing impaired severely enough so that most speech cannot be understood with amplification, but who also has legal blindness. Significant and unique adaptations are often required for DeafBlind Texans to maintain their independence. The use of a SSP is critical to help DeafBlind Texans lead more independent lives. SSPs are specially trained professionals who enable people who are DeafBlind and who communicate with American Sign Language to access their environments and make informed decisions. They can provide individuals who are DeafBlind with visual and environmental information and communication accessibility. Common tasks performed by an SSP include helping a person who is DeafBlind go shopping at the grocery store, read their mail or help them participate in a public meeting. GCPD

published [A Report on Support Service Providers \(SSPs\)](#) that proposes the establishment of a state SSP program to meet the critical needs of Texans who are DeafBlind.

GCPD strives to identify and support the greatest unmet needs of Texans with disabilities that are often overlooked due to the low incidents rates of a specific disability population. In doing so, we encourage the State of Texas to invest in programs that will make the greatest impact in improving the lives of Texans with disabilities.

Respectfully submitted,

Ron Lucey
Executive Director

The Texas Governor's Committee on People with Disabilities (GCPD) offers the following recommendations for the 2018-2019 biennium and the 85th Legislature.

ACCESS

1. Designate GCPD with coordination responsibility among state agencies for the annual distribution of service animal education materials to public facilities and businesses operating within the state of Texas.
2. Encourage all state agencies to reach out to customers with complaints and ask if they might voluntarily disclose if they have a disability in order to help the state measure how well they are doing or determine where improvements need to be made.

COMMUNICATIONS

1. Establish a support service provider (SSP) program that includes training for SSPs so that services are provided in a standard and consistent manner.
2. Establish a pay rate for SSP services with a graded scale of wages similar to that of the Interpreter I, II and III career path.
3. Establish a voucher program to pay for SSP services.
4. Establish the funding source for the SSP program, noting any inherent obligations that may be associated with the source of funds (e.g., Medicaid funds, general revenues, etc.).
5. Establish an initial proposed budget of \$5.808 million for the SSP program.
6. Establish the fee for service in rule to facilitate future changes.
7. Designate a state agency to run the SSP program.
8. Require that the Texas Department of Licensing and Regulation create a "plain language" version of the Texas Accessibility Standards to better assist businesses and places of public accommodation to understand what is expected when making their businesses or facilities accessible.
9. Require plain language rewrites of legal documents, consumer education materials, letters and notices and regulations.
10. The Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ) should develop and distribute to appropriate individuals a policy that effectively informs offenders with communication disabilities, including those who are deaf and hard of hearing, of their rights regarding ADA effective communications procedures within the state's correctional facility system.
11. TDCJ should provide a reasonable modification to policy regarding the duration of phone calls/contacts where additional time may be allowed for offenders with communication disabilities based on the increased time

that may be required for communication provided through sign language interpreter services.

12. TDCJ should review and update all contracts related to offender telephone services so they coordinate and update standards to comply with ADA effective communications requirements and the use of video phones.
13. As the Texas Commission on Jail Standards (TCJS) has no oversight responsibility or jurisdiction over city jail facilities, information related to offender telephone services should be shared with the Texas Municipal League. This will provide coordination of information and allow for harmonization of standards among entities at all levels within the correctional facility community.
14. TDCJ should include a provision for video relay services (VRS) within existing and/or future contracts procured for offender telephone services.
15. TCJS should share information to those correctional facilities and entities within its information delivery system on including a provision for VRS within contracts for offender telephone services.
16. Approve a legislative appropriation to fund the complete implementation of the Text-to-911 program in all remaining areas of the state lacking this telecommunications service that is under the jurisdiction of the Commission on State Emergency Communications.
17. Provide oversight for compliance with Texas Government Code 2054, Subchapter M pertaining to accessibility requirements.
18. Ensure the State Auditor's Office state job classifications and job descriptions have language with preference to hire workers with knowledge, skills and abilities relevant to accessibility of information and communications technology for any state positions with substantial work related to web development, programming or information technology.

EDUCATION

1. Require a "language assessment" from ages 0–7 for every child who is Deaf or hard of hearing to ensure that they are on age appropriate language benchmarks. If the child who is Deaf or hard of hearing demonstrates a language delay, Early Childhood Intervention Services and/or the Texas Education Agency (TEA) must explain why the child is delayed and provide additional support as needed for the child.
2. Support the establishment of a volunteer Accessible Digital Curriculum and Learning Materials Advisory Committee to TEA consisting of accessibility and education subject matter experts.

EMERGENCY MANAGEMENT

1. Reclassify a vacant full-time employee (FTE) position or create a new FTE position within the Texas Division of Emergency Management to serve as

the disability coordinator to coordinate emergency management activities for people with disabilities.

2. Require that all local emergency management jurisdictions assign a local data custodian or develop a regional data custodian that will manage their State of Texas Emergency Assistance Registry (STEAR) data and make it available to first responders and local emergency managers in an emergency event.
3. Encourage all state health and human service agencies providing services to Texans with disabilities to discuss emergency preparedness and evacuation planning.

HEALTH

1. Establish a special commission or task force who will focus on the challenge of providing services to the growing population of older Texans coping with vision loss.
2. Establish requirements for certified medical interpreters that align with those for certified court interpreters.
3. Require the Texas Newborn Hearing Detection and Intervention (TEHDI) program to issue a letter to every parent of a child identified as Deaf or hard of hearing explaining risks in not providing access to language services at the earliest possible age.
4. Establish a TEHDI care coordinator for each health service region in the state.
5. Support increased community attendant care wages and benefits at a level necessary to attract and retain personal care attendants covered by state Medicaid waiver programs while facilitating consumer-directed care.

HOUSING

1. GCPD will promote adoption of accessible, affordable and transit-oriented housing in Texas through sharing of information and best practices.
2. GCPD will promote greater understanding of fair housing laws and work with the Texas Workforce Commission's Civil Rights Division to address housing discrimination complaints through education and civil rights housing investigations.

RECREATION

1. Consider legislation that requires each Texas county to install at least one "inclusive" playground, whether by means of new construction or through retrofit of an existing playground, so that it is ADA accessible and usable by children with disabilities.

TRANSPORTATION

1. Strengthen enforcement of accessible parking laws as follows:
 - a. Strengthen language in Texas Transportation Code, Title 7. Vehicles and Traffic, Subtitle H. Parking, Towing, and Storage of Vehicles - Chapter 681, Privileged Parking, Section 681.010 – Enforcement so that it is unequivocal in its mandate for all individuals with enforcement responsibilities to enforce accessible parking laws (i.e., change “may” to “shall” or “must”).
 - b. Bolster language in enforcement responsibilities as they apply to accessible parking on private property or areas of public accommodation as required by the ADA.
 - c. Reconsider judicial discretion to discourage frequent dismissal of accessible parking citations.
 - d. Consider mandatory towing for vehicles illegally parked in accessible parking spaces and have the violator bear the costs for towing in addition to any fines incurred.
2. Control accessible parking placard fraud and abuse through tighter laws and administrative remedies, such as:
 - a. cross-checking current disability placard holder lists against the state registry for death records and cancelling any placard for an individual identified as deceased.
 - b. requiring the next of kin of someone who has died to surrender the disability placard within 60 days after the death of the placard holder or be fined.
 - c. prioritizing enforcement of accessible parking placard fraud and abuse by establishing a task force for placard abuse enforcement or designating a state agency to assign resources to enforce current laws.
 - d. redesigning the disability parking placard to increase the tamper-resistance and comprehension of instructions on the placard.
3. Develop statewide public awareness on accessible parking and its impact on Texans with disabilities through public awareness campaigns.
4. Change the language in the Transportation Code from “Handicapped Parking” to “Accessible Parking” to align with the spirit of Texas Government Code, Chapter 392, Person First Respectful Language Initiative.
5. Promote the development of volunteer accessibility parking enforcement programs to improve statewide enforcement of accessible parking laws.
6. Improve accessibility for visitors and residents within the Capitol Complex area by:
 - a. installing sheltered accessible drop-off stations within the Capitol Complex perimeter;

- b. expanding overall parking availability by diagonally striping parallel parking spaces on the east side of the Capitol in front of the Texas State Library and Archives Commission Building; and
 - c. developing a map marking accessible parking spots in the Capitol Complex area and downtown Austin for residents and visitors who need accessible parking.
7. Amend Transportation Code § 681.011 Offenses; Presumption to permit alternative sentencing, which includes:
 - a. required education classes on disability awareness and accessible parking with a reduced fine upon completion of said education; and
 - b. community service/restitution requirements at a nonprofit organization that serves persons with disabilities or disabling diseases or any other community restitution that may sensitize the violator to the needs and obstacles faced by persons with disabilities.
 8. *Redefine the van accessible requirements in the Texas Accessibility Standards (TAS) for medical facilities to increase the number of van accessible spaces at these locations.
 9. *Update the TAS through legislation or rulemaking by:
 - a. painting the International Symbol of Accessibility in an accessible parking space if the space is paved; and
 - b. painting the words “No Parking” in access aisles if the space is paved.
 10. *Include on accessible parking signs regulatory language that informs of:
 - a. fines and penalties (e.g. \$550–\$1,100 fine); and
 - b. consequences of illegal parking in accessible parking spaces (Violators will be towed).
 11. Consider expanded statutory authority in Human Resources Code, Title 7, Chapter 115.009 based on New Mexico Statute § 28-10-3.3.D to grant additional authority to GCPD to:
 - a. provide education, training and assistance to law enforcement agencies and accessible parking enforcement volunteers on accessible parking enforcement; and
 - b. work with other state agencies to provide public education and awareness on accessible parking issues and compliance with accessible parking laws.
 12. Consider further study on the alignment of state law with federal law to conserve accessible parking privileges for those veterans with mobility disabilities rather than for any veteran with a disability who may not have mobility issues as prescribed in law (i.e., hearing loss or mental health disability).
- * This may require a change to the Texas Accessibility Standards (TAS), which would require the Texas Department of Licensing and Regulation to seek recertification of TAS by the U.S. Department of Justice.

13. Establish legislative authority for the display of "Driving with Autism" information materials, whether by digital/electronic or physical display of the information, whichever may be most suitable for the individual office location, at all Texas Department of Public Safety driver's license offices.

VETERANS

1. GCPD will monitor all legislation that will affect veterans with disabilities, share information with stakeholders and publish information on any changes to laws, policies or state programs on GCPD's key laws webpage.

WORKFORCE

1. Work with Texas state agencies to implement recommendations made by the Employment First Task Force.
2. Ensure that all state agency contracts include a provision that all contracted workers, including individuals with disabilities whose employment may be funded through Vocational Rehabilitation Services programs, are paid no less than the prevailing minimum wage.
3. Ensure that at the point an individual with a disability is moved from a sheltered workshop environment to integrated community-based employment, the integrated employment will be appropriately funded to provide the necessary long-term support, to include job coaching, to safeguard and allow for a successful integrated community employment outcome.
4. Create benchmark eligibility criteria for Disadvantaged Business Enterprise certification for individuals with a disability based upon their economically or socially disadvantaged status. Develop legislation that recognizes businesses owned by individuals with a disability as a Historically Underutilized Business and include supplier diversity language similar to the following Massachusetts law: [Chapter 219 of the Acts of 2016, SECTION 4.](#)

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Description of the Committee's Ten Policy Issue Areas

The Governor's Committee on People with Disabilities (GCPD) structures its work into ten broad issue areas: access, communication, education, emergency management, health, housing, recreation, transportation, veterans and workforce. A description for each issue area is provided where GCPD works to help citizens across the state access the programs and services they need or seek solutions for those problems that are identified.

Access

State and federal laws strive to guarantee that people with disabilities can access the same locations and services as the general population. GCPD reviews physical accessibility of facilities as well as programmatic accessibility of those entities that fall under [Title II of the Americans with Disabilities Act](#) (ADA), covering state and local governments, as well as entities covered under [Title III of the ADA](#), which applies to commercial facilities and business enterprises known as public accommodations. GCPD also looks at important sub-issues in this area, such as [accessible voting](#), [accessible parking](#) and [service animals](#). Key state and federal agencies that GCPD partners with include the [Texas Department of Licensing and Regulation](#) and the [U.S. Department of Justice](#) (DOJ).

Communications

Communication brings people together. Enabling easier and more efficient communications has benefits in the workplace, social settings and everyday life. In Texas, it is estimated that 357,574 people or 2.3 percent of the adult population have some form of hearing difficulty.¹ Add to this the number of children (ages infant–19) with hearing loss (1.4 per 1,000 babies screened; 5 per 1,000 children ages 3–17 years on parent-reported hearing loss; and 14.9 percent of children ages 6–19 years based on cross-sectional survey, in-person interview and audiometric testing), and the population of Texans with some form of hearing impairment becomes significant.

Effective communication must be provided, as necessary, to people with disabilities. This may occur when a person with a disability is applying for a job, attending a public meeting, speaking with his or her doctor or receiving

an emergency alert. For these reasons and more, accessible communication and the assistive technologies and services that make such communication possible are of vital importance and impact all of GCPD's issue areas. Communications areas that GCPD looks at include, but are not limited to, accessibility of websites, e-learning tools, emergency notifications and monitoring of new and emerging assistive technology devices. GCPD is also dedicated to promoting "[People First language](#)" which emphasizes the dignity of each person by putting the person before the disability in descriptive language. Key state and federal agencies that GCPD partners with are the [Texas Department of Information Resources](#), the [Federal Communications Commission](#) and the [U.S. Access Board](#).

Education

Students with disabilities can face educational challenges from the moment they begin preschool through the day they sit for a professional licensing examination. GCPD supports inclusion and accommodation of people with disabilities at all ages and levels of the educational process. GCPD's work in this area covers services provided under the [Individuals with Disabilities Education Act \(IDEA\)](#), including the special education process as administered by the Texas Education Agency; anti-discrimination under [Section 504 of the Rehabilitation Act of 1973](#); and accessible educational technologies. The key state and federal agencies that GCPD partners with are the [Texas Education Agency](#) and the [U.S. Department of Education](#).

Emergency Management

According to the Federal Emergency Management Agency (FEMA), since 1953, Texas has experienced more presidentially declared disasters than any other state.² Hazards faced by Texans over the years have ranged from severe rains and catastrophic flooding from hurricanes and tornadoes to icy winter storms and deadly freezes to extreme droughts and devastating wildfires. GCPD covers all aspects of emergency management for Texans with disabilities, including planning for natural, man-made and public health-related disasters. GCPD plays an instrumental role in the Texas Disability Task Force on Emergency Management, a functional needs and support services advisory committee at the [Texas Division of Emergency Management \(TDEM\)](#). This interdisciplinary committee of experts continually updates comprehensive guidance on meeting the needs of the whole community, including citizens with functional and access needs, during all phases of an emergency. The key state and federal agencies that GCPD partners with are TDEM, the Texas Department of Public Safety, the [Texas Health and Human Services](#)

[Commission \(HHSC\)](#), the Texas Department of State Health Services (DSHS), [FEMA](#) and the [U.S. Department of Homeland Security](#).

Health

GCPD is dedicated to promoting health and wellness among Texans with disabilities, including those who face barriers to quality healthcare, whether they be attitudinal, communication, physical, policy, programmatic, social, financial or transportation barriers. According to the United Cerebral Palsy's *2016 Case for Inclusion* annual report, which tracks state community living standards for individuals with intellectual and developmental disabilities, Texas ranked Nos. 50/51 in overall rankings for 2015 and 2016.³ With a growth rate of a quarter million people each year through domestic migrations and immigration⁴ and the aging of the Baby Boomers, so that 5.9 million or 19.4 percent of the state's total population will be over 64 years of age in 2030⁵, the demand for health care services in Texas will only increase. GCPD provides analysis and guidance on access to the health care system, including health insurance, public benefit programs such as Medicaid and Medicare and physical accessibility to medical facilities and on-site medical equipment. Also, GCPD addresses mental health issues of individuals with psychiatric disabilities and provides resources and services in this area. Finally, GCPD favors solutions that allow Texans to age-in-place gracefully in their own homes or with their families so that more time can be spent independently in a familiar environment with the support of family and the local community. The key state and federal agencies that GCPD partners with are the [HHSC](#), [DSHS](#), the [Texas Workforce Commission's \(TWC\) Vocational Rehabilitation Services](#), the [Texas Department of Aging and Disability Services](#) and the [Centers for Medicaid and Medicare Services](#).

Housing

Historically, people with disabilities were segregated and isolated from society as they were diverted to live in state-operated institutions or group homes. With the de-institutionalization movement in the 1960s, the birth of the disability rights movement in the 1970s and shifts toward integration in the 80s and 90s⁶, culminating with the Olmstead decision in 1999 requiring community integration, requirements for accessible housing were legislated for people with disabilities. Today, affordable, accessible housing allows Texans with disabilities to live independently within their local communities. GCPD promotes the availability of accessible housing, whether these homes are within a multi-family housing complex or are single family dwellings that lawfully comply with the [Fair Housing Act](#) and [local visitability ordinances](#).

GCPD provides information on housing discrimination laws, home modifications, financial assistance for housing and tax credits and exemptions. The key state and federal agencies that GCPD partners with are the [Texas Department of Housing and Community Affairs](#), TWC's Civil Rights Office and the [U.S. Department of Housing and Urban Development](#).

Recreation

Recreation provides a positive impact on the physical, mental and social health of all Texans. GCPD supports accessible recreational opportunities for Texans with disabilities and provides information on physical access to recreational facilities, including parks, sports arenas and arts and entertainment venues. GCPD applauds the involvement of people with disabilities in recreational pursuits ranging from individual and team sport competitions to the performing and visual arts. The key state and federal agencies GCPD partners with are the [Texas Parks and Wildlife Department](#) and the [U.S. Access Board](#). Also, independent organizations contracted by the [U.S. Department of the Interior](#), such as the [National Park Service](#) and the [National Center on Accessibility](#), provide consultation on accessible recreational opportunities.

Transportation

People with disabilities are more active in their communities than ever before as entrepreneurs, small business owners, employees, job-seekers, advocates, volunteers and more. Thus, a reliable source of accessible transportation is needed so they can maintain their full productivity and participate in the wide range of activities waiting for them every day. GCPD examines a variety of transportation issues, from accessible parking and paratransit services needed on a daily basis to business or recreational travel by airplane and ship. Key state and federal agency partners are the [Texas Department of Transportation](#), the [Texas Department of Motor Vehicles, DPS](#), the [Federal Highway Administration](#), the [U.S. Department of Transportation](#), the [Federal Transit Administration](#), the [Aviation Consumer Protection Division of the U.S. Department of Transportation](#) and [DOJ](#). In 2016, GCPD also partnered with DPS and the nonprofit organization [Aspergers 101](#) on promoting the state's "Driving with Autism" initiative in support of transportation independence and public safety for drivers with autism.

Veterans

According to the latest data provided by the Bureau of Labor Statistics⁷, Texas is home to over 1.74 million veterans. In general, about 20 percent of

veterans have a service-connected disability⁸. Therefore, many Texas veterans living within our local communities have disabilities and require disability-related services. GCPD looks at all aspects of veteran services, including housing, medical care, benefits determination, employment and health. The 82nd Legislature created the Texas Coordinating Council for Veterans Services to improve the coordination of services for Texas veterans, service members and their families. The key state and federal agencies that partner with GCPD are [TWC Veterans Services](#), the [Texas Veterans Commission](#) and the [U.S. Department of Veterans Affairs](#).

Workforce

As it was eloquently expressed in the Developmental Disabilities Assistance and Bill of Rights Act of 2000⁹: “Disability is a natural part of the human experience that does not diminish the right of individuals with disabilities to live independently, exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society.” Texans with disabilities represent a valuable and skilled labor market that is sometimes overlooked by employers. GCPD supports compliance with [Title I of the ADA](#), which prohibits discrimination against applicants for employment or employees with disabilities by covered entities. GCPD also supports innovative approaches to integrating people with disabilities into the workforce through the use of reasonable accommodations, assistive technologies and trainings on best practices for both employers and employees. The key state and federal agencies that partner with the Committee are the [TWC](#), the [Equal Employment Opportunity Commission](#) and the Department of Labor, particularly the [Office of Disability Employment Policy](#).

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**Goals, Purposes, Challenges and Policy
Recommendations
for Policy Issue Areas:**

Access

Communications

Education

Emergency Management

Health

Housing

Recreation

Transportation

Veteran

and

Workforce

Access

GOAL

Enhance participation of people with disabilities in Texas life through increased access.

PURPOSE

Federal and state laws contain standards for designing, building and maintaining structures and facilities in a manner that maximizes accessibility for people with disabilities. Just as local building codes contain minimum acceptable levels of requirements for safety and public health, the Americans with Disabilities Act Accessibility Guidelines and the Texas Accessibility Standards contain minimum acceptable levels for architectural and facility access requirements for people with disabilities.

CHALLENGES

Individuals with disabilities still face important barriers to access.

There remains a continuing need for increased awareness of architectural or physical accessibility requirements. It is easy to assume that older facilities and accessible elements may be exempt from accessibility requirements because they are “grandfathered in.” However, the ADA standards do not allow for “grandfathering.” These facilities and/or accessible elements (i.e., accessible routes, doorways, buildings, parking lots and garages, etc.) built before the standards came into effect are subject to an ongoing obligation to be brought into compliance when it is “readily achievable” to do so.

Accessibility compliance coupled with enforcement of existing standards and laws are also an issue. Many times compliance is complaint driven. When a private citizen files a complaint against a facility through the Texas Department of Licensing and Regulation or the U.S. Department of Justice, the system may be slow and inefficient as staff for these entities are spread thin and may be unable to conduct timely or full-fledged investigations of complaints.

POLICY RECOMMENDATIONS

Action Item: Coordination for the Distribution of Service Animal Education Materials to Public Facilities and Businesses

[House Bill 489 \(83rd Regular Session\)](#) aligned state law on service animals with the ADA as to the definition of service animal and prohibited discriminatory actions toward people with a disability who use service animals. Also, this bill provided for mailings of educational materials on service animals once a year to public facilities and businesses by [Human Resources Code 121.008\(b\)](#). To ensure this mandate is fulfilled, a cooperative effort must be maintained between “the state agencies responsible for the rehabilitation of persons with disabilities”¹⁰ and “the comptroller, secretary of state, and other agencies that regularly mail forms or information to significant numbers of public facilities and businesses operating within the state.”¹¹ Recent transition of some rehabilitation services among state agencies has disrupted continuity for efforts on mailings pertaining to service animals.

Recommendation 1.1: Designate the Governor’s Committee on People with Disabilities with coordination responsibility among state agencies for the annual distribution of service animal education materials to public facilities and businesses operating within the state of Texas.

Action Item: Tracking of Disability Discrimination Complaints by State Agencies

[Texas Government Code, Section 2114.002\(b\)](#) requires all state agencies to maintain a complaint handling process (i.e., track customer complaints) in order to determine “whether it is easy to file a complaint and whether responses are timely.”¹² Additionally, the Texas Workforce Commission’s Civil Rights Division, by authority of [Texas Administrative Code, Chapter 819](#), handles both fair housing and employment discrimination complaints. Through a Worksharing Agreement with the U.S. Equal Employment Opportunity Commission (EEOC), all employment discrimination complaints filed with the Civil Rights Division are automatically submitted to EEOC.¹³ EEOC’s discrimination complaint data shows a steady increase in the number of disability discrimination complaints filed: 25,369 in FY2014, 26,968 in FY2015 and 26,968 in FY2016.¹⁴ In Texas, 29.8 percent of the total state EEOC discrimination charges filed were for disability discrimination charges.¹⁵ Cornell University’s Yang Tan Institute breaks down the EEOC’s statistics into the most common charge bases on ADA charges, such as hearing impairment, speech impairment, vision impairment, traumatic brain/head injury and more.¹⁶

Recommendation 1.2: Encourage all state agencies to reach out to customers with complaints to ask if they would voluntarily disclose if they have a disability in order to help the state measure performance or determine where customer

service improvements need to be made. Staff must reassure customers that any information provided will be kept private and will not be used against them in any way. If possible, we would like for the customer to indicate the type of disability they have in order to determine how to improve services and agency training based on functional needs.

Communications

GOAL

Increase communication access and improve public awareness about people with disabilities.

PURPOSE

The Americans with Disabilities Act (ADA) requires effective communications with people with disabilities. This means that “whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.”¹⁷ For people who have disabilities that affect hearing, seeing, speaking, reading, writing or understanding, this may require different ways of communicating with them so they have equal access to the workplace, public accommodations, goods and services and facilities.

CHALLENGES

Providing effective communications with people with differing impairments and limitations can present challenges as the method for communication must be formatted to meet the particular needs of the individual. Ensuring that these differences in communication needs do not hinder, but rather enrich, two-way communication is the key to creating a society accessible for all of its members. Increasingly, information and communication technologies are playing a vital role in mediating these communication needs. It is critical that advances in technology enhance access through consideration of unique disability needs rather than function as yet another barrier to people with disabilities.

POLICY RECOMMENDATIONS

Action Item: Support Service Providers

Several deaf advocacy groups approached the Governor’s Committee on People with Disabilities (GCPD) to express their concerns on not being able to independently access the community due to a lack of support services for Texans who are DeafBlind. In response to concerns raised by these constituents, GCPD researched and prepared a report on the status of support service providers (SSPs) in Texas. Issues on SSP services for the DeafBlind community can crossover between communication and health. In

this [report](#), SSP services are addressed as a communication issue. After an extensive review on this profession in Texas and across the country, GCPD prepared seven recommendations for establishing a program that funds SSP services in Texas. The full report and discussion on each recommendation can be found on GCPD's webpage:

http://gov.texas.gov/files/disabilities/SSP_Report_FINAL_011817.docx.

However, policy recommendations were extracted from the SSP report and are provided as follows:

Recommendation 2.1: Establish a SSP program that includes training for SSPs so that services are provided in a standard and consistent manner. The Helen Keller National Center can assist with training information for SSPs as can a number of DeafBlind community members who have been formally trained as SSP trainers.

Recommendation 2.2: Establish a pay rate for SSP services with a graded scale of wages similar to that of the Interpreter I, II and III career path. Pay should be based on SSP-level training requirements and American Sign Language fluency. A proposed wage of \$20 per hour is recommended. As a note, the 2016–2017 State of Texas Salary Schedule published by the State Auditor's Office reflects the beginning salary for an Interpreter I is approximately \$17 per hour.

Recommendation 2.3: Establish a voucher program to pay for SSP services. The Specialized Telecommunications Assistance Program administered by the Texas Health and Human Services Commission to provide assistive technology equipment is a voucher program that could be a model for a SSP voucher program. This may lessen the demands on state resources to administer this program. The State of Tennessee operates its SSP services as a voucher program and has provided GCPD with information on its voucher operations.

Recommendation 2.4: Establish the funding source for the SSP program, noting any inherent obligations that may be associated with the source of funds (e.g., Medicaid funds, general revenues, etc.).

Recommendation 2.5: Establish an initial proposed budget of \$5.808 million for the SSP program.

Recommendation 2.6: Establish the fee for service in rule to facilitate future changes.

Recommendation 2.7: Designate a state agency to run the SSP program.

Action Item: Plain Language Initiative

Clear and effective communications are essential in order for all citizens to interact effectively with their government. In October 2010, [Public Law 111-274 \(the Plain Writing Act of 2010\)](#) was passed. Section 2 states, “The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.”¹⁸ Subsequently, several states, cities, nongovernmental entities, and our neighbors in Canada have adopted “plain language” laws or passed resolutions to communicate in plain language. GCPD proposes that Texas adopt its own plain language initiative in communicating with constituents. This will not only provide clearer communications to the public that can be understood the first time they are heard or read, it will provide cost savings through reduced inquiries, a clearer understanding of regulations and increased transparency in government.

Recommendation 2.8: Require that the Texas Department of Licensing and Regulation create a “plain language” version of the Texas Accessibility Standards to better assist businesses and places of public accommodation to understand what is expected when making their businesses or facilities accessible.

Recommendation 2.9: Require plain language rewrites of legal documents, consumer education materials, letters and notices and regulations.

Action Item: Provision of Video Phones in State Correctional System

The Texas Department of Criminal Justice (TDCJ) manages offenders in many types of facilities across the state, including state prisons, state jails, intermediate sanction facilities, pre-parole transfer facilities, Substance Abuse Felony Punishment Facility and private correctional facilities that are contracted with TDCJ. Many offenders incarcerated at these facilities who are Deaf and use American Sign Language (ASL) as their primary means of communication may not have consistent and equitable access to effective telecommunications services to communicate with their family members or their attorney. Video phone technology and relay services are a well-established method of communication for Deaf Texans. Although the [Offender Orientation Handbook](#) issued by TDCJ’s Correctional Institutions Division (CID) speaks to TDCJ’s intent to comply with the ADA, it does not address effective communications methods delivered by telecommunications technology (e.g., video relay service [VRS]) for those offenders who are Deaf and use ASL. Nor does referenced policy on [Offender Access to Telephones](#) or [Rules Governing Offender Access to the Courts, Counsel, and Public Officials](#) expressly address ADA effective communications methods that will be used for offenders, or more specifically, the use of video phones or telecommunications technology for offender communication. Cited general TDCJ-CID offender orientation handbooks and policies on telephone

privileges do not specifically address ADA effective communication requirements as does [TDCJ Parole Division Policy PD/POP-3.2.16: Accommodations for Offenders with Disabilities](#).

Recommendation 2.10: TDCJ-CID should develop and distribute to appropriate individuals a policy that effectively informs offenders with communication disabilities, including those who are Deaf and hard of hearing, of their rights regarding ADA effective communications procedures within the state's correctional facility system including the use of VRS for offenders who are Deaf or hard of hearing.

Recommendation 2.11: Offenders with communication disabilities should have access to the same communication opportunities as those individuals without hearing impairments. This right should extend to equivalent frequency, timeliness and duration for communication contacts as for individuals who do not have communication disabilities. Accordingly, TDCJ should provide a reasonable modification to policy regarding the duration of phone calls/contacts where additional time may be allowed for offenders with communication disabilities based on the increased time that may be required for communication provided through video relay sign language interpreter services.

Recommendation 2.12: TDCJ should review and update all contracts related to offender telephone services so they coordinate and update standards to comply with ADA effective communications requirements.

Recommendation 2.13: As the Texas Commission on Jail Standards (TCJS) has no oversight responsibility or jurisdiction over city jail facilities, information related to offender telephone services should be shared with the Texas Municipal League. This will provide coordination of information and allow for harmonization of standards among entities at all levels within the correctional facility community.

Recommendation 2.14: TDCJ should include a provision for VRS within existing and/or future contracts procured for offender telephone services.

Recommendation 2.15: TCJS should share information to those correctional facilities and entities within its information delivery system on including a provision for VRS within contracts for offender telephone services.

Action Item: Text-to-911 Appropriations

The Commission on State Emergency Communications (CSEC) provides 911 service to about one third of Texans in mostly rural areas of the state. The CSEC's mission is to preserve and enhance public safety and health in Texas through reliable access to emergency telecommunications services. To achieve its mission, CSEC contracts with 24 regional planning commissions for public safety answering services. Currently, Text-to-911 is not available in all areas of the state as it awaits additional appropriations from the 85th Texas

Legislature to use existing funds to complete full implementation of the Text-to-911 program. Having the ability to contact “911” by text anywhere in the state is an essential public safety and communications access issue for Texans who are Deaf or who have a speech impairment which restricts their ability to make a voice call to a “911” call center using the phone system.

Recommendation 2.16: Approve a legislative appropriation to fund the complete implementation of the Text-to-911 program in all remaining areas of the state lacking this telecommunications service that is under the jurisdiction of CSEC.

Action Item: Implement Oversight for State EIR Accessibility Compliance

September 1, 2016, marked 10 years since the enactment of Texas Government Code 2054, Subchapter M. This state law requires all state agencies and institutions of higher education to make all electronic and information resources (EIR) they develop or purchase accessible, unless an exception is approved by the agency’s executive director. This requirement applies to an agency’s internal and public facing websites, digital documents and applications. The law was intended to provide equal access to state government services and to higher education for Texans with disabilities while also creating more accessible workplaces for potential workers with disabilities. In recent years, the U.S. Department of Justice has included the evaluation of state programs’ websites and other EIR for accessibility when performing an ADA investigation.

Significant progress has been made to implement accessibility in state government during the past decade, but many challenges remain including:

- making legacy software applications fully accessible;
- ensuring that state agency and higher education employees are responsible for creating or maintaining agency websites and applications have the necessary accessibility skills and training to meet current accessibility standards;
- ensuring state agencies and institutions of higher education have the necessary business procedures and contract language to purchase accessible EIR goods and services; and
- ensuring state agencies monitor and report their compliance with applicable accessibility laws and standards.

Presently, the only method for collecting data on state agency compliance with accessibility laws is through the Information Resources Deployment Review, a self-reporting survey conducted by the Department of Information Resources (DIR). This survey depends on voluntary reporting and lacks sufficient detail to gather enough useful information to strategically plan for further implementation of state accessibility standards. Additionally, the State Auditor’s Office (SAO) does not include accessibility of EIR in its State Audit

Plan nor does SAO include accessibility knowledge, skills and abilities in standard state job descriptions. As a result, agencies may be at risk for accessibility complaints due to inaccessible EIR, while current employees, job seekers and customers with disabilities may not have equal access to the same information and services as individuals without disabilities.

Recommendation 2.17: Provide oversight for compliance with Texas Government Code 2054, Subchapter M pertaining to accessibility requirements. In particular, consideration should be given to the following EIR oversight issues: (1) include EIR accessibility compliance monitoring within each agency's internal audit function and SAO program audits for individual state agencies; (2) consider an independent comprehensive assessment of the state's* overall EIR compliance which could be conducted by DIR or contracted to an independent organization; and (3) encourage each state agency's contract oversight and support units to include EIR accessibility compliance in their monitoring of contracts.

Recommendation 2.18: Ensure SAO state job classifications and job descriptions have language with preference to hire workers with knowledge, skills and abilities relevant to accessibility of information and communications technology for any state positions with substantial work related to web development, programming or information technology.

*Includes state agencies and state institutions of higher education

Education

GOAL

Support integrated opportunities for people with disabilities to participate in the full continuum of educational opportunities.

PURPOSE

The reauthorization of the [Individuals with Disabilities Education Act \(IDEA\)](#) in 2004 redefined transition and strengthened the role of transition planning. Academic expectations were raised for students with disabilities through increased state and district accountability standards in preparing “all children with disabilities . . . for further education, employment, and independent living.” (§300.1 Purposes)¹⁹. State law and rules added requirements in the state’s provision of transition services to students receiving special education services. In partnering with the education system to ensure proper implementation of the transition process, students with disabilities can succeed in learning the knowledge and skills they need to function effectively as an emergent adult to pursue post-secondary education or vocational training, employment and independent living.

The Governor’s Committee on People with Disabilities’ (GCPD) current focus on equal access to educational opportunity for students with disabilities aligns with Governor Abbott’s Tri-Agency Initiative for improved education outcomes for students to enter post-secondary education and be best prepared for the occupations of Texas’s 21st century economy. Ensuring such outcomes requires closer coordination and planning between K-12 local education agencies, local Texas Workforce Solutions vocational rehabilitation providers and post-secondary education. GCPD staff engaged in many transition workshops, conferences and presentations to highlight model practices for work-based learning programs, pre-vocational training and the need for early counseling and career guidance in middle school to ensure students with disabilities can make an informed choice about their high school endorsement. GCPD also focuses on ensuring students who are Deaf or hard of hearing receive quality education outcomes by supporting and measuring their early language acquisition. In 2016, GCPD strengthened its focus on education with the appointment of an ex-officio member from the Texas Education Agency.

CHALLENGES

Adulthood involves a wide range of skill areas and activities: community experiences, employment, adult services, daily living skills, vocational or postsecondary education and more. IDEA's definition of transition services requires that this range of areas and activities be coordinated and oriented toward producing results. At the same time, these services must address the student's academic and functional achievement so that movement toward the post-school world is smooth, not haphazard. The challenge for the education system is to provide transition services based on the student's needs that take into account his or her preferences and interests, provide for annual plan updates (as plans may be developed younger than 16 in some cases), identify plan goals that are appropriate based on needs assessments and have measurable goals. The transition plan must be individualized to meet the needs of the student with the disability.

POLICY RECOMMENDATIONS

Action Item: LEAD-K: Language Equality and Acquisition for Deaf Kids (Language Acquisition Under Age 8)

Beginning in 1993, 43 states have implemented policies "to identify Deaf and hard-of-hearing infants at birth with the goal of providing early language exposure."²⁰ Despite the goal of early identification, assessment and intervention to prevent language delays, the missing step of tertiary prevention is generally not met so that too many Deaf and hard of hearing children reach kindergarten with severe language delays.²¹

Recommendation 3.1: Require a "language assessment" from ages 0–7 for every child who is Deaf or hard of hearing to ensure that they are on age appropriate language benchmarks. If the child who is Deaf or hard of hearing demonstrates a language delay, Early Childhood Intervention Services (ECI) and/or TEA must explain why the child is delayed and provide additional supports as needed for the child. This allows parents to utilize this data in their Individualized Family Service Plan and Individual Education Plan/504 section plans.

Action Item: Equal Access to Digital Learning Materials and Curriculum

Students with disabilities, particularly students with print disabilities such as visual impairments, dyslexia and learning disabilities have limited access to the same print materials as students without disabilities. These students are often unable to access the content in digital materials because the content is not designed to be compatible with their assistive technologies. Assistive

technologies (AT) are used to overcome the barriers of students' disabilities, but AT cannot overcome the man-made barriers of inaccessible content. Examples of inaccessible content are locked PDFs, text presented as graphic images or Flash content. The result of inaccessible learning and assessment materials is that students with disabilities are not being given equally effective access to the general curriculum, as mandated in §504 of the Rehabilitation Act, §300.172 of the IDEA, and Title II of the ADA.

Recommendation 3.2: Support the establishment of a volunteer Accessible Digital Curriculum and Learning Materials Advisory Committee to TEA consisting of accessibility and education subject matter experts. The committee should advise TEA on (1) the establishment of accessibility and procurement standards to provide accessible learning materials for students with disabilities that are as effective as materials and assessment instruments provided to students without disabilities as well as (2) producing reports on the status of providing accessible learning materials for public school students with disabilities and accommodations used in the administration of assessment instruments.

Emergency Management

GOAL

Promote safety of Texans with disabilities by adequately preparing for disability-related issues during disasters.

PURPOSE

“Emergency preparedness” is a term used to describe a plan or the steps you take to prepare before, during and after an emergency, natural disaster or acts of terrorism. Although the ADA does not specifically speak to these types of situations, its provisions are applicable to emergency preparedness and responses in times of emergency. In order to further the ADA’s goals, President Bush issued [Executive Order 13347](#) on July 22, 2004, relating to emergency preparedness for individuals with disabilities. In planning for emergencies such as hurricanes, tornadoes, fires or terrorist attacks, people with disabilities have functional and access needs to consider that require extra planning so that they can get the additional assistance or services required during an emergency.

CHALLENGES

Emphasizing an individual’s need for independence, while recognizing the specific needs of individuals based on their disability, is essential to an effective emergency management program for people with disabilities. Awareness of the impact that disabilities may play during an emergency must be raised for both the responder and the person with a disability during an emergency situation. This includes identification of and removal of barriers for people with disabilities, including physical, communication and attitudinal barriers, as well as recognizing how an emergency may change the actual abilities (physical, cognitive or emotional) of the person with the disability. This includes their ability to make needed decisions with or without the help of the person’s accustomed support system, which may include family, friends, neighbors or local organizations.

POLICY RECOMMENDATIONS

Action Item: Disability Coordinator FTE at DPS TDEM

Since 2012, the Governor's Committee on People with Disabilities (GCPD) has been a charter member of the Texas Disability Task Force on Emergency Management. The task force serves as a resource to the Texas Division of Emergency Management (TDEM) to provide input to the emergency management community that assists in enhancing state and local emergency management planning and response and to promote preparedness efforts for Texans with disabilities. This advisory committee supports a proposal to TDEM to establish and hire a full-time disability coordinator. At the August 2016 meeting, GCPD also unanimously voted to support creation of a full-time disability coordinator at TDEM.

Although the TDEM operations manager provides limited staff support to the task force to conduct its regular meetings, the task force and GCPD recognize the need for TDEM to create and hire a full-time disability coordinator position to leverage the task force's expertise, lead planning and training activities, support task force goals and fully promote emergency management disability inclusion practices throughout the state. Such activities include:

1. Developing, implementing, maintaining and delivering training on disabilities and functional and access needs for emergency management officials and first responders.
2. Ensuring state and local emergency plans include the needs of people with disabilities.
3. Supporting the Texas Disability Task Force and promoting the establishment of access and functional needs advisory committees in local jurisdictions throughout the state.
4. Promoting full participation in the State of Texas Emergency Assistance Registry (STEAR) by Texans with disabilities.
5. Promoting emergency preparedness for Texans with disabilities by leveraging partnerships with state and local disabilities organizations.

Recommendation 4.1: Reclassify a vacant full-time employee (FTE) position or create a new FTE position within TDEM to serve as the disability coordinator to coordinate emergency management activities for people with disabilities.

Action Item: First Responder Alert Programs for People with a Disability

STEAR was developed to assist local governments with obtaining information on the needs of citizens with disabilities and functional and access needs during an emergency event. The program provides detailed information on citizens who may have disabilities and require additional assistance during an

event or who have transportation needs. The information can be used for preparedness and response activities. This program is free to local governments and individuals. Local jurisdictions must appoint a data custodian in order to participate in this program. A data custodian can be appointed by having the local jurisdiction complete the form at: <https://www.dps.texas.gov/dem/stear/local.htm>. Enrollment in STEAR by Texans with disabilities is available statewide; however, only a fraction of the state has a designated local data custodian available to use an individual's data in the event of an emergency situation. Likewise, only 25,000 Texans are signed up for STEAR out of a statewide population of more than 3 million Texans with disabilities. One barrier to STEAR participation is the need for individuals to reregister each year.

Recommendation 4.2: Require that all local emergency management jurisdictions assign a local data custodian or develop a regional data custodian that will manage their STEAR data and make it available to first responders and local emergency managers in an emergency event. TDEM should establish high performance goals for establishing statewide data custodian coverage over the next biennium and seek to promote much higher rates of individual STEAR participation by working with disability organizations and local functional and access advisory groups. Higher goals for enrollment should be applied to areas with the greatest risk for natural or man-made disasters. Progress should be publically available and published on TDEM's website to encourage support by local disability organizations and emergency management organizations.

Recommendation 4.3: Encourage all state health and human service agencies providing services to Texans with disabilities to discuss emergency preparedness and evacuation planning. The Texas Health and Human Services Commission is the state's designated agency for providing independent living services to assist Texans with disabilities to live independently in the community and avoid unnecessary institutionalization. In order to remain safe in the community and prepared for all potential emergency situations, the Independent Living Centers (ILC) must include emergency preparedness in the ILC curriculum.

Health

GOAL

Promote health and wellness among Texans with disabilities through access to health options for people with disabilities.

PURPOSE

According to the Office of Disease Prevention and Health Promotion, it has been difficult to raise awareness about the health status and disparities that may exist for people with disabilities because they have been overlooked in health surveys, data analyses and health reports.²² Ensuring access to key health and support services and appropriate health care for individuals with disabilities is essential to improving overall health-related quality of life and well-being for this largest minority population of our society.

CHALLENGES

Individuals with disabilities are more likely to face challenges in managing their health care concerns than people without disabilities. People with disabilities may manifest disparities that range from mild to severe within different disability conditions or even within the same disability among individuals with the same disability condition. Also, barriers continue to persist despite attempts to improve health equity for all, including barriers in the areas of wellness programs (e.g., preventive health care services and access to fitness facilities) and routine medical services (e.g., physical access to medical facilities, effective communications and accessible medical diagnostic equipment).

POLICY RECOMMENDATIONS

Action Item: Aging and Vision Loss

According to the Texas Workforce Commission's Department of Operational Insight (TWC DOI), estimates from the American Community Survey 2011–2015 Public Use Microdata Sample and latest population projections from the Texas State Data Center reflect the number of seniors in Texas with vision difficulties are trending upward at a growth rate of 3.7 percent for those 55 years and older and 4.3 percent per year for those 65 years and older. Data shows that in 2017, for the more vulnerable population of seniors aged 65 and

over who are likely to be retired and on a fixed income, an estimated 306,727 individuals may experience vision difficulties. By 2035, less than 20 years from now, this number could more than double for Texans aged 65 and older.

Population Estimates			
Age	Year	Total Population	Vision Difficulty
55+	2015	6,317,517	410,565
55+	2016	6,555,689	426,043
55+	2017	6,789,684	441,250
65+	2015	3,225,614	281,695
65+	2016	3,365,237	293,889
65+	2017	3,512,243	306,727

Data Sources:

1. The U.S. Census Bureau, American Community Survey, 2011-2015 PUMS

2. Texas State Data Center, Population Projections, Scenario 1.0, 2014

Release Prepared by TWC DOI on Feb. 03, 2017

Extrapolated Population Estimates			
Age	Year	Total Population	Vision Difficulty
55+	2020	7,542,985	490,206
55+	2025	8,988,750	584,164
55+	2035	12,764,727	829,558
65+	2020	3,992,926	348,706
65+	2025	4,944,652	431,821
65+	2035	7,582,716	662,205

State resources for serving older individuals with vision difficulties are limited and inadequate to serve the specialized needs of older Texans with vision difficulties. For instance, TWC’s Independent Living Services for Older Individuals Who Are Blind (ILS-OIB) is a program that includes a separate federal funding stream allocated specifically for services to individuals ages 55 and older.²³ In fiscal year 2016, the ILS-OIB program served only 2,635 individuals²⁴ from the estimated population of 426,043 individuals who were aged 55 years or more (or less than 1 percent) with vision difficulties living within the state. Also, the average cost when a purchase for goods or services was made for an OIB consumer was only \$836. All in all, total expenditures on program purchased goods and services for these older blind consumers in fiscal year 2016 only amounted to just over \$1.4 million.²⁵

So, what kinds of services do our older citizens with vision difficulties require to maintain their productivity, independence, and quality of life?^{26,27}

- Support and/or counseling in coping with the frustration, anxiety and fears adjusting to an impending or existing loss of vision;
- Orientation and hands-on training in nonvisual techniques to manage everyday life in order to retain and/or regain their independence;

- Information on adopting alternative methods, such as adaptive aids and devices and assistive technology, employing senses other than sight to accomplish tasks and training in orientation and mobility skills and cane travel;
- Information on how to access and use available forms of transportation, including public transportation (e.g., bus, paratransit and light rail), taxis or rides from friends, family or relatives; and
- Information on how to access information such as newspapers, books and magazines through programs such as the state or federal Talking Book Programs, audio book projects for the blind and audio newspaper services.

Recommendation 5.1: Establish a special commission or task force whose membership may include, but is not limited to, state and local government entities, disability-related nonprofit organizations, health care and medical providers, insurance providers, transportation service providers and consumer groups who will focus on the challenge of providing services to the growing population of older Texans coping with vision loss. In order to ensure that older Texans who lose their vision receive the services they need, a comprehensive, systemic approach is needed to accomplish goals in this area. Therefore, purposes of the task force should include:

- (1) identifying barriers and challenges in expanding service outreach to a larger segment of the senior population, including in rural areas of the state;
- (2) developing strategies for identifying and addressing additional or supplemental funding and resources needed to meet anticipated growth and demand for services to Texas seniors over the next 5 to 15 years; and
- (3) developing a standardized, comprehensive and specialized training curriculum that will be followed by staff at all agencies and independent living services that provide direct intervention to Texas seniors experiencing vision loss.

Action Item: Establish Requirements for Certified Medical Interpreters

Effective communication is critical to the successful delivery of health care services. The Joint Commission on Accreditation of Healthcare Organizations supports efforts to improve communication between health care professionals and patients. The Joint Commission recommends an approach to communicating health information that encompasses language needs, individual understanding and cultural and other communication issues."²⁸ "Effective communication: The successful joint establishment of meaning wherein patients and health care providers exchange information, enabling patients to participate actively in their care from admission through discharge, and ensuring that the

responsibilities of both patients and providers are understood. To be truly effective, communication requires a two-way process (expressive and receptive) in which messages are negotiated until the information is correctly understood by both parties. Successful communication takes place only when providers understand and integrate the information gleaned from patients, and when patients comprehend accurate, timely, complete, and unambiguous messages from providers in a way that enables them to participate responsibly in their care.²⁹

Federal guidance prohibits the practice of asking patients to bring their own interpreters to a health care setting. As it has a direct impact on the medical outcome of the patient with a hearing impairment, it is necessary that the individual who assists the person who is Deaf or hard of hearing demonstrate essential knowledge, skills and abilities so that communication is accurate, effective and impartial. It is also important that specialized vocabulary or terminology or phrases are interpreted correctly to the patient. As [Texas Government Code Chapter 57](#) provides that court interpreters be certified in the legal field, the Advisory Committee on Qualifications for Health Care Translators and Interpreters has recommended in its [report](#) for the executive commissioner and the 85th Legislature both the qualifications and levels of certifications needed for certification as a medical interpreter.

Recommendation 5.2: Establish requirements for certified medical interpreters that align with those for certified court interpreters, particularly at Section 57.022 Certification Rules that provide for (1) the qualifications of certified interpreters; (2) training programs for certified interpreters each managed by state agencies or by a public or private educational institution; (3) the administration of examinations; (4) the form for each certificate and procedures for renewal of a certificate; (5) the fees for training, examinations, initial certification and certification renewal; (6) continuing education programs; (7) instructions for the compensation of a certified interpreter and the designation of the party or entity responsible for payment of compensation; and (8) administrative sanctions enforceable by the licensing agency.

Action Item: Universal Newborn Hearing Screening

According to the U.S. Department of Health and Human Services, National Institute on Deafness and Other Communication Disorders, "about two or three out of every 1,000 children in the United States are born deaf or hard-of-hearing."³⁰ The Texas Department of State Health Services reports that every day about two to three babies are born hard of hearing or Deaf in Texas.³¹ "Research shows that the primary window for stimulation of the auditory neural pathways in the brain is from birth to 6 months. Failure to identify hearing issues prior to six months of age impacts the development of language and learning potential, creating a developmental emergency."³²

Annual data from the Centers for Disease Control and Prevention) Early Hearing Detection and Intervention program reflects that Texas screened the hearing for 393,929 (99.6 percent) of newborns in 2014 (excluding infants who died or whose parents declined the screening).³³ While this percentage is extremely high, of those infants not screened, Texas also had the highest total on lack of follow-up of newborns who did not pass the hearing screening (called follow-up to loss/loss to documentation). Of the 5,958 newborns who did not pass the initial hearing screening in 2014, and although 2,027 infants were documented as having received follow-up services (1,566 with no hearing loss and 461 with hearing loss), 3,931 infants did not appear to have received needed follow-up hearing screening services.³⁴

For those infants identified as Deaf or hard of hearing, prompt enrollment into early intervention services helps prevent delays in communication, language and social skills development. The first six months of an infant's life are vital for language development and learning potential. In 2014, of the 461 infants identified as deaf or hard of hearing in Texas, only 56 were enrolled in early intervention services by the time they were 6 months old.³⁵

Recommendation 5.3: Require the Texas Newborn Hearing Detection and Intervention (TEHDI) program to issue a letter to every parent of a child identified as Deaf or hard of hearing explaining risks in not providing access to language services at the earliest possible age and including TEHDI contact information so that parents may contact program staff as needed.

Recommendation 5.4: Establish a TEHDI care coordinator for each health service region in the state. The state recently implemented a Care Coordination Pilot Program for two regions where care coordinators provide follow-up coordination of newborns and infants who do not pass the newborn hearing screening and serve as a liaison between families, birthing facilities, primary care providers, early intervention specialists and audiologists throughout the screening and intervention process. The program is determining a protocol of best practices to follow-up with families and providers to ensure newborns and infants are receiving appropriate and timely intervention services when needed. Once best practices are established, expanding the program statewide would help ensure that infants identified as Deaf or hard hearing receive follow-up screenings and are enrolled timely in early intervention services.

Action Item: Publicly Funded Community Attendants

Publicly funded community attendants provide vital personal services in home and community-based service programs for persons with disabilities and Texans who are older. These highly skilled community attendants build close and trusted relationships with the people they help, enhancing the independence of aging Texans and Texans with disabilities, assisting them with their most personal and intimate needs like personal hygiene, cleaning,

cognitive assistance and assisting with routine medications. Community attendants are essential to the long-term services and support system by supporting people with disabilities and older Texans, enabling them to live in the community and avoid more costly institutions or hospitalizations. Texas is facing a critical crisis-level shortage within the community attendant labor force and will be unable to meet growing statewide demands. High turnover due to low pay and no benefits threaten the very quality of respect, support and independence that individuals with disabilities of all ages should receive.

Recommendation 5.5: Support increased community attendant care wages and benefits at a level necessary to attract and retain personal care attendants covered by state Medicaid waiver programs while facilitating consumer directed care.

Housing

GOAL

Increase availability of safe, affordable and accessible integrated housing options for people with disabilities.

PURPOSE

Affordable, accessible housing allows Texans with disabilities to live independently within their local communities. However, “the shortage in housing for individuals with disabilities has reached crisis proportions”³⁶ and affordability is questionable in some areas of the state. A Supplemental Security Income (SSI) recipient in Texas can spend from 69–123 percent of their check on rent for a one-bedroom apartment depending on their location.³⁷ Supporting goals of sufficient affordable, accessible housing and promoting nondiscriminatory housing practices is key to developing and maintaining the independence of individuals with disabilities within our local communities.

CHALLENGES

A joint article by Byrne and Dale (2016) disclosed that the three biggest housing challenges for individuals with disabilities are³⁸:

1. **Affordability:** In 2014, the national average rent for a one-bedroom rental unit was equal to 104 percent of the national average monthly income of a one-person SSI household.³⁹
2. **Physical accessibility:** Residences may require accommodations which come at additional cost.
3. **Discrimination:** The majority (11/20) of U.S. Department of Housing and Urban Development (HUD) discrimination charges filed to date in 2015–2016 have been disability discrimination charges.⁴⁰

POLICY RECOMMENDATIONS

Action Item: Affordable and Accessible Housing Best Practices

Several Texas communities are leading the state in addressing accessible housing through adoption of city ordinances for visitable single-family and duplex housing construction. Local affordable housing programs depend largely

on availability of Section 8 housing programs from HUD and local building incentives to include affordability in a housing developer's neighborhood plans.

Recommendation 6.1: The Governor's Committee on People with Disabilities (GCPD) will promote adoption of accessible, affordable and transit-oriented housing in Texas communities through sharing of information on local visitability ordinances and best practices for the development of accessible single family homes and duplexes.

Recommendation 6.2: The GCPD will promote greater understanding of fair housing laws and work with interagency partners at the Texas Workforce Commission's Civil Rights Division to address housing discrimination complaints through education and civil rights housing investigations.

Recreation

GOAL

Promote the full inclusion, participation and integration of people with disabilities into recreational opportunities, venues and services in Texas.

PURPOSE

Recreation provides a positive impact on the physical, mental and social health of all Texans. This is reinforced by a study conducted by the California State Parks service on the health and social benefits of recreation.⁴¹ The study cites how access to recreational activities helps individuals with disabilities diminish the risk of chronic disease, reduce the severity of many mental health disorders, alleviate depression and stress, improve quality of life through enhanced self-esteem and experience personal and spiritual growth and feelings of satisfaction. Also, recreational activity can promote social bonds by building positive attitudes and sensitivity toward people with disabilities and build cultural diversity and harmony in community-based leisure programs.

CHALLENGES

Despite increased awareness and public acknowledgement of the disability community, barriers still exist in accessing recreational opportunities for people with disabilities. These barriers include, but are not limited to, lack of transportation to recreation venues, limited or unavailability of programs, limited or unavailability of accessible recreational equipment, architectural accessibility issues, lack of assistive technology, ineffective communication methods and insufficiently trained staff.

POLICY RECOMMENDATIONS

Action Item: Inclusive Playgrounds

Outdoor play prompted by playgrounds not only provides fun and games to a child, it "promotes social, intellectual, and oral skills by allowing the child to interact with their peers and environment."⁴² Approximately 12.2 percent of Texas' 8.4 million noninstitutionalized children under the age of 20 have been diagnosed with a disability in Texas.⁴³ One can reasonably surmise that most every county in the state may have a child with a disability living within its

boundaries.⁴⁴ In taking a proactive stance to ensure equitable access to recreational play for all children within their community, local leaders in Harlingen, Texas, formed partnerships to fund not just one, but three all-inclusive playgrounds – the first of their kind in the Rio Grande Valley.⁴⁵ On a grander scale, the State of New Jersey introduced [Assembly Bill No. 3612](#), known as Jake’s Law, which pushes for every “county to build at least one ‘inclusive’ playground that is accessible to children with disabilities.”⁴⁶

Recommendation 7.1: Consider legislation where each Texas county installs at least one “inclusive” playground, whether by means of new construction or through retrofit of an existing playground, so that it is ADA accessible and usable by children with developmental disabilities.

Transportation

GOAL

Promote the availability of affordable, reliable and accessible transportation for people with disabilities.

PURPOSE

“Transportation provides a vital lifeline for people with disabilities to access employment, education, healthcare, and community life. Transportation services allow individuals with disabilities to live independently within their communities.”⁴⁷

CHALLENGES

“Texas added the second largest number of elderly to its population between 2000 and 2014.”⁴⁸ Also, 12 percent of the state’s population resides in rural areas.⁴⁹ When you add to these statistics that 11.7 percent of the population (3,101,039 individuals)⁵⁰ had a disability in 2014, it is not surprising to note that people often find a shortage of accessible parking facilities or limited options for suitable accessible transportation services based on location, disability impairments or age-based limitations.

POLICY RECOMMENDATIONS

Action Item: Accessible Parking

During the [84th Legislative Session, House Bill 1317](#) charged the Governor’s Committee on People with Disabilities (GCPD) to gather information and prepare a report on accessible parking issues in the state of Texas. Issues on accessible parking can crossover between transportation and access. In this report, accessible parking is addressed as a transportation issue. After an extensive review of state and federal accessible parking laws and input from the public, GCPD prepared 12 recommendations that we believe are practical solutions to accessible parking challenges in Texas. The full report and discussion on each recommendation can be found on GCPD’s webpage: <http://gov.texas.gov/disabilities>. However, policy recommendations were extracted from the accessible parking report and are provided as follows:

Recommendation 8.1: Strengthen enforcement of accessible parking laws as follows:

- a. Strengthen language in Texas Transportation Code, Title 7. Vehicles and Traffic, Subtitle H. Parking, Towing, and Storage of Vehicles - Chapter 681, Privileged Parking, Section 681.010 – Enforcement so that it is unequivocal in its mandate for all individuals with enforcement responsibilities to enforce accessible parking laws (i.e., change “may” to “shall” or “must”).
- b. Bolster language in enforcement responsibilities as they apply to accessible parking on private property or areas of public accommodation as required by the ADA.
- c. Reconsider judicial discretion to discourage frequent dismissal of accessible parking citations.
- d. Consider mandatory towing for vehicles illegally parked in accessible parking spaces and have the violator bear the costs for towing in addition to any fines incurred.

Recommendation 8.2: Control accessible parking placard fraud and abuse through tighter laws and administrative remedies, such as:

- a. cross-checking current disability placard holder lists against the state registry for death records and cancelling any placard for an individual identified as deceased.
- b. requiring the next of kin of someone who has died to surrender the disability placard within 60 days after the death of the placard holder or be fined.
- c. prioritizing enforcement of accessible parking placard fraud and abuse by establishing a task force for placard abuse enforcement or designating a state agency to assign resources to enforce current laws.
- d. redesigning the disability parking placard to increase the tamper-resistance and comprehension of instructions on the placard.

Recommendation 8.3: Develop statewide public awareness on accessible parking and its impact on Texans with disabilities through public awareness campaigns.

Recommendation 8.4: Change the language in the Transportation Code from “Handicapped Parking” to “Accessible Parking” to align with the spirit of [Texas Government Code, Chapter 392, Person First Respectful Language Initiative](#).

Recommendation 8.5: Promote the development of volunteer accessibility parking enforcement programs to improve statewide enforcement of accessible parking laws.

Recommendation 8.6: Improve accessibility for visitors and residents within the Capitol Complex area by:

- a. installing sheltered accessible drop-off stations within the Capitol Complex perimeter;
- b. expanding overall parking availability by diagonally striping parallel parking spaces on the east side of the Capitol in front of the Texas State Library and Archives Commission Building; and
- c. developing a map marking accessible parking spots in the Capitol Complex area and downtown Austin for residents and visitors who need accessible parking.

Recommendation 8.7: Amend [Transportation Code § 681.011 Offenses; Presumption](#) to permit alternative sentencing which includes:

- a. required education classes on disability awareness and accessible parking with a reduced fine upon completion of said education; and
- b. community service or restitution requirements at a nonprofit organization that serves persons with disabilities or disabling diseases or any other community restitution that may sensitize the violator to the needs and obstacles faced by persons with disabilities.

Recommendation 8.8: *Redefine the van accessible requirements in the Texas Accessibility Standards (TAS) for medical facilities to increase the number of van accessible spaces at these locations.

Recommendation 8.9: *Update TAS through legislation or rulemaking by:

- a. painting the International Symbol of Accessibility in an accessible parking space if the space is paved; and
- b. painting the words “No Parking” in access aisles if the space is paved.

Recommendation 8.10: *Include on accessible parking signs regulatory language that informs of:

- a. fines and penalties (e.g. \$550–\$1,100 fine), and
- b. consequences of illegal parking in accessible parking spaces (Violators will be towed).

Recommendation 8.11: Consider expanded statutory authority in Human Resources Code, Title 7, Chapter 115.009 based on New Mexico Statute § 28-10-3.3.D to grant additional authority to GCPD to:

- a. provide education, training and assistance to law enforcement agencies and accessible parking enforcement volunteers on accessible parking enforcement; and
- b. work with other state agencies to provide public education and awareness on accessible parking issues and compliance with accessible parking laws.

Recommendation 8.12: Consider further study on the alignment of state

law with federal law to conserve accessible parking privileges for those veterans with mobility disabilities rather than for any veteran with a disability who may not have mobility issues as prescribed in law (i.e., hearing loss or mental health disability).

*This may require a change to the Texas Accessibility Standards (TAS), which would require the Texas Department of Licensing and Regulation to seek recertification of TAS by the U.S. Department of Justice.

Action Item: “Driving with Autism” Initiative

Transportation independence is critical for individuals with disabilities to fully participate in the economic and social life of their community. At their April 2016 quarterly meeting, GCPD expressed support for the “Driving with Autism” initiative, a collaboration between Aspergers101 and the Texas Department of Public Safety (DPS). This initiative provides a voluntary code on a driver’s license to indicate a communication impairment with a peace officer, training on autism for law enforcement officers and the development of a driving camp for young drivers.

Recommendation 8.13: Establish legislative authority for the display of “Driving with Autism” information materials, whether by digital/electronic or physical display of the information, whichever may be most suitable for the individual office location, at all DPS driver’s license offices.

Veterans

GOAL

Promote an array of services and opportunities for Texas veterans with disabilities.

PURPOSE

Texas offers a variety of benefits to its veterans with disabilities, including property tax exemptions, state retirement benefits, the veterans home improvement loan program, veterans employment preference and specialty license plates to name a few. Eligibility for some benefits may depend on residency, military component and veteran disability status. Continued attention to the needs of Texas veterans, as well as coordination of services, reflects the support, recognition and appreciation of our veterans with disabilities.

CHALLENGES

Disparities among veterans due to type of disability, gender, location (rural vs. urban), as well as additional factors, affect the types of barriers veterans may encounter in accessing the programs or services they need to become independent, productive or contributing members of their communities or to lead a life of self-determination.

POLICY RECOMMENDATIONS

Action Item: Monitoring, Sharing, Publishing Veterans-Related Information

The National Center for Veterans Analysis and Statistics, the clearinghouse for the U.S. Department of Veterans Affairs (VA) that collects, validates, analyzes and disseminates “key statistics on the veteran population and VA programs”⁵¹ reports in its [2016 “Compensation and Pension by County”](#) report that nearly 440,000 veterans in Texas receive a disability pension or compensation. According to the Texas Veterans Commission, a needs assessment of the Fund for Veterans’ Assistance⁵² was conducted in response to the Legislative Budget Board’s Government Effectiveness and Efficiency Report recommendation and [Senate Bill 1879 \(84R\)](#) which now requires a needs assessment every four years. According to the resulting report,⁵³ unmet needs for veterans based on priority

were: (1) assistance with rent, mortgage and utilities, (2) transportation, (3) living expenses other than housing or food and legal services, (4) mental health and addiction needs and (5) information and referral services. For families of veterans, unmet needs included assistance with rent, mortgage and utilities and other living expenses.

Recommendation 9.1: The Governor’s Committee on People with Disabilities (GCPD) will monitor all legislation that will affect veterans with disabilities, share information with stakeholders and publish information on any changes to laws, policies or state programs on GCPD’s key laws webpage.

Workforce

GOAL

Support full, integrated employment opportunities for people with disabilities in the public and private sectors.

PURPOSE

“Work is a fundamental part of adult life for people with and without disabilities. It provides a sense of purpose, shaping who we are and how we fit into our community. Meaningful work – being a contributing part of society – is essential to people’s economic self-sufficiency, as well as self-esteem and well-being.”⁵⁴ Title I of the ADA mandates nondiscriminatory employment practices through integration of people with disabilities into the workforce by means of reasonable accommodations, assistive technologies and trainings on best practices for both employers and employees. In providing equitable employment practices and full access to the workplace, we tap a valuable source of talent for both the current job market and future openings created as baby boomers exit the job market.

CHALLENGES

The labor force participation for people with disabilities is significantly lower for people with disabilities than those without disabilities. In 2015, the employment rate of working-age people with disabilities in the United States was 35.2 percent, while that for people without disabilities was 78.3 percent.⁵⁵ Reported barriers to employment for individuals with disabilities include, but are not limited to, lack of education or training; discriminatory attitudes and barriers in the job application process (e.g., illegal disability-related questions on employment applications or inaccessible websites in an online application process); services, systems or policies that are nonexistent or hinder the inclusion of people with disabilities in the existing workforce environment; stereotypical attitudes about certain disabilities (e.g., epilepsy) that result in a refusal to hire; inaccurate ideas on cost of workplace accommodations (many may cost \$0–\$500⁵⁶) resulting in a refusal to hire a person with a disability or failure to provide needed accommodations; and lack of accessible transportation or related services (e.g., accessible parking).

POLICY RECOMMENDATIONS

Action Item: Sheltered Workshops and Employment

The Social Security Administration defines a sheltered workshop as “a private non-profit, state, or local government institution that provides employment opportunities for individuals who are developmentally, physically, or mentally impaired, to prepare for gainful work in the general economy.”⁵⁷ Persons with disabilities employed in sheltered workshops have generally been paid a “Special Minimum Wage (SMW)” allowable under Section 14(c) of the Fair Labor Standards Act.⁵⁸ However, since 1938, a series of defining events have changed the interpretation on the employment setting and wages for people with disabilities, including: passage of the [Americans with Disabilities Act of 1990 \(ADA\)](#), the Supreme Court’s decision in [Olmstead v. L.C.](#) requiring that persons with intellectual and developmental disabilities be served in the most integrated setting appropriate, signing of [Executive Order 13658](#) in 2014 establishing the minimum wage for workers covered under federal contracts as \$10.10 per hour and signing of the [Workforce Innovation and Opportunity Act in 2014](#) which increased the emphasis on access to workforce services and competitive integrated employment for people with disabilities. This changing atmosphere spurred litigation by the U.S. Department of Justice regarding persons with disabilities employed within the segregated sheltered workshop or facility-based day program environment (Olmstead Enforcement activities)⁵⁹. These activities resulted in a consent decree with the [State of Rhode Island](#) and a settlement agreement with the [State of Oregon](#) leading to closure of sheltered workshops in these states and voluntary closures of similar facilities in other states, including New York, New Jersey and Massachusetts. Also during this period, the Employment First movement was initiated which “centered on the premise that all citizens, including individuals with significant disabilities, are capable of full participation in integrated employment and community life.”⁶⁰ Passage of [Senate Bill 1226](#) established Texas’ Employment First Policy and Task Force and called for “a living wage through competitive employment in the general workforce [as] the priority and preferred outcome for working-age individuals with disabilities who receive public benefits.”

Recommendation 10.1: Work with Texas state agencies to implement recommendations made by the Employment First Task Force.

Recommendation 10.2: Ensure that all state agency contracts include a provision that all contracted workers, including individuals with disabilities whose employment may be funded through Vocational Rehabilitation Services programs, are paid no less than the prevailing minimum wage.

Recommendation 10.3: Ensure that at the point an individual with a disability is moved from a sheltered workshop environment to integrated

community-based employment, the integrated employment will be appropriately funded to provide the necessary long-term support, to include job coaching, to safeguard and allow for a successful integrated community employment outcome.

Action Item: Self-Employment and Supplier Diversity

A key strategy for people with disabilities in becoming independent and economically self-sufficient is owning and running their own business. As reported by the U.S. Department of Labor's Office of Disability Employment Policy, "according to the U.S. Census Bureau, people with disabilities are nearly twice as likely to be self-employed as the general population, 14.7 percent compared to 8 percent."⁶¹ Through entrepreneurship, people with disabilities can achieve both financial independence as well as personal independence through controlling their work schedule and making their own decisions.⁶² However, they may face a variety of barriers on the road to becoming successful and competitively self-employed, including physical barriers, systemic barriers, economic barriers and attitudinal barriers. Fortunately, resources are available to assist aspiring business owners with disabilities in meeting some of these challenges, including [state vocational rehabilitation programs](#), the [Small Business Administration](#), or the [Social Security Administration's Ticket to Work program](#). But, when it comes to contracting with local, state or federal government entities, people with disabilities are not recognized as [Historically Underutilized Business \(HUB\)](#) or [Disadvantaged Business Enterprise \(DBE\)](#) eligible.

Recommendation 10.4: Create benchmark eligibility criteria for DBE certification for individuals with disability based upon their economically or socially disadvantaged status. Design a bill that recognizes businesses owned by individuals with a disability as a HUB and include supplier diversity language similar to the following Massachusetts law:

[Chapter 219 of the Acts of 2016, SECTION 4:](#) Section 61 of chapter 7 of the General Laws, as so appearing, is hereby amended by adding the following subsection: - (s) The Supplier Diversity Office, SDO, shall, every 2 years and in consultation with the Massachusetts Office on Disability, establish goals for participation of individuals with disabilities in all areas of state procurement contracting. Participation goals may be met by contracting or subcontracting with businesses that hire, or identify and recruit with the intent to hire, qualified applicants with disabilities. SDO shall provide assistance to the executive offices in determining opportunities for contracting with businesses that hire persons with disabilities to meet the participation goal set forth in this paragraph, including contractors and

subcontractors providing goods and services under multi-year contracts or grants funded by agencies within the executive offices.

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