

Texas Governor's Committee on People with Disabilities



**2026-2027 Policy Recommendations
Report to the 89th Texas Legislature**

December 31, 2024

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Table of Contents

Texas Governor’s Committee on People with Disabilities Members and Staff	6
About the Texas Governor’s Committee on People with Disabilities	7
Executive Summary	8
Access	9
Access Recommendation 1: Invest in Adult Changing Tables	9
Access Recommendation 2: Amend Human Resources Code Service Animal Statute	10
Access Recommendation 3: Reduce Fraud with the Use of Emotional Support Animals	10
Access Recommendation 4: Officially Recognize the Justin Dart: Lead On! Transit Station	11
Access Recommendation 5: Build Accessible Playscapes	12
Communications	13
Communications Recommendation 1: Restore Funding for HHSC’s Deaf Resource Specialists	13
Communications Recommendation 2: Establish a DeafBlind CoNavigator Program	14
Criminal Justice	16
Criminal Justice Recommendation 1: Contact Parents for Release of Jailed Children with Disabilities	16
Criminal Justice Recommendation 2: Fund Peer Support Programs for Judicial Systems	16
Education	17
Education Recommendation 1: Expand the Do-Not-Hire Registry	17
Education Recommendation 2: Transition to Service Based Intensity Formula System	18
Education Recommendation 3: Improve Access to Cameras in Classrooms for Parents and Guardians	18
Education Recommendation 4: Fund Pay for Qualified Educational Interpreters for Deaf Students	19
Education Recommendation 5: Ban Restraints	19
Education Recommendation 6: Conduct a Braille Literacy Study	20

Education Recommendation 7: End the Use of Informal and Undocumented Suspensions.....	21
Education Recommendation 8: Require Transition Planning for 504 Students.....	22
Education Recommendation 9: Strengthen and Enforce Unlicensed Diabetes Care Attendant Requirements.....	23
Education Recommendation 10: Provide Educational Representatives for Adult Students with Disabilities.....	23
Education Recommendation 11: Authorize a Disability Pathway to Prekindergarten.....	24
Education Recommendation 12: Educate Students on Texas’s Role in Disability History	24
Emergency Management	25
Emergency Management Recommendation 1: Ensure Durable Medical Equipment Back-up Power	25
Emergency Management Recommendation 2: Share and Integrate emPOWER Data	25
Emergency Management Recommendation 3: Establish a Missing Children Who Bolt Taskforce	26
Employment	28
Employment Recommendation 1: Fully Fund the Texas Workforce Commission-Vocational Rehabilitation Service	28
Employment Recommendation 2: Expand and Reform the State Use Purchasing Program	29
Health	31
Health Recommendation 1: Substantially Raise Attendant Care Wages ...	31
Health Recommendation 2: Allow Paid Family Caregivers	31
Health Recommendation 3: Institute a Family Licensed Health Aide Program	32
Health Recommendation 4: Fund the Medicaid Dental Benefit.....	32
Health Recommendation 5: Resolve Waiver Cap Issues.....	33
Health Recommendation 6: Support Independent Living Services for Older Individuals Who Are Blind	33
Health Recommendation 7: Increase Deaf Blind with Multiple Disabilities Waiver Slots.....	33

Health Recommendation 8: Permit Intervener Services While Hospitalized	34
Transportation	35
Transportation Recommendation 1: Form a Transportation Network Company Workgroup	35
Transportation Recommendation 2: Enhance the Driving with Disability Law	35
Transportation Recommendation 3: Amend Accessible Parking Placard Law	36
Transportation Recommendation 4: Redefine Van Accessible Requirements	37
Transportation Recommendation 5: Enact Alternative Sentencing	37
Transportation Recommendation 6: Edit Accessible Parking Language	38

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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 established in statute in 1991 and officially named the Texas Governor's Committee on People with Disabilities (GCPD). The 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. The Governor appoints [12 members](#) to serve on the committee, seven of whom must be people with disabilities. The committee includes representatives from seven state agencies who serve as ex-officio or advisory members.

The GCPD's enabling statute in Human Resources Code §115.009 requires that:

The committee serve as a central source of information and education on the abilities, rights, problems, and needs of persons with disabilities and, as necessary, issue reports; provide information to and advise the governor and the governor's staff on matters relating to the full participation of persons with disabilities in all aspects of life; and before the end of each even-numbered year, submit to the governor and to the legislature a report that includes any recommended changes in state laws relating to persons with disabilities.

The GCPD makes recommendations to the Governor and the Texas Legislature on disability issues; promotes compliance with disability-related laws; supports 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. The GCPD staff also provide technical assistance, information, and referral services to citizens on issues affecting Texans with disabilities. Members of the GCPD work on issues related to access, communications, criminal justice, education, emergency management, employment, health, housing, transportation, and veterans.

Executive Summary

The Texas Governor's Committee on People with Disabilities (GCPD) submits this report to the Governor and the 89th Texas Legislature on recommended changes in state laws and policies relating to people with disabilities.

The report organizes the recommendations into targeted policy issue areas related to access, communications, criminal justice, education, emergency management, employment, health, housing, and transportation. These policy recommendations prioritize vital issues important to Texans with disabilities. The GCPD strives to identify the needs of individuals with disabilities that are overlooked. In doing so, we encourage the Texas Legislature to invest in programs that will improve the lives of Texans with disabilities.

As reflected in the report, we respectfully recommend that the Legislature take the following actions:

- Fund a substantial increase in community attendant care wages competitive with prevailing market wages to attract and retain personal care attendants.
- Protect the safety and welfare of students with disabilities by expanding the Texas Education Agency *Do-Not-Hire Registry*.
- Invest in the future of Texas students with disabilities by overhauling the state's special education funding system.
- Increase access to work for Texans with disabilities by fully funding the Texas Workforce Commission-Vocational Rehabilitation Service.
- Create a program to ensure emergency backup power to Texans who are dependent on electrically powered medical devices during disasters.

This report was prepared by committee members of the GCPD based on input at its quarterly meetings, listening sessions with disability stakeholder groups, staff research, and input from committee-directed interagency workgroups. The recommendations in this report represent the collective efforts of the GCPD committee members and staff. The opinions and recommendations expressed in this report are the committee members' own and do not reflect the views of the Governor or the Office of the Governor. The information contained in this document was discussed and voted upon at regularly scheduled meetings in accordance with the Texas Open Meetings Act.

Respectfully submitted,

Ron Lucey
Executive Director

Access

Access refers to ensuring people with disabilities can enter and use the same places and services as people without disabilities. The GCPD monitors issues related to physical and programmatic accessibility—including accessible voting, recreation, and service animals. The Americans with Disabilities Act (ADA) highlights the importance of eliminating structural and architectural barriers to ensure buildings and other facilities are readily accessible to people with disabilities. To that end, buildings and other facilities in Texas are subject to compliance with the Texas Accessibility Standards. These standards are governed by the Texas Department of Licensing and Regulation (TDLR), and mirror those required by the ADA and the 2010 ADA Standards for Accessible Design.

Access Recommendation 1: Invest in Adult Changing Tables

People who are non-ambulatory or who have other self-care needs, such as catheters, colostomies, or incontinence issues, need a safe, clean place to change or be changed. No one should have to be lain on a public restroom floor. By adding an adult changing table, sometimes called universal changing places,¹ to these places, people with disabilities will be able to enjoy concerts, shopping, traveling, because places will be truly accessible. Although the ADA provides that an accessible restroom be made available for individual with disabilities, many Texans lack access to accessible restroom and are forced to stay home, leave the venue, or be lain on a public restroom floor.²

According to the State Preservation Board, the Texas Capitol Complex receives over one million visitors a year,³ including many who would benefit from the availability of an adult changing table at the Texas Capitol Complex. Legislation can make funding available to build one facility at the Capitol that can meet all adult changing table requirements.

¹ Sabrina Kimball, "Universal Changing Places," Universal Changing Places, accessed November 20, 2024, <https://universalchangingplaces.com/>

² G. Treiman, M. Cheng and M. Oswald, "This is not built for me": A qualitative study of adult-sized changing tables and public restroom accessibility, *Disability and Health Journal*, <https://doi.org/10.1016/j.dhjo.2023.101520>

³ State Preservation Board, *Legislative Appropriations Request for Fiscal Years 2026 and 2027*, 2024, 7, https://tspb.texas.gov/spb/reports/doc/legislative_appropriations_request/LAR_2026-2027.pdf

Recommendation: The Legislature should consider amending Chapter 469 of the Government Code, Elimination of Architectural Barriers, to adopt the Texas Accessibility Standards for Universal Changing Places. With this statutory change and funds appropriated to the State Preservation Board, adult changing tables could be installed within the Texas Capitol.

Access Recommendation 2: Amend Human Resources Code Service Animal Statute

Concern is rising among service animal owners about the ease with which people can claim any dog is a service dog. Websites offer registries, sell certificates, badges, ID cards, vests, leashes, collars, dog tags and other accessories indicating a dog is a “service dog,” and “emotional support dog” or a “seizure alert dog” without requiring proof of an animal’s status. The issue is further complicated by using the umbrella term “assistance animal” in Texas law.

Recommendation: The Legislature should amend state law to clarify the difference between the terms “service animal” and “assistance animal” in the Human Resources Code § 121.002. Additionally, legislation is needed to remove “approved” from the term “approved trainer” in the Human Resources Code § 121.003(i). This change would align Texas law with the ADA, which recognizes that people with disabilities have the right to train a service animal themselves and are not required to use a professional service animal training program.

Access Recommendation 3: Reduce Fraud with the Use of Emotional Support Animals

As noted above, the public is skeptical toward service animals due to the ease with which an individual can purchase dog vests and accessories identifying an animal as a service animal. When animals are inappropriately identified as service animals and the use of such labeling becomes more prevalent, it makes it more difficult for someone with a genuine need who is accompanied by a trained service animal to be acknowledged as using a legitimate and lawful accommodation.

The proliferation of emotional support animals (ESA) has led to an increase in the selling and subsequent misrepresenting of emotional support dogs as service dogs, including businesses now selling various misleading ESA-related certificates and merchandise that inaccurately imply that handlers of ESAs have the same legal rights and privileges as handlers of service dogs.

Two key distinctions between a service animal and an ESA are:

- Service animals are trained to perform a specific task related to one's disability while ESAs are not required to be trained.
- Service animals may accompany the handler with a disability to nearly any place of public accommodation while ESAs are limited to the same locations as pets and pet owners.

Recommendation: The Legislature should adopt criteria for healthcare practitioners who issue a letter for an emotional support animal. These letters are most often required by housing providers to confirm an individual's right to an accommodation under the Fair Housing Act or Texas Human Resources Code § 121.002. Healthcare practitioners should be limited from providing documentation relating to an individual's need for an emotional support animal unless they:

- hold a valid, active, license to provide professional services within the scope of the license;
- establish a patient-provider relationship prior to providing the documentation; and
- provide notice to the individual that knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog is a misdemeanor.

Access Recommendation 4: Officially Recognize the Justin Dart: Lead On! Transit Station

Justin Dart was an American advocate for people with disabilities who is widely recognized as the "father" of the [Americans with Disabilities Act](#).⁴ Justin Dart was also the first chairman of the Texas Governor's Committee on People with Disabilities. The Capitol Complex Transit Station is currently in use by the community. This proposal would name it in honor of Justin Dart's legacy.

Recommendation: By passing a concurrent resolution, the Texas Legislature could formally name the transit station after Justin Dart to honor his legacy.

⁴ Mitchell, D. T. "Justin Dart, Jr." Encyclopedia Britannica, October 15, 2024. <https://www.britannica.com/biography/Justin-Dart-Jr>.

Access Recommendation 5: Build Accessible Playscapes

Every elementary school student with a disability deserves the right to play with their peers. Many schools and state parks lack accessible playscapes that would allow children with disabilities to play alongside their non-disabled peers. The GCPD supports establishing a grant program to be administered by the Texas Education Agency (TEA) and the Texas Parks and Wildlife Department (TPWD) to make all school and state park playgrounds accessible.

Recommendation: The Legislature should appropriate funds to ensure primary school playgrounds are accessible to students with disabilities and require TEA to work with school districts to reach a goal of having 100% accessible and inclusive playscapes over the next ten years according to TDLR 2012 Texas Accessibility Standards. Additionally, the Legislature should appropriate funding to TPWD to construct accessible playgrounds at Texas state parks.

Communications

Communications encompasses a broad range of topics, from ensuring web accessibility of state websites and documents to ensuring American Sign Language (ASL) interpreters are present at press conferences. Without effective communication assuring access, securing employment, receiving medical care and successful emergency management are impossible.

State and local governments are required to ensure that “whatever is written or spoken [is as] clear and understandable to people with disabilities as it is for people who do not have disabilities.”⁵ Effective communication techniques will vary depending on the person, their disability, and the environment.

Communications Recommendation 1: Restore Funding for HHSC’s Deaf Resource Specialists

Resource specialists provide services for people who are deaf or hard of hearing, as well as government agencies, service providers, employers, and private entities. Regional service providers offer services statewide at no cost to the individual through contracts with HHSC Office of Deaf and Hard of Hearing Services (ODHHS).⁶

[Deaf and Hard of Hearing Technology Specialists](#) promote quality of life for persons who are deaf and hard of hearing. Services include:

- assistive technology demonstration and assessment;
- consultation and training on communication strategies; and
- referrals to community resources for support for hearing loss.

[Deaf and Hard of Hearing Access Specialists](#) promote equal access and equal opportunity for persons who are deaf or hard of hearing. Services include:

- advocacy and teaching self-advocacy skills for effective communication;
- consultation and training on culturally competent service provision, including mandates regarding communication access; and
- referrals to other community resources.

⁵ U.S. Department of Justice, Civil Rights Division (September 14, 2009). *Chapter 3, General Effective Communication Requirements Under Title II of the ADA*. Accessed on November 1, 2024: <https://www.ada.gov/pcatoolkit/toolkitmain.htm>

⁶ “Deaf and Hard of Hearing,” Texas Health and Human Services Commission, accessed October 27, 2024, <https://www.hhs.texas.gov/services/disability/deaf-hard-hearing>.

There is a shortage of Technology Specialists in roughly 55% of Texas counties and there are no Access Specialists in about 32% of Texas counties.

Recommendation: The Legislature should appropriate funds to increase the number of contracted Resource Specialists from 18 to 34 in the HHSC ODHHS Resource Specialist Program.⁷

Communications Recommendation 2: Establish a DeafBlind CoNavigator Program

DeafBlindness is a chronic condition in which a person not only has deafness, with their hearing impaired severely enough so that most speech cannot be understood without amplification, but who also has legal blindness, where their visual acuity is 20/200 or less in the better eye with best correction or their visual field is 20 degrees or less⁸.

DeafBlindness is a combination of sight and hearing loss that requires significant and unique adaptations for the individual to maintain independence and access their communities.

In response to concerns raised by constituents, the GCPD researched and prepared [a report on the status of support service providers \(SSPs\)/CoNavigators \(CN\) in Texas](#). After an extensive review on this profession in Texas and across the country, the GCPD prepared recommendations for establishing an SSP/CN program.

Providing SSP/CN services in Texas communities would have an enormous impact by supporting greater independence, self-determination, and a higher quality of life for Texans who are DeafBlind.

Recommendation:

- Establish a formalized SSP/CN program within HHSC, including training for providers to ensure quality and consistency.
- Establish the following eligibility criteria for the program:
 - a. individuals who meet the definition of DeafBlind as defined by HHSC; and
 - b. individuals who meet the financial criteria of a monthly income not greater than 300 percent of the federal poverty level.

⁷ Health and Human Services Commission, "Legislative Appropriations Request for Fiscal Year 2026 and 2027" (Volume I, 2024), 691.

⁸ 26 Tex. Admin. Code §260.5 (2023).

- Establish a pay rate for SSP/CN providers based upon training and ASL fluency with a starting wage of \$20 per hour which is consistent with the [2024 State of Texas Salary Schedule for an Interpreter I](#) position.
- Develop an initial advisory committee to create the program, including individuals who are DeafBlind, SSPs/CNs, GCPD, and other organizations that serve individuals who are DeafBlind.

Criminal Justice

Because people with disabilities are overrepresented in the criminal justice system, emphasizing equal access to programs and services in every phase of the criminal justice system, from law enforcement, diversion programs, the courts, county jails and state prisons, and successful rehabilitation and reentry is needed.

Criminal Justice Recommendation 1: Contact Parents for Release of Jailed Children with Disabilities

Children who are 17 years old with a disability are sometimes jailed for behavior responses that are caused by their disability. Children may be placed in jail because of these behaviors. Given their age, these children are placed in jail with adults, and, upon release, the family is not called, so the child is alone on the streets unable to find a way to safety.

Recommendation: The Legislature should consider legislation requiring law enforcement to call parents before an incarcerated child with a disability is released. Texas Commission on Law Enforcement and the Texas Commission on Jail Standards should also be required to develop training for peace officers and standards for jails to meet this requirement.

Criminal Justice Recommendation 2: Fund Peer Support Programs for Judicial Systems

Persons living with mental illness and/or substance use disorder are overrepresented in our courts and jails. Introducing peer support organizations to diversion court dockets can reduce the percentage of those living with mental illness and/or substance use disorder who are justice involved.

Recommendation: Establish public funding for peer support organizations that focus on persons living with mental illness and/or substance use disorder who are justice involved. Teams would generally consist of peer support specialists, employment specialists, and occupational therapists who will work with these individuals as well as judicial and law enforcement personnel. These organizations would assist with diversion court dockets, such as mental health dockets, the Child Protective Services docket, Veterans' Court, the drug court, and criminal dockets.

Education

Texas schools provide for the free appropriate public education of students with disabilities determined eligible for special education services. Students with disabilities receive special education services and supports under the [Individuals with Disabilities Education Act \(IDEA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#).

The GCPD makes recommendations to address systemic issues that will improve a child's access to individualized educational opportunities, assure safety for the child while at school, and to support successful transition to adulthood.

Education Recommendation 1: Expand the Do-Not-Hire Registry

In 2019, the Texas Legislature created the Do-Not-Hire Registry, an official state list of individuals who are ineligible for employment in Texas schools. The purpose of the Registry is to protect the safety and welfare of all students by preventing school districts from hiring teachers and other school employees after another district terminated them for abusing a student.⁹ Reform and expansion of the Registry will further protect students with disabilities. Improvements are needed to the Registry because abusive restraints continue to occur and arrests of school employees for attacks and injury of students with disabilities are continuing.

Recommendation: The Legislature should consider amending Texas Education Code, Chapter 22.092, Subchapter C-1 to:

- expand mandatory listing on the Registry of educators who are convicted under Texas Penal Code § 22.04 (Injury to A Child, Elderly Individual, Or Disabled Individual); and
- protect the safety and welfare of students with disabilities by preventing school districts from hiring teachers and other school employees after another district terminated them for abusing a student.

⁹ "Do Not Hire Registry," Texas Education Agency, accessed October 12, 2024, <https://tea.texas.gov/texas-educators/investigations/do-not-hire-registry>.

Education Recommendation 2: Transition to Service Based Intensity Formula System

Current state funding for special education is based upon a label of the classroom or placement assignment, which may or may not capture the true cost of serving each student. Special education has evolved over the past quarter century and *where* a student is served is no longer indicative of *how* the student is served. Intensive services and supports may be provided a regular classroom as well as in a separate room. Funding should be allocated based on services the student receives, regardless of setting. Special education weights must be revised to accommodate the types of services provided in today's settings.

Recommendation: Texas should transition special education funding from the current placement-based system of funding to a service intensity-based system, correlating funding to the number of services that the school district directly provides to a student with a disability. This is because if a school district must do more for a student with a disability, then it is expending more resources on that student and the state financing system should recognize that effort. This recommendation aligns with Recommendation 1 from the Texas Commission on Special Education's [Funding Report to the 88th Legislature](#).

Education Recommendation 3: Improve Access to Cameras in Classrooms for Parents and Guardians

In 2015, the Texas Legislature expanded protection for students with disabilities in public schools by allowing video surveillance in certain special education classrooms.¹⁰ Video recordings document inappropriate restraints and other abuse of students with disabilities. Improvements in the law are needed because harmful restraints continue to occur and arrests of school employees for attacks and injury of students with disabilities are continuing.

Recommendation: The GCPD recommends that the Legislature expand the use of cameras in classrooms to further empower parents and protect students with disabilities to address harmful restraints and

¹⁰ "Information Regarding Video Surveillance of Certain Special Education Settings," Texas Education Agency, accessed November 12, 2024, <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/state-guidance/information-regarding-video-surveillance-of-certain-special-education-settings>.

reduce injury of students with disabilities. Texas Education Code § 29.022 should be amended to:

- require schools to notify parents of cameras in classrooms law;
- extend the retention period of camera footage;
- ease restrictions/challenges parents may face when trying to access the recordings from the school; and
- develop mandatory standards for placement of cameras in self-contained classrooms or isolated spaces on campus.

Education Recommendation 4: Fund Pay for Qualified Educational Interpreters for Deaf Students

Children who are deaf need qualified interpreters to be successful in the educational environment and to transition successfully to adulthood. Interpreters are the link between the deaf world and the hearing world.

To be certified in Texas, interpreters must pass either the Registry of Interpreters for the Deaf or the Board for Evaluation of Interpreters tests. Candidates who pass either of these tests demonstrate skills necessary to interpret simple to complex matters. Certified interpreters are also required to adhere to standards of professional conduct and confidentiality designed to ensure that all people involved receive effective communication. In Texas, the Regional Day School Programs for the Deaf struggle with recruitment of qualified interpreters. Educational interpreters pay averages \$27.62 an hour while interpreters working under agencies or legal average salaries of \$37 and \$72 an hour, respectively.

Recommendation: The GCPD recommends increasing the funding to Regional Day School Programs for the Deaf at a level to allow districts to compete with the interpreter market for educational interpreters. The current state allocation of \$33,133,200 has not changed since 1995, despite the increase in expenses to run the programs and the increase in the number of students served. The GCPD further recommends the legislature increase the state allocation and require the appropriation to be used to fully fund certified educational interpreters.

Education Recommendation 5: Ban Restraints

Students with disabilities continue to be overrepresented in instances of restraints in school settings. This recommendation aims to protect the physical, emotional, and mental health of students and families.

Recommendation: The Legislature should consider legislation that would ban the use of prone and supine restraints and prohibit restraint for property damage only. Staff who have not been trained in restraints should not be allowed to restrain any students, unless there is an emergency as defined by statute and with limitations included in statute and any corresponding administrative rules.

Education Recommendation 6: Conduct a Braille Literacy Study

According to 2024 data from the Texas School for the Blind and Visually Impaired, the number of K-12 students who are identified as blind or visually impaired in Texas is 10,930. Among these students, there were only 847 students who were braille readers. Access to higher education, skilled career training programs and future self-sufficiency for blind and visually impaired students depends upon literacy skills and a lack of braille literacy is a barrier. More students need access to braille instruction and resources. The reasons for reduced use of braille vary across communities and may be related to lack of awareness by parents of the importance of braille, lack of qualified teachers, or other constraints.

More students need access to braille instruction and resources, and the teacher shortages across education are causing an even greater barrier to braille access.

Recommendation: The Legislature should require a Braille Literacy Study to include participation by the Texas Governor's Committee on People with Disabilities, Texas Education Agency, Texas School for the Blind and Visually Impaired, Texas State Library Talking Book Program, Health and Human Services Commission Early Childhood Intervention Program, Blind Children's Vocational Discovery and Development Program, and other agencies and organizations as necessary.

The study shall address:

- Shortage of Teachers of the Visually Impaired;
- Adequacy of TVI certification requirements, professional training and development and continuing education on braille literacy;
- The issue of TVI's not retaining Braille competency beyond test for certification and the requiring recertification after a certain number of years;
- The braille course requirements for TVI's in the university curriculum;

- Early identification of blind children from birth to age three including:
 - a) Barriers to successful referral to the Early Childhood Intervention Program if identified as blind or visually impaired; and
 - b) Adequacy of braille support for parents of blind children including braille information, resources, technology, children's books, and parental training;
- Discussion of K-12 Admission, Review, and Dismissal committee requirements related to Braille and learning medium evaluations, including an analysis of IDEA requirements vs. Texas Education Code;
- Optimal alignment and coordination of resources and strategies for braille education and literacy across all applicable state agencies and programs; and
- Recommendations for changes to Texas laws, policies, or rules to optimize and increase the braille education for blind and visually impaired Texans.

Education Recommendation 7: End the Use of Informal and Undocumented Suspensions

It is common practice for school personnel to contact parents when their child is having behavior issues at school or if teachers are unsure how to support students with disabilities. When this communication occurs, the school may request or encourage the parent to pick up their child before the end of the school day. Early pickups, which are not considered official out-of-school suspensions, disproportionately impact students with disabilities by excluding children from the classroom and from other important periods of academic and social interaction with teachers and peers. Students, parents, educators, and other advocates are increasingly concerned about this practice for several reasons:

- School-initiated early pickups may be recorded as unexcused absences, resulting in truancy notices to parents.
- Parent employment may be put at risk from repeatedly taking off work to pick up their child.
- Since out-of-school suspensions were eliminated for pre-k through 2nd grade students in 2017, parents report that schools are utilizing early pickups instead, which are not documented as official suspensions.
- Early pickups, or shortened school days, deny a Free and Appropriate Public Education (FAPE) to students with disabilities.

Recommendation: The GCPD recommends amending Texas Education Code § 25.0875 to clarify the prohibited use of informal, undocumented suspensions and certain releases of students with disabilities to parents after school-initiated communication. The GCPD recommends that TEA develop and provide training to local education agencies on how to address behavior challenges with students with disabilities to minimize the use of early dismissals.

Education Recommendation 8: Require Transition Planning for 504 Students

According to the Texas Education Agency, there are currently [400,078 students covered under Section 504 of the Rehabilitation Act](#). These students, however, are not receiving the necessary transition planning to successfully enter postsecondary education and the workforce. The Texas Education Code does not address transition planning for students receiving services under Section 504, leaving these students unaided in the transition process.

Recommendation: Amend the Texas Education Code to require districts to offer transition planning for all students receiving services under Section 504 of the Rehabilitation Act. This transition planning can help connect students to Vocational Rehabilitation, better equip students for postsecondary education success, and prepare students to enter the workforce after graduation. For each student with a disability, the Section 504 Committee must include:

- The parent or guardian of the student;
- A representative of the school system (Principal, Vice Principal, Counselor, District 504 Coordinator, or Transition and Employment Designee);
- A designated transition specialist;
- A transition vocational rehabilitation counselor; and
- Whenever appropriate, the child with a disability.

Texas Education Code § 29.011 should also be amended to apply to students receiving services under Section 504 of the Rehabilitation Act.¹¹

¹¹ 29 Tex. Educ. Code §29.011 (2017)

Education Recommendation 9: Strengthen and Enforce Unlicensed Diabetes Care Attendant Requirements

In schools where a student who has diabetes is enrolled, the function of the Unlicensed Diabetes Care Attendant (UDCA) is to help the student with the student's diabetes management. If a school has a school nurse, they need one UDCA; if the school has no nurse, they need three UDCA's. This requirement only applies at a campus where a student with diabetes is enrolled. Under Subtitle H, Title 2, Texas Health and Safety Code Chapter 168, training for UDCA's is only required once even though diabetes management is a constantly evolving field. Because it is important for UDCA's to have a deep understanding of diabetes management, additional training is needed.

Recommendation: Strengthen and enforce UDCA requirements and training by updating the Health and Safety code to require training in accordance with the Texas Diabetes Council UDCA Guidelines.

Education Recommendation 10: Provide Educational Representatives for Adult Students with Disabilities

In the 2018-2019 school year, there were 23,054 students with disabilities ages 18 to 21 attending Texas public schools. Educational representatives provide a positive impact for adult students with disabilities who lack a legal guardian and do not have the ability to provide informed consent for their educational programs. The appointed educational representative would represent the educational interests of the student throughout the remaining period of the student's eligibility under IDEA.

Recommendation: Amend the Texas Education Code to create a procedure for school districts to determine whether an adult student with a disability can provide informed consent for their educational program. If the adult student is determined to be unable to provide informed consent, school districts shall have the authority to designate an educational representative. The school district shall work with the student to identify an appropriate educational representative that address the needs and preferences of the student.

Education Recommendation 11: Authorize a Disability Pathway to Prekindergarten

Prekindergarten entry guidelines need to include a path for admission based on disability. Early Childhood Special Education services are great for more complex students, however for students with speech needs or higher-level autism, the local education agency often must choose between receiving funding for the prekindergarten slot or placement in the least restrictive environment.

Recommendation: The GCPD recommends changing the statutory eligibility requirements for admission to prekindergarten to include students with disabilities.

Education Recommendation 12: Educate Students on Texas's Role in Disability History

Many Texans were involved and instrumental in passing the ADA which has had a lasting impact on the United States. This important history belongs in the 7th Grade Texas History Social Studies curriculum. People with disabilities and their accomplishments/contributions are often missing from the annals of history. By adding this section, Texas can instill in its citizens their power to bring positive change to Texas and the United States, regardless of their disability status.

Recommendation: The GCPD recommends adding a unit of instruction to the 7th grade Texas history social studies curriculum focusing on the role and impact of Texans on the development and passage of the ADA.

Emergency Management

Over the last ten years, Texas has experienced 40 federally declared disasters. The GCPD promotes the safety of people with disabilities by encouraging preparation for disability-related issues during a disaster. In planning for natural and man-made emergencies, people with disabilities have functional and access needs to consider that require specialized assistance. The impact that a disability may have during a disaster must be considered by both the responder and the person with a disability.

From local incidents, such as prolonged power outages, to large-scale public health emergencies, access to healthcare can be disrupted, rapidly putting these at-risk individuals with disabilities into life-threatening situations within hours or days.

Emergency Management Recommendation 1: Ensure Durable Medical Equipment Back-up Power

Power outages threaten the lives of thousands of Texans who depend upon electricity to power life-sustaining durable medical equipment (DME), such as breathing machines and feeding devices. Outages can place individuals who are at risk into life-threatening situations within hours.

Recommendation: The GCPD recommends that the Legislature enact legislation to create a program to ensure emergency backup power to income-eligible Texans who are dependent on electrically powered medical devices. Alternatively, the Legislature could consider amending the Texas Utilities Code, Chapter 34 to allow eligible individuals to participate in the Texas Backup Power Package Program. Such a change would allow Critical Care and Chronic Condition Residential Electricity Customers to receive grant funding for a backup power package that can operate for 48 hours during a loss-of-power event.

Emergency Management Recommendation 2: Share and Integrate emPOWER Data

The HHS emPOWER Program provides federal data to help protect the health of at-risk Medicare beneficiaries who live independently and rely on electricity-dependent durable medical and assistive equipment and devices. emPOWER¹² data can assist with disaster planning operations

¹² HHS.gov, "emPOWER in Action," Empower Program, accessed July 31, 2021, <https://empowerprogram.hhs.gov/in-action.html>

across a variety of emergency support functions that sustain these community lifelines. Without inclusive planning to address the needs of the community, vulnerable individuals remain at substantial risk for injury in times of disasters and emergencies and EMPOWER data is one option for mitigating the risk. This data would benefit local jurisdictions in understanding the specific needs of their community and promote inclusive planning practices for the whole community for disasters and emergencies.

Recommendation: The GCPD recommends the Legislature provide funding to implement a program to allow state agencies to work with CMS emPOWER Federal partners to access, format, analyze and deliver empower data to local offices of emergency management and/or local health departments before an impending disaster or upon a state or federal disaster declaration. The program should allow a state data custodian to respond to an emPOWER data request from a local health department or county office of emergency management by providing data to the jurisdiction in a timely manner upon request. The program can include the following:

- HHSC should work with CMS emPOWER federal partners to routinely integrate state Medicaid and CHIP data with existing Medicare emPOWER data to provide a more comprehensive data visualization.
- HHSC and DSHS should work with the Texas Division of Emergency Management to study the technological, legal, regulatory, and cost feasibility of integrating emPOWER data with STEAR data sets and critical care registries from local power companies to identify individuals more quickly and accurately with life-sustaining power-dependent healthcare needs during a disaster.
- State of Texas full-scale emergency exercises should include scenarios that involve the operational use of emPOWER data to respond to exercise participants with access and functional needs who use power dependent DME. Additionally, the state should facilitate the use of emPOWER data in local or regional exercises.
- State Emergency Support Function planning templates should be updated for inclusive local planning for the operational use of emPOWER data in all phases of emergency management.

Emergency Management Recommendation 3: Establish a Missing Children Who Bolt Taskforce

Adults are sometimes challenged to protect children with disabilities from elopement (running away).

The 2003 Amber Alert, also known as Endangered Missing Persons, was expanded in 2011 to include individuals with intellectual disabilities of all ages, and autism in 2019, yet there are still gaps that need to be addressed. For example, a child with Autism would elicit a missing person alert, but a child with another type of mental health disability would be considered a runaway. When responding to requests for help related to a missing child, the first 48 hours are said to be crucial to bringing a child home. If children with disabilities are being mislabeled as runaways, then law enforcement agencies may be losing crucial hours in finding them.

Recommendation: Establish a task force regarding the statewide alert system for abducted children and missing persons with disabilities. The goal of the task force is to develop recommendations to increase the consistent application of the statewide alert systems for abducted children and missing persons with disabilities, including by standardizing case classifications and other law enforcement procedures for missing persons cases, including missing person cases involving a missing person with a mental illness.

Employment

People with disabilities represent a valuable labor force. The GCPD supports integrating people with disabilities into the workforce by providing reasonable accommodations, assistive technology, and trainings on best practices. Meaningful work is essential to a person's economic self-sufficiency, as well as to one's self-esteem and well-being.

Workforce participation is significantly lower for people with disabilities than people without disabilities.¹³ Reported barriers to employment for individuals with disabilities include:

- lack of education or training;
- discriminatory practices in the job application process;
- prejudices about certain disabilities that result in a refusal to hire;
- inaccurate understanding of cost of workplace accommodations resulting in a refusal to hire or failure to provide the requested accommodations; and
- lack of accessible transportation.

Employment Recommendation 1: Fully Fund the Texas Workforce Commission-Vocational Rehabilitation Service

Vocational rehabilitation (VR) services help individuals with disabilities to secure employment, maintain existing employment or advance in their careers. Additional services are provided to help students with disabilities prepare for life after school. VR also helps expand employment opportunities by supporting businesses that hire and train individuals with disabilities.

Maintaining an effective program requires significant new investments to recover and maintain a robust network of service providers following reductions in the provider base due to inadequate rates; streamlining procedures and approval processes by TWC-VR staff to remove unnecessary administrative burdens for staff, providers, and customers; and sustaining expert state staff to effectively serve jobseekers with disabilities.

¹³ U.S. Bureau of Labor Statistics (February 26, 2020), *Persons with a Disability: Labor Force Characteristics – 2019*. Retrieved on December 9, 2020, from: <https://www.bls.gov/news.release/disabl.nr0.htm>

Without sufficient resources people with disabilities are not able to rely on VR services and will miss opportunities to gain long term self-sufficiency through stable employment.

Recommendation: The GCPD recommends that the Legislature increase funding to the Texas Workforce Commission – Vocational Rehabilitation Services. General Revenue funding for the 2026-2027 biennium must be sufficient to match all available federal funds and be used to recruit and retain a statewide skilled network of providers, support rate increases, implement administrative improvements to reduce burden on clients and businesses, and support a stable state workforce to provide timely and skilled services.

Employment Recommendation 2: Expand and Reform the State Use Purchasing Program

While the average turnover and vacancy rates for state agencies has fallen to 16.5% for FY 2024, the State of Texas could benefit from additional options to enlist services to help with recruitment and hiring. Adding “direct hire” services to the state use contract is one of the most efficient and cost-effective ways to do this.

Direct hire staffing is most often used for competitive and hard-to-fill positions that may have been vacant for a long time. Offering direct hire services to the State of Texas would be an opportunity to seek out professionals with disabilities to place directly into state agencies. This would further optimize opportunities for Texas vocational rehabilitation customers since placement in temporary jobs is not a valid vocational rehabilitation outcome. Finally, this would have a positive impact on the optics of jobs for people with disabilities.

The [Works Wonders Program](#) mandates a State Use Program to promote vocational rehabilitation through special work contracts for Texans with disabilities. These contracts typically provide temporary staffing services to state agencies. In the past year, more than \$39 million in wages were paid to these employees for work on state and local government contracts. Approximately 120 community rehabilitation programs (CRPs) across Texas partner to provide employment opportunities for individuals with disabilities. The current provider is [WorkQuest](#).

Recommendation: The GCPD recommends an expansion of direct hire staffing services under the State Use Program to be offered to state agency customers. Pursuant to [Texas Government Code § 656.024](#), the direct hire provider will ensure that jobs have been posted and

advertised with the state agencies for at least 10 working days prior to servicing job orders for internal positions. The provider would also be responsible for ensuring that the candidates apply through the agency's hiring portals to ensure a consistent and fair hiring process for the State of Texas government agency. Additionally, the Legislature should require training by state agencies on how to utilize the program and then account for each time a staffing project falls within scope and is not utilized.

Health

The GCPD provides analysis and guidance on access to the healthcare system, health insurance, public benefit programs (e.g., Medicaid and Medicare), as well as the physical accessibility of medical facilities for people with disabilities. We also work to propose solutions that allow Texans to age-in-place, which provides for better health outcomes for seniors, reduces cost burdens on the public benefit system, and is overall more effective.¹⁴

Health Recommendation 1: Substantially Raise Attendant Care Wages

Community attendants provide vital services to aging Texans and those with disabilities in home and community-based programs. These skilled community attendants build close relationships with the people they support, enhancing their independence while assisting with intimate needs such as personal hygiene, cleaning, cognitive assistance, and routine medication administration. As the aging and disability populations grow, Texas continues to face a shortage in the community attendant labor force. This critical, difficult role sees high turnover due to low wages and a lack of benefits. Increasing community attendant wages and providing benefits should help attract and retain quality personal care attendants.

Recommendation: The GCPD recommends that the Legislature increase community attendant care wages and benefits to be competitive with prevailing market wages at a level necessary to attract and retain personal care attendants covered by state programs, including Medicaid waiver programs. Additionally, the Legislature should implement a methodology for periodic rate increases based on increased cost of living.

Health Recommendation 2: Allow Paid Family Caregivers

In recent years, families have reported struggling to find attendants willing to work for the rate set by HHSC. When families can find someone, the attendant does not consistently meet the family need due to employee turnover. Family members may be unable to work or address their own healthcare needs if attendant services are not available to care for their family member with a disability.

¹⁴ "Aging in Place: Growing Older at Home," National Institute on Aging, National Institute of Health, October 12, 2023, <https://www.nia.nih.gov/health/aging-place-growing-older-home>.

Recommendation: The GCPD recommends amending state law to allow family members, including spouses and parents, to be the paid personal care attendant for individuals in home and community-based programs.

Health Recommendation 3: Institute a Family Licensed Health Aide Program

The Family Licensed Health Aide program will add another nurse-staffing option to the existing Texas benefit structure. With Board of Nursing approved principles of delegation, home care agencies would allow a parent, family member, or legal guardian to become paid Certified Nursing Assistants provide skilled services for their loved one.

Recommendation: The GCPD recommends establishing a Family Licensed Health Aide program to allow families/parents to become paid caregivers for their children under the Texas home health benefit. The GCPD further recommends that legislation include a statement that participation in this model is up to the family and the managed care organization cannot pressure a family to participate.

Health Recommendation 4: Fund the Medicaid Dental Benefit

People with developmental disabilities, cognitive impairment, complex medical problems, significant physical limitations, and the vulnerable elderly often lack access to oral health care. Oral health is critical to overall well-being and to avoid disease, prevent complications of underlying health conditions and to maintain good health across the life span.

Barriers to adequate oral health for people with disabilities include lack of access to a financial resource including dental insurance, and finding a skilled provider to address patient medical, physical, psychological and social supports needed for successful care.

Recommendation: The GCPD recommends the Legislature provide funding for the preventative dental benefit authorized in Section 32.054 (f), of the Human Resources Code which will benefit people with disabilities who are Medicaid recipients.

Health Recommendation 5: Resolve Waiver Cap Issues

Under Medicaid waivers, rates for specific services have increased while the total allowed waiver budget remained the same. Certain individuals may be required to reduce services to stay within their individual budget.

Recommendation: When payment rates for specific services within the 1915(c) waivers are raised, such as rates for personal care attendants, the total budget for the waiver should also be raised to prevent a reduction in needed services.

Health Recommendation 6: Support Independent Living Services for Older Individuals Who Are Blind

The prevalence of blindness and visual impairment among people 65 years of age and older, according to the U.S. Census, (American Community Survey), is estimated to be about 5.9%.¹⁵ This means that there are currently more than 288,000 Texans, aged 65 and older who experience some level of severe vision loss, and this number will increase by the same 60% over the next 15 years – to over 460,000 individuals by 2035.

Recommendation: GCPD recommends that the Legislature should establish and fund six additional Senior Keys to Independence Program sites under the Texas Workforce Commission's Independent Living Services for Older Individuals Who Are Blind Program in major cities throughout the state to offer day-time classes teaching independent living skills in an apartment-style setting to older adults diagnosed with severe vision loss. This program will allow them to travel each day from their homes to the classes, promoting their learning of how to live with vision loss.

Health Recommendation 7: Increase Deaf Blind with Multiple Disabilities Waiver Slots

By increasing the number of waiver slots, people who are deafblind with other disabilities and their families will have the needed support to

¹⁵ U.S. Census Bureau, "Disability Characteristics," American Community Survey 1-Year Estimates Subject Tables, Table S1810, 2023, <<https://data.census.gov/table/ACSST1Y2023.S1810?q=vision%20difficulty>>, accessed on November 1, 2024.

develop appropriate and consistent delivery of services. Increasing access to these critical services will allow members of the Deaf Blind community to pursue educational and employment opportunities, sustain relationships and achieve a higher quality of life.

Recommendation: GCPD recommends increasing the number of slots for Deaf Blind with Multiple Disabilities Waiver by 225 for the next biennium.

Health Recommendation 8: Permit Intervener Services While Hospitalized

Currently, an individual on a 1915(c) waiver who enters the hospital loses access to their intervener services. An intervener is a service provider with specialized training and skills in deafblindness who, working with one individual at a time, serves as a facilitator to involve an individual in home and community services and activities,¹⁶ and who is classified as an Intervener as defined by Texas Government Code §531.0973. An intervener provides services tailored to the unique needs of the individual. Because the services are so tailored to the individual, they cannot be performed by an unfamiliar service provider.

Recommendation: The GCPD recommends the creation of a funding source to pay for intervener services for individuals in the 1915(c) waivers when the individual is hospitalized. This fund would be used only temporarily to cover intervener services for people who are deafblind with other disabilities for the duration of the hospital stay. This fund would reduce institutional costs for this very low-incidence population.

¹⁶ "What is an Intervener?" National Center on Deafblindness, March 2020, <https://www.nationaldb.org/for-families/learning-resources/family-topics/what-is-an-intervener/>.

Transportation

Transportation provides a vital lifeline for people with disabilities to access employment, education, healthcare, and community life. A shortage of accessible parking and limited options for accessible transportation services based on location, disability, or age continue to create barriers for people with disabilities.

Transportation Recommendation 1: Form a Transportation Network Company Workgroup

Since 2010, several private Transportation Network Companies (TNCs) have entered the transportation services market by offering on-demand travel options that use an application on a person's mobile phone to "order" transportation services. Vehicles used by TNCs are personal cars or sedans owned by the driver or leased from the TNC. This transportation service model offers several levels of service; however, there is no option for an accessible vehicle for customers who use fixed-framed wheelchairs. There are few, in any, Wheelchair-Accessible Vehicles (WAVs) available to individuals who wish to use a TNC. TNCs have expanded rapidly leading to a reduction in the availability of taxis which are required to provide WAV options.

Recommendation: The Legislature should propose a study to examine how public and private driver incentives can lower the cost of owning and operating a WAV to provide expanded access to passengers who use fixed-frame wheelchairs.

Transportation Recommendation 2: Enhance the Driving with Disability Law

Texans have the option to disclose "Communication Impediment" directly on the front of their Driver License or State ID or when registering their vehicle through the Department of Motor Vehicles. This information alerts a peace officer that an individual who may be slower to respond to questions has a communication disability or to inform the officer that an individual is deaf or hard of hearing.

Amending statute to include Speech Language Pathologists, Occupational Therapists, Audiologists, School Psychologists, and Diagnosticians as professionals who may verify an individual's disability would enable more people with disabilities to participate in this program.

Amending statute to allow individuals to identify the type of communication impairment would assist peace officers who stop a

vehicle registered under this program to know the specific type of communication impediment and respond accordingly. Currently, the Texas Law Enforcement Telecommunications System, a secure network that provides access to criminal justice information for law enforcement officers, only displays "communication impediment" which could vary from Deafness to Autism.

The individual voluntarily makes the choice to share this information and would be provided with clear information at the time of opt in about how the information is shared and its intended use.

Recommendation: The GCPD recommends amending Texas Transportation Code § 502.061(a) by adding the following health professions as allowable verifiers: Speech Language Pathologist, Occupational Therapists, Audiologists, School Psychologists, and Diagnosticians. Additionally, Texas Transportation Code § 502.061(b) should be amended to remove "The department may not provide to the Department of Public Safety information that shows the type of health condition or disability a person has."

Transportation Recommendation 3: Amend Accessible Parking Placard Law

Organizations that provide accessible transportation for individuals with disabilities to live independently and thrive in their community of choice do not have access to accessible parking placards. This creates logistical and safety concerns for individuals with disabilities when a closer space is necessary to fulfill work or personal obligations. This issue has been highlighted over several years with many failed attempts for an administrative solution.

Current law only allows for a van or bus operated by residential institutions, facilities, and residential retirement communities licensed under the Health and Safety Code where individuals with a disability or seniors live to obtain an accessible parking placard. Centers for Independent Living or other nonprofits who regularly provide accessible transportation for individuals with a disability are unable to obtain an accessible parking placard.

Recommendation: The GCPD recommends amending Section 681.0032 of the Texas Transportation Code to include Texas Centers for Independent Living, day habilitation, and senior activity centers or other organizations that provide independent living services.

Transportation Recommendation 4: Redefine Van Accessible Requirements

Hospital Outpatient, Rehabilitation Facility, and Outpatient Physical Therapy Facilities already require between 10-20% more accessible parking spaces due to the nature of business. Angled parking and shared access aisles will assist in making this goal possible.

Recommendation: The Legislature should redefine the van accessible requirements in the Texas Accessibility Standards for medical and rehabilitation facilities to significantly increase the number of van accessible spaces.

Transportation Recommendation 5: Enact Alternative Sentencing

Disabled parking abuse is a growing problem. While eighteen percent of the population has disabilities, only four percent of parking spaces are allocated for their needs.

Texas has among the highest fines in the nation for disabled parking violations (\$500) to act as a deterrent to violating accessible parking spaces. However, enforcement remains problematic as evidenced by ticket dismissal rates as high as 83% in some counties.

An educational alternative to high fines provides an opportunity for the community to learn the importance of disabled parking.

Recommendation: The GCPD recommends amending Transportation Code § 681.011 to permit alternative sentencing which includes:

- Required education classes on disability awareness and accessible parking with a reduced fine upon completion of said education;
- Community service/restitution requirements at a nonprofit organization that serves persons with disabilities or any other community restitution that may sensitize the violator to the needs and obstacles faced by persons with disabilities; and
- The development of standardized required education classes on disability awareness and accessible parking by the Texas Department of Motor Vehicles to fulfill the requirements of recommendation 9.5(a).

Transportation Recommendation 6: Edit Accessible Parking Language

Transportation Code § 681.011 has been interpreted as having imposed overarching restrictions on law enforcement, preventing them from taking any enforcement action against persons who have parked in a parking space or area that is designated specifically for persons with physical disabilities without the required disability parking placard/plate.

Recommendation: The Legislature should amend Transportation Code § 681.011 by removing section (f-2), which allows a peace officer to issue a warning and not a citation when a person parks in a space specifically designated for persons with disabilities, but the space does not have a disability parking space identification sign.