

# **TEXAS GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES**

## **POLICY RECOMMENDATIONS for 2010-2011**

The Governor's Committee on People with Disabilities' staff collected 6,845 comments from people with disabilities, disability organizations, local mayor and county committees, service providers, and businesses to formulate the following Goals and Recommendations. The Committee considered priorities of Texans with a wide variety of disabilities including physical, mental, and sensory disabilities.

Section 115.009 (3) of the Human Resource Code requires that the Governor's Committee shall: "before the end of each even-number year, submit to the Governor, and to the Legislature, a report that includes ... (b) a long range state plan for persons with disabilities and recommendations to implement that plan and (c) any recommended changes in State laws relating to persons with disabilities."

For the 2010-2011 Biennium, the Committee offers 36 recommendations in the areas of Access, Communications, Education, Emergency Management, Health, Housing, Recreation, Transportation, Veterans, and Workforce.

### ***GOALS AND RECOMMENDATIONS***

#### **ACCESS**

##### **Description**

There were 322 Texans that contacted the Committee with questions or concerns regarding accessibility issues. Concerns included ADA compliance in public offices, office buildings, and continued efforts to increase the knowledge base of entities defined as public accommodations regarding the ADA. There is a need to continue the implementation of the [Help America Vote Act](#) relating to accessible voting and the recruitment and training of poll workers regarding disability access. As follow-up to problems encountered in voting, a plan of improvement should be implemented to correct issues that arise. Once adopted by the U.S. Department of Justice, there will be a need and requirement to implement the [Americans with Disabilities Act Accessibility Guidelines](#) (ADAAG) into the Texas governmental structure and educate the public on the new requirements. The new federal guidelines include unique recreation facilities, courtrooms, jails, and more. Additionally, with the recent passage of the [Americans with](#)

[Disabilities Amendments Act of 2008](#) there will be a need to educate the public on the changes to the law.

## **Goal**

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

## **Recommendations**

1. Educate Texas citizens about rights under the Americans with Disabilities Amendments Act.
2. Promote the efforts of the public and private sectors in Texas to fully implement the requirements of the Americans with Disabilities Amendments Act.
3. Encourage public education efforts about the rights of Texans with disabilities under the Help America Vote Act and accessible elections.
4. Promote effective implementation of state and federal accessible voting laws.
5. Promote full implementation of the Americans with Disabilities Act Accessibility Guidelines upon their adoption by the Department of Justice.

## **COMMUNICATIONS**

### **Description**

There were 100 Texans who contacted the Committee with questions or concerns regarding communications. Concerns included the lack of captioning on new telecommunication devices and challenges regarding accessible emergency information on television stations. During the 79th legislative session, HB 2819 law was passed which requires all state agencies to make available in accessible formats electronic information needed by state employees and the public, and a need to ensure the full implementation of this law. Contractors with the State also need to adhere to the requirements of HB 2819. In this regard, there needs to be language in State contracts that require captioning on producing videos.

### **Goal**

Promote access to communications and improve public awareness about people with disabilities.

## **Recommendations**

1. Support the full implementation of the accessibility elements covered in [Section 508](#) for all state agencies and institutions of higher learning, as defined in HB 2819.
2. Promote awareness and knowledge of American Sign Language as a secondary language.
3. Promote knowledge of assistive technologies.

## **EDUCATION**

### **Description**

There were 296 Texans who contacted the Committee with questions or comments regarding education. Concerns were to increase educational accommodation services for students with disabilities. Comments expressed a need for increased transition services from high school to the community, workforce, or post secondary opportunities. There is a need to support and advocate for accessible information for virtual school programs. This would include requiring colleges and universities to ensure accessibility of delivery methods for distance learning, such as podcast lectures. As noted in the Interim Studies, there is a need to study the effectiveness of school programs serving students with [autism spectrum disorders](#). Research demonstrates that students with disabilities are less successful at transitioning into employment and/or post secondary educational opportunities than their non-disabled peers. A plan to transition students with disabilities to community living should include choice and quality supports. Since several tragedies occurred on college campuses, Committee members have questioned the accessibility of college emergency broadcast systems that rely on texting or Internet messaging. Efforts should be made to encourage colleges and universities to accept American Sign Language proficiency as a foreign language requirement.

### **Goal**

Support opportunities for people with disabilities to participate in education.

### **Recommendations**

1. Promote effective transition services from school to community, workforce, or post secondary opportunities.
2. Promote effective implementation of the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Amendments Act, Section 504 of the Rehabilitation Act, provisions of the No Child Left Behind Act (NCLB), and state education laws that relate to public school or post-secondary students.
3. Promote effective training and education of school personnel regarding disability awareness, behavior management, and learning styles for students with disabilities, including autism.
4. Promote a minimum level of competency for American Sign Language Interpreters in public school districts.

## **EMERGENCY MANAGEMENT**

### **Description**

There were 163 Texans who contacted the Committee with concerns or comments regarding emergency management issues. It was noted during the last three hurricanes that there is a need by people who are blind or visually impaired to have increased access to information received by the general public, such as news and weather reports flashed on television screens. There continues to be a need to educate the public on benefits of the [Texas 2-1-1](#) Registry and pre-disaster planning. There is a need to ensure the next generation of Reverse Texas 9-1-1 system be accessible. Texas will need to examine the needs of the aging population during pandemic flu planning and mass evacuation during natural disasters. The promotion of educational efforts for local and state emergency planners regarding various needs of people with disabilities will continue to be needed. The Public Utility Commission should mandate television stations meet the accessible communication requirements during disaster of making broadcast information audible and visible. In addition, there is a need for more educational efforts to get citizens to develop personal evacuation and disaster plans, which would include the need for medical records, medicines, adaptive equipment, assistive technology, and to plan for a lack of electricity. Local communities should be encouraged to involve a variety of people with disabilities in the pre-disaster planning efforts.

### **Goal**

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

### **Recommendations**

1. Support local emergency plans including a review of the accessibility of shelters, and encourage local emergency personnel to approve emergency plans of facilities to ensure effectiveness and non-duplication of reliance on local providers.
2. Support educational efforts to Texans with disabilities to develop personal evacuation plans to include medical records, medicines, adaptive equipment, assistive technology, and emergency power.
3. Encourage the media to comply with requirements of federal and state laws regarding accessibility of emergency information.
4. Increase and enhance public awareness of the 2-1-1 Texas registry.

## **HEALTH**

### **Description**

There were 343 Texans who contacted the Committee with questions or concerns regarding health issues. At some point in our lives, due to age, disease, or accident, many Texans will become disabled. The American Community Survey of 2006 reported that 34.9% of Texans ages 65 to 74 were disabled and for Texans 75 years and older the percentage rate rose to 58.1%. Texas has more than 2.7 million residents over the age of 60, representing 13% of the population. By 2030, it is projected this number will increase to 7.4 million or 22% of the total population and people over the age of 85 are the fastest growing population group in the state. This older population of Texas is larger, poorer, and more racially and ethnically diverse than in other states. This creates unique challenges and will radically transform our state. Many people with disabilities experience disadvantages in healthcare compared to the general population, and therefore secondary conditions may be increased based on the lack of access to healthcare. The promotion of health and wellness programs that focus on improving functioning across a spectrum of diagnoses and a range of age groups are effective in reducing secondary conditions and outpatient physician visits among people with disabilities.

One challenge is to make exercise equipment accessible and encourage gyms and training facilities to purchase it. There is a need for communities to prepare for the implications and effects of the demographic trends of longevity, aging in place, and other realities of the Baby Boom generation.

On April 18, 2002, an executive order, [RP 13](#) was issued relating to community-based alternatives for people with disabilities that stated it is imperative that consumers and their families have a choice from among the broadest range of supports to most effectively meet their needs in homes, community settings, state facilities or other residential settings. Currently Texas serves almost 5,000 children and adults in 13 State Schools. A variety of programs, including Promoting Independence Plan, Money Follows the Person, and the various Waiver programs, offer choices on living options. Research shows that providing various community supports is less than half the cost of institutionalized care. There is a need for a continuum of choices for independent living in the community to be offered to Texans in State Schools who choose, or whose guardians choose, support in the community.

The [Mental Health Parity and Addiction Equity Act of 2008](#) passed recently with the economic stimulus package. It amends the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code to require a group health plan provide both medical and surgical benefits, and mental health or substance use disorder benefits to ensure that deductibles and co-payments for mental health or substance abuse services are no more restrictive than what is applied to medical or surgical care. There will be a need to educate the public on the requirements of this new law.

### **Goal**

Promote the independence and health of people with disabilities.

## **Recommendations**

1. Promote the accessibility and access to overall health and wellness of Texans with disabilities, which could help prevent secondary conditions, and eliminate disparities between people with and without disabilities and encourage regular physical activity by Texans with disabilities to promote healthy lifestyles.
2. Support universal design of health-related equipment and services for people with disabilities and for people who are aging.
3. Support the broadest range of community-based alternatives to most effectively meet the healthcare needs of Texans in their homes, community settings, state facilities, or other residential settings.
4. Increase support for critical health and human services for Texans with disabilities.

## **HOUSING**

### **Description**

There were 161 Texans who contacted the Committee with issues or comments regarding housing. There is a need to assess current senior housing choices that are accessible, affordable, and integrated. There is a need for a comprehensive long-range state plan to address the growing need for low income, accessible housing. There is a need to have an array of accessible floor plans in private housing. There is a need to increase auxiliary supports in communal housing, such as transportation to and from community supports. Affordable and accessible housing is a major barrier that prevents persons with disabilities from full participation in their communities to live independently. There is a need for a continuum of affordable housing to Texans with low incomes. There is a need to seek strategies to pursue more federal, state, and/or local subsidies to offset housing costs, so that housing can be more available to Texans with disabilities. New home construction built with basic accessibility features requires only minimal increase in costs as opposed to the cost of retrofitting buildings for accessibility. For the aging population with disabilities who choose to live in multi-family housing, the encouragement and promotion of basic accessibility features for multi-family housing would lead to greater independence and full participation in the in the community. The principles of Universal Design promote the inclusion principle of “visitability,” which means that a private residence is accessible to any individual who may be invited to the home. This marketable design concept is making an impact in general design and construction of home for Texans with disabilities in a project called “Easy Living Texas.” When searching for a home online, realtor websites should be encouraged to highlight the accessible features of a home.

### **Goal**

Increase availability of integrated housing options for people with disabilities.

## **Recommendations**

1. Encourage the use of universal design principles and support accessibility in new residential construction.
2. Promote and encourage state-wide initiatives and local governments in the areas of affordable housing, transportation, and community supports, which will foster elder-ready communities.

## **RECREATION**

### **Description**

There were 105 Texans who contacted the Committee with concerns or comments regarding recreation. There is a need to promote policies facilitating inclusion in recreational programs and facilities. There is a need to hire staff and recruit volunteers with disabilities in leadership roles. There is a need to foster programming with an organizational culture of inclusion. Texans need accessible gym equipment and more opportunities to exercise alongside the general public.

### **Goal**

Increase availability of recreation for people with disabilities.

### **Recommendations**

1. Support inclusion of people with disabilities in recreational programs, activities, and venues.
2. Promote the needs and preferences of people with disabilities in the design and development of recreational services, programs, facilities, and functions.
3. Encourage the development of increased recreational opportunities for all Texans, including people with disabilities.
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## **TRANSPORTATION**

### **Description**

There were 579 Texans who contacted the Committee with questions or concerns regarding transportation. There is a need to address the various issues and problems regarding accessible parking. This includes continued education for medical professionals for the correct issuance of parking placards and plates. In addition, there is a need for a development for a state-wide database to help identify fraud and abuse of accessible parking by those not entitled or authorized to use accessible placards and plates.

Adequate and accessible transportation resources are the backbone of living independently and successfully in the community. There is a need to increase transportation options for people with disabilities to lead lives of independence and self determination. Some past efforts, such as HB 3588, which allowed the coordination of a broad range of transportation services to various populations needs continued exploration. There continues to be a need for greater availability, accessibility, and affordable transportation services for Texans with disabilities to access work, healthcare, community resources, and recreational activities.

## **Goal**

Promote the availability of transportation for people with disabilities.

## **Recommendations**

1. Support availability and coordination of accessible and affordable public and para-transit transportation services in Texas.
2. Support the creation of a state-wide database to help track the lawful use of placards and plates for accessible parking.
3. Support efforts to increase penalties regarding the enforcement of accessible parking.

## **VETERANS**

### **Description**

Damage to a person's hearing is the number one resulting disability in the war on terror, according to the Department of Veterans Affairs, and some experts say the true toll could take decades to become clear. Nearly 70,000 of the more than 1.3 million troops who have served in the two war zones are collecting disability for tinnitus, a potentially debilitating ringing in the ears, and more than 58,000 are on disability for hearing loss. Veteran's Administration (VA) data show that as of March of 2008, over 868,000 Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) service members, including National Guard and Reserve members, had left active duty and become eligible for VA healthcare, and over 340,000-- about 40% -- had accessed VA healthcare services. Injured soldiers require specialized care from providers experienced in treating traumatic brain injury. Although the data on blast injury induced brain injury is very limited, states and communities are beginning to receive requests for services ranging from treatment to housing and other financial assistance.

Returning OEF/OIF veterans may have a range of healthcare needs, such as treatment for mental health conditions like Post Traumatic Stress Disorder (PTSD), treatment for traumatic brain injury, or other catastrophic injuries, or counseling to address difficulties readjusting from wartime military service to civilian life. Veterans may need information about symptoms of

mental or physical conditions, how those conditions can affect the veteran and the veteran's family, and the healthcare resources and treatment options that are available. Information is also needed on potential readjustment difficulties that the returning veteran may face, as well as ways in which family members can help and offer support. At the same time, family members may experience difficulties--such as stress, uncertainty, or strained relationships--due to the veteran's medical conditions or readjustment difficulties. Examples of medical center programs addressed the following five issues: post-deployment counseling, PTSD, serious mental illness, caregiver assistance, and serious injuries. Post-deployment counseling programs included an education and support program for veterans who have recently returned from a combat theater and their families. The PTSD programs identified at VA medical centers included marriage and couples therapy on an individual basis or in a group setting, as well as other types of group-oriented programs.

## **Goal**

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

## **Recommendations**

1. Support public and private Texas initiatives to screen returning soldiers for Traumatic Brain Injury and Post Traumatic Stress Disorder and make information and resources available that are necessary for rehabilitation, transition, and return to work and home in the community.
2. Support efforts to screen Texas veterans for hearing loss and provide the necessary resources and services to transition veterans with hearing loss to work, home, and community.
3. Support the collaborative efforts of state and federal agencies to improve the timeliness, ease of application, and delivery of services and benefits to Texas veterans.
4. Support the collaborative efforts of state and federal agencies to provide a variety of quality long-term care options for aging Texas veterans.

## **WORKFORCE**

### **Description**

There were 360 Texans who contacted the Committee with concerns or comments regarding workforce issues. Texans with disabilities report few job placements available through state agencies and a need for diversity training for state employees. The aging of the population will call for increased accommodation in the workplace. Texans with disabilities report a lack of meaningful employment supports and services such as tele-work, and workforce accommodations for Texans with significant disabilities. According to the National Organization on Disability, only 35% of people with disabilities nationally are employed full- or part-time, compared to 78% of people without disabilities.

## **Goal**

Support employment of people with disabilities.

## **Recommendations**

1. Promote incentives for effective business practices that employ people with disabilities.
2. Support the hiring and retention of people with disabilities in Texas' state and local governments.
3. Support increased funding for supported employment and vocational training.
4. Support authorization for both vocational and habilitative training.
5. Support innovative approaches, policies, and programs to enable people with disabilities to gain and maintain employment.

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