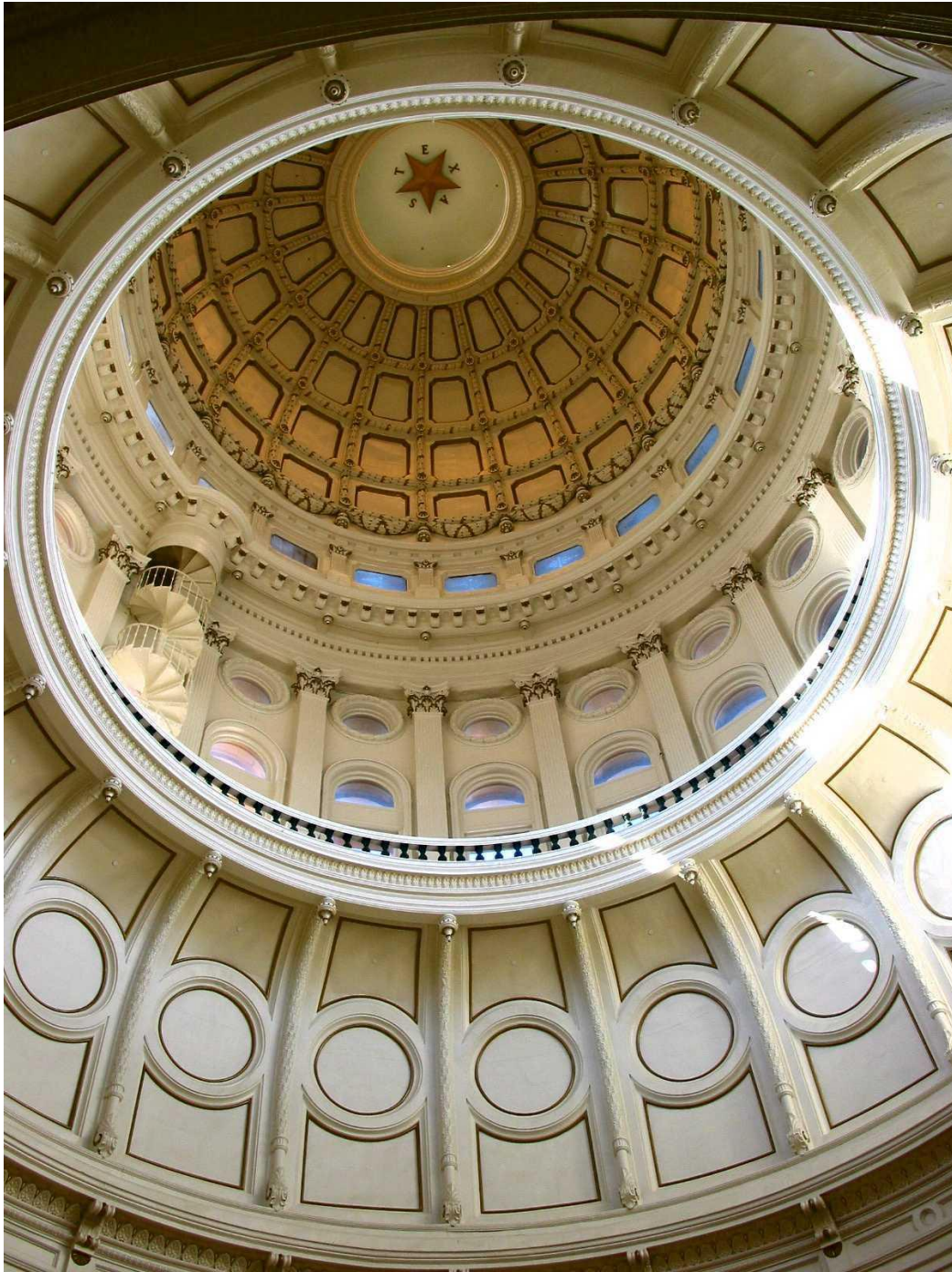


***TEXAS GOVERNOR'S COMMITTEE  
ON PEOPLE WITH DISABILITIES***



***2013 ANNUAL REPORT***

## **Availability of Materials in Alternate Formats**

This report is available in alternate formats upon request.

Contact the Texas Governor's Committee on People with Disabilities  
1100 San Jacinto, Suite 1.200, Austin, Texas 78701  
512-463-5739 or use the relay option of your choice  
E-mail: [GCPD@gov.texas.gov](mailto:GCPD@gov.texas.gov)

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<http://www.gov.texas.gov/disabilities>

*Cover Photo Credit: Texas Capitol Rotunda, Angi English*

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## **Report Dedication**

**In memory of David A. Fowler**

**July 30, 1960 – February 18, 2014**



David A. Fowler was a retired U.S. Army Veteran who served as the National Vice President for the Paralyzed Veterans of America and the President of the Paralyzed Veterans of America, Texas Chapter. He previously served as the Vice President and Advocacy Director of the Texas Chapter of the Paralyzed Veterans of America and as a Commissioner on the Houston Commission on Disabilities. He was a member the Disabled American Veterans and the Army 82nd Airborne Division Association. Mr. Fowler attended Houston Community College.

David was appointed by Governor Rick Perry in December of 2006 to the Texas Governor's Committee on People with Disabilities (GCPD). David was an active and influential member of GCPD, including making policy recommendations to the Governor and Legislature related to veterans services in Texas. David also served as an advocate on the United/Continental Accessible Travel Advisory Board, helping the travel industry understand the unique issues related to air travel for people with disabilities. He was involved in his local community by serving on the Houston Commission on Disabilities and other committees that had input regarding accessibility in the local stadiums and the Metrorail transit system.

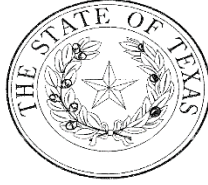
David was admired by all who knew him for his powerful commitment to full inclusion and participation for people with disabilities, especially veterans with disabilities. David championed legislation for veterans with disabilities that led to improved access to services and programs in Texas and nationally for veterans with disabilities.

David had been involved with Paralyzed Veterans of America for over 20 years. He believed in “paying it forward” and devoted his life to mentoring and advocating for veterans who are paralyzed due to a spinal cord injury.

David enlisted in the U.S. Army after high school as a paratrooper with the 82<sup>nd</sup> Airborne Division. In 1984, he was injured in a diving accident which resulted in quadriplegia. His accident occurred before the passage of the Americans with Disabilities Act; however, the passage of the ADA, in which Paralyzed Veterans played an instrumental role, ensured that all individuals with disabilities would be given equal rights and opportunities. David often educated the public that the ADA opened opportunities for full participation in all areas of public life. David said, “[*Going to a movie without being told that I was a fire hazard, being able to go into the front door of a restaurant [and] being able to go back to work*]” are just some of the many benefits that he experienced. “*It was like the world was finally welcoming us,*” he said.

David participated in a variety of adaptive sports. He was an active participant in the National Veterans Wheelchair Games in 1991 and used adaptive equipment to bowl, according to David, “*better than he could before he was injured.*” In 20 years, David never missed the National Veterans Wheelchair Games in which he competed in power soccer, slalom, wheelchair races and power relay events. After attending his first Games, Fowler was seized with thoughts of, “*If I can do this, what else can I do?*” He thought, “*How can I pay back this organization that is improving my life?*” David was a featured athlete on the General Mills Cheerios box sold in military markets as the Gold Medal winner of the 2007 National Veterans Wheelchair Games.

In 1991, he became actively involved in the Texas Chapter of Paralyzed Veterans of America (TPVA) in many capacities, including service as advocacy director, vice president, president and national director. Fowler also served on several committees for Paralyzed Veterans of America, including the Field Advisory Committee. Over the years he was an ardent leader for PVA. At the urging of many veterans, and with the support of his wife, Marilou, he was elected as Paralyzed Veterans’ national vice president in October 2011. “*Even though the responsibilities come with a lot of trials and tribulations, the reward is great when you realize that you made an impact on someone’s life,*” he said. “*I’m paying it forward for the next guys coming behind us, just like the people 27 years ago did for me.*”



STATE OF TEXAS  
OFFICE OF THE GOVERNOR  
COMMITTEE ON PEOPLE WITH DISABILITIES

July, 7, 2014

RICK PERRY  
GOVERNOR

The Honorable Rick Perry  
Governor of Texas  
Texas State Capitol  
Austin, Texas 78701

Dear Governor Perry,

On behalf of the Texas Governor's Committee on People with Disabilities, it is our privilege to submit our annual report on the work of the Committee and staff from January to December, 2013. The report represents major accomplishments and activity highlights for the 2013 calendar year; it is not intended to be a cumulative history. Report components include quarterly staff activity, presentations made by our Committee members, detailed outreach in the communities, statistics on the number of constituents assisted, and summaries of efforts and events in partnership with our Local Committees. Also included is the *Annual Disability History Perspective* for 2013 which includes significant historical events related to people with disabilities that have occurred in Texas, the U.S. and internationally. We are extremely proud of the accomplishments made by staff and Committee members during 2013.

The staff and members of the Committee will continue to seek out new partnerships and collaborations in order to meet our mission. Additionally, we will explore ways to utilize social media and technology solutions to reach out to a wider audience. We look forward to the opportunities and challenges of 2014.

Governor, we appreciate the support you give the Committee and staff in our work with and for Texans with disabilities and respectfully submit our annual report. We look forward to 2014 and continuing our work with you, the legislature and citizens toward a fully inclusive Texas.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela English".

Angela English, MS, LPC, LMFT  
Executive Director

A handwritten signature in cursive script, appearing to read "Joe Bontke".

Joe Bontke  
Chairperson

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## Executive Summary

### Outreach and Awards Programs

Over the past year the Committee's community outreach coordinator has worked with various local Mayor's Committee's on People with Disabilities. Local Committees function in a similar fashion as the Governor's Committee, except at the local level. And, when important information needs to be disseminated to Texans with disabilities across the state, as in a natural disaster, messaging through our Local Committees has been extremely successful. Local Committees have their own community projects and awards programs and the Governor's Committee supports Local Committees by providing timely information via its messaging outreach through GovDelivery and the Local Committees email list on a variety of disability related topics and by helping to highlight their local programs and awards. To date, the Local Committee email list reaches almost 700 people, in addition to 2,278 served by the GovDelivery bulletins.



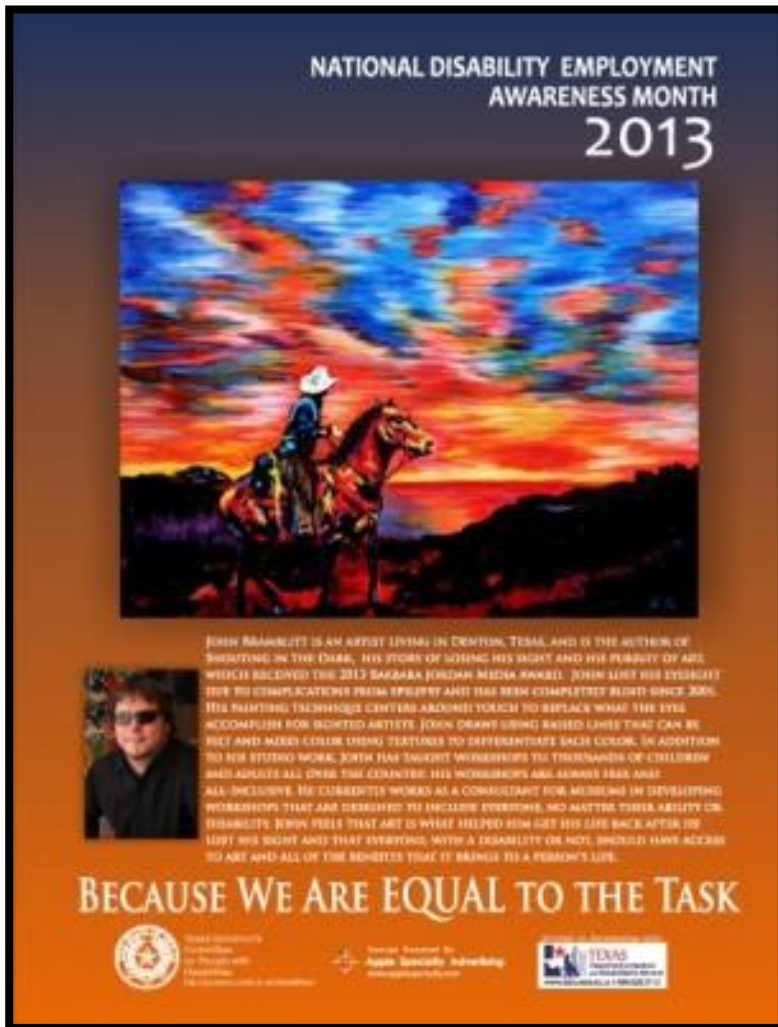
*John Bramblitt alongside his wife and service dog*

Three successful awards programs were completed during 2013: the annual [Barbara Jordan Media Awards](#) with the awards presentation ceremony held on April 13 in partnership with the [University of Texas at Arlington Department of Communication](#); the annual [Lex Frieden Employment Awards](#) with the awards presentation ceremony held on October 18 in Waco in partnership with the [Waco Mayor's Committee for People with Disabilities](#); and the annual presentation of the [APA/GCPD Accessibility Awards](#) held in Austin, in partnership with the [Accessibility Specialists Association](#) (APA). In conjunction with the Lex Frieden Employment Awards in October, a Texas version of the [National Disability](#)

[Employment Awareness Month poster](#) was created in partnership with the Texas Department of Aging and Disability Services Media Services Department and sent to

almost 2,500 public and private businesses in Texas as well as some locations in other states, highlighting the benefits of employing Texans with disabilities. An art competition is held each year to choose artwork created by an artist with a disability to be featured on the poster.

This year's theme, "*Because We Are Equal To The Task*," blended perfectly with the winning artwork featuring a cowboy on horseback viewing a stunning Texas sunset.



The artwork is by John Bramblitt. Mr. Bramblitt is an artist living in Denton, Texas, and is the author of *Shouting in the Dark*, his story of losing his sight and his pursuit of art, which received the 2013 Barbara Jordan Media Award. John lost his eyesight due to complications from epilepsy and has been completely blind since 2001.

Mr. Bramblitt's painting technique centers around touch to replace what the eyes accomplish for sighted artists. John draws using raised lines that can be felt and mixes color using textures to differentiate each color. In addition to his studio work, John has taught workshops to thousands of children and adults all over the country; his workshops are always free and all-inclusive. He currently

works as a consultant for museums in developing workshops that are designed to include everyone, no matter their ability or disability. John feels that art is what helped him get his life back after he lost his sight and that everyone, with a disability or not, should have access to art and all of the benefits that it brings to a person's life.

# Budget and Expenditure Report

## *Appropriation Year 2013*

<u>Budget Item</u>	<u>Operating Budget</u>
Salaries and Benefits	\$ 276,414
Member Travel	\$ 11,594
Staff Travel	\$ 5,853
Operating Expenses	\$ 20,365
<b>Totals:</b>	<b>\$ 314,226</b>

Source:  
Office of the Governor, Financial Services Division  
As of November 30, 2012



*Lex Frieden Employment Awards, Waco, Texas: (L-R) Angi English, Lex Frieden, Joe Bontke, and  
U.S. Representative Bill Flores*

## **Technical Assistance Provided to Constituents During 2013**

The staff of the Committee continued in 2013 to utilize a Microsoft Access database to accurately track communication with constituents and provide educational and informational technical assistance. The database allows us to do [quality management](#) analysis regarding calls and emails so we can direct our technical assistance into subjects and issues where and when it is needed most. For the calendar year, staff responded to **1,563** personalized requests for technical assistance from citizens, and provided **648,203** instances of technical assistance, education and outreach through the GovDelivery platform.

## **GovDelivery**

The Committee continues its targeted efforts to help educate and inform Texans on the variety of issues important to Texans with disabilities in each of its [ten issue areas](#) of access, communications, education, emergency management, health, housing, recreation, transportation, veterans and workforce. Since July 7, 2011, the Committee has been utilizing the GovDelivery platform to do this.

Participation in GovDelivery bulletins on six topic areas has grown from its inception in July of 2011, from 6,059 participants to 12,838 participants in 2013. (89.4 percent growth). Some participants may subscribe to more than one topic area. GovDelivery has greatly increased the number of people we reach directly and has streamlined communications, directing users to information that creates high value to our Committee, citizens, local communities and advocates across Texas and the U.S. Outreach and technical assistance efforts are structured into six topic areas:

1. Accessible Technology, ADA and Accessibility/Disability Rights
2. Accessible Technology
3. Emergency Management and People with Disabilities
4. Employment of People with Disabilities
5. Local Disabilities Committees & Awards Programs, and
6. Veterans with Disabilities

Individuals can request multiple GovDelivery topics thus the total number of subscriptions may overlap. For example, if one subscriber is signed up for all six topics, this counts as six subscriptions. A single bulletin may include multiple topics.

From January 1 through December 31, 2013, we provided disability-related information through GovDelivery to 12,838 participants, an 18 percent growth from 10,843 participants the prior year. GovDelivery bulletins were provided to subscribers in the following areas:

<u>GovDelivery Bulletin Topics</u>	<u>Subscribers</u>	<u>Bulletins Sent</u>
Accessible Technology	2,041	100
ADA and Accessibility / Disability Rights	2,267	131
Emergency Management	2,322	151
Employment of People with Disabilities	2,022	80
Local Disabilities Committees & Award Programs	2,123	101
Veterans with Disabilities	2,063	67

### ***Southwest Conference on Disability***

For the past three years, staff have partnered with the [New Mexico Governor’s Disability Commission](#) and the [New University of New Mexico Center on Development and Disability](#) on the [Southwest Conference on Disability](#). Individuals participate in the conference from all over the United States.



*Christmas at Rosedale School with Santa: Each year the GCPD staff collect stuffed animals from the Office of the Governor employees. Our Chairman, Joe Bonke, (AKA: Santa) hears every Christmas wish*

### ***TechLunch Information Sharing***

The staff of the Governor's Committee host TechLunch, which is an informal gathering of public and private entities interested in accessible technology and products.

TechLunch has been meeting the first Wednesday of every month for the past 19 years. Discussion and actions from this group has led to a better understanding of the benefits of accessible technology to Texans with disabilities and has become a model for other states.

### ***Texas Multi-Agency Office Training Collaboration wins FCC's 2014 Award for Advancement in Accessibility***

A talented multidisciplinary group of dedicated Texas state employees won the **Federal Communication Commission (FCC) 2014 Accessibility Award for Employment Opportunities**. This award recognizes the group's outstanding efforts to advance communications accessibility for people with disabilities. The Chairman's Awards were launched as part of the Accessibility and Innovation Initiative, on the Anniversary of the Americans with Disabilities Act. This Initiative is designed to facilitate dialogue among industry, assistive technology companies, app developers, government representatives and consumers seeking to share best practices and solutions for accessible communications technologies. The goal of the Chairman's Awards is to encourage technological innovation in communications-related areas and to recognize engineers and researchers whose energies and perseverance have been successful in crafting innovative ways for consumers with disabilities to benefit from our nation's communications technologies.

**About the Tutorials:** The Texas Governor's Committee on People with Disabilities is proud to host these learning modules on making Microsoft Office 2010 documents accessible to people with disabilities on its website. Accessible documents are more portable and usable for everyone, not just people with disabilities because accessible documents work better across all web browsers, computer systems, and other devices. Ensuring that documents are made in an accessible manner provides everyone with an equal opportunity to access information from your agency, program or service. The Committee encourages widespread use of these modules by public and private entities. To date, the following entities link to the videos from their websites: The U.S. Department of Health and Human Services, AT&T Corporate Accessibility Technology Office, City of Guelph, Canada, Deque Systems, Independent Living Research Utilization, Miami University's Office of Disabilities Resources, Oxford, OH, Minnesota's Department of Transportation, and St. Lawrence College, Kingston, Ontario.

**Award Ceremony:** FCC Chairman Tom Wheeler presented the award recognizing the group's accomplishments in the category of Employment Opportunities at a ceremony that was held on June 9, 2014 at the Renaissance Hotel in Arlington, VA.



*FCC Chairman Tom Wheeler, Buddy Allison, TCEQ and Aaron Bangor, GCPD*

Buddy Allison, chair of the group and Dr. Aaron Bangor, Vice Chair of the Texas Governor's Committee on People with Disabilities accepted the award on behalf of the many state agency accessibility experts who made these outstanding tutorials available to the public and Texas state agencies.

View all the tutorials at <http://governor.state.tx.us/disabilities/accessibledocs/>

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## History

The Texas Governor's Committee on People with Disabilities has a long and rich history. Shortly after Franklin Delano Roosevelt in August of 1943 declared October 24-30 as National Hearing Week, Texas Governor Coke Stevenson released a Proclamation for National Hearing Week in Texas. In 1950, Governor Allan Shivers appointed the first "Governor's Committee on Employment of the Handicapped" and in 1978 Governor Dolph Briscoe officially created the Committee through [Executive Order DB-40](#). Executive orders by governors William P. Clements in 1981 ([WPC-14A](#)) and 1987 ([WPC 87-16](#)) and Mark White in 1983 ([MW-10](#)) continued the committee, with Executive Order MW-10 changing the name to the "Governor's Committee for Disabled Persons." In 1991, the Texas Governor's Committee on People with Disabilities was created statutorily by [Senate Bill 381](#) in order to continue the functions of the Council on Disabilities, a separate entity, which was abolished on the recommendation of the Sunset Advisory Commission.

## Mission

The Governor's Committee on People with Disabilities' mission is to provide leadership and support so that its citizens with disabilities can live and work in a state where people with disabilities have the opportunity to enjoy full inclusion and equal access to lives of independence, productivity, and self-determination.

## Committee Functions

The Committee's eleven core functions are outlined in the [Human Resources Code, Title 7, Chapter 115, Section 115.009](#). The Committee shall:

1. 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;
2. 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;
3. Before the end of each even-numbered year, submit to the Governor and to the Legislature a report that includes:
  - A. the status of the States compliance with federal and state laws pertaining to rights and opportunities for persons with disabilities and recommendations to achieve further compliance, if necessary;

- 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;
4. Serve as the states liaison agency in working with the [President's Committee on Employment of People with Disabilities](#) (now [Office of Disability Employment Policy](#)) and other entities involved in activities or concerns affecting persons with disabilities;
  5. Develop and work with a statewide network of volunteer community-level committees to promote dissemination of information about and implementation of federal and state laws addressing rights and opportunities for persons with disabilities;
  6. Evaluate the States compliance with the federal [Americans with Disabilities Act of 1990 \(Pub. L. No. 101-336\)](#) and other federal and state statutes relating to rights and opportunities for persons with disabilities;
  7. Provide information and technical assistance to public and private agencies and businesses to promote and facilitate implementation of the federal Americans with Disabilities Act of 1990 (Pub. L. No. 101-336) and other federal and state statutes relating to rights and opportunities of persons with disabilities;
  8. Collect and evaluate data on employment of persons with disabilities by state agencies;
  9. Work with legislative committees and with state agencies on the development of laws and policies that affect persons with disabilities;
  10. Promote [compilation and publication of state laws relating to persons with disabilities](#); and
  11. [Issue awards](#) and other forms of recognition to persons and organizations making outstanding contributions to the employment of persons with disabilities and to public awareness of issues impacting persons with disabilities.

## **The Committee’s Ten Issue Areas**

The Committee structures its work into ten broad issue areas, they are:

### ***Access***

State and federal laws strive to guarantee that people with disabilities can access the same places and services as the rest of the population. The Committee examines the physical accessibility of places and programmatic access to services. The scope of this examination includes any services that fall under [Title II of the Americans with Disabilities Act](#) (ADA), which covers State and local governments, and [Title III of the ADA](#), which covers most business enterprises, known as public accommodations. The Committee looks at other important sub-issues in this area, such as [accessible voting](#) and the use of [service animals](#). Key State and federal agencies that the Committee partners with are the [Texas Department of Licensing and Regulation](#) (TDLR) and the [U.S. Department of Justice](#) (DOJ).

### ***Communications***

People with disabilities deserve effective communication, whether they are applying for jobs, speaking to their doctors, or receiving emergency alerts. For this reason, accessible communication and the assistive technologies that make this communication possible are of vital importance in all of the Committee’s issue areas. The Committee examines the accessibility of websites, e-learning tools, and emergency notifications, to name just a few, and monitors new and emerging assistive technology devices. The Committee 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 the Committee partners with are the [Texas Department of Information Resources](#) (DIR), the [Texas Public Utilities Commission](#) (PUC), the [Federal Communications Commission](#) (FCC), and the [U.S. Access Board](#).

### ***Education***

Students with disabilities can face educational challenges from the moment they begin pre-school through the day they sit for a professional licensing examination. The Committee supports inclusion and accommodation of people with disabilities at all ages and levels of the educational process. The Committee’s work in this area covers services provided under the [Individuals with Disabilities Education Act](#) (IDEA); 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 the Committee partners with are the [Texas Education Agency](#) (TEA) and the [U.S. Department of Education](#).

### ***Emergency Management***

Texas faces a wide range of potential hazards; since [1953, it has experienced more Presidentially-declared disasters than any other state](#). The Committee covers all aspects of emergency management for Texans with disabilities, including planning for natural, man-made, and disease-related disasters. The Committee plays an instrumental role in the Functional Needs and Support Services 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 an emergency. The key State and federal agencies that the Committee partners with are TDEM, the [Texas Health and Human Services Commission](#) (HHSC), the [Texas Department of State Health Services](#) (DSHS), the [Texas Public Utility Commission](#) (PUC), the [Federal Emergency Management Agency](#) (FEMA) and the [U.S. Department of Homeland Security](#) (DHS).

### ***Health***

The Committee is dedicated to promoting health and wellness among Texans with disabilities, including those who face financial, attitudinal, or physical barriers to quality healthcare. The Committee provides analysis and guidance in the areas of health insurance, public benefit programs such as Medicaid and Medicare, and physical accessibility of medical facilities and equipment. The Committee is also dedicated to promoting mental health and addressing the particular needs of those experiencing mental illness. Further, as the population of Texas ages, more Texans have increased and varied health care needs. The Committee supports solutions that allow Texans to “age in place,” supported by their family and community. The key State and federal agencies that the Committee partners with are the [Texas Department of State Health Services](#) (DSHS), the [Texas Department of Assistive and Rehabilitative Services](#) (DARS), the [Texas Department of Aging and Disability Services](#) (DADS), and the [Centers for Medicaid and Medicare Services](#) (CMS).

### ***Housing***

A stable, accessible home can allow a Texan with a disability to live a productive life of independence within the community. The Committee supports affordable, accessible housing options and compliance with the [Fair Housing Act](#) and local visitability

ordinances. The Committee also provides information on home modifications, financial assistance for housing, and tax credits and exemptions. The key State and federal agencies that the Committee partners with are the [Texas Department of Housing and Community Affairs](#) (TDHCA) and the [U.S. Department of Housing and Urban Development](#) (HUD).

### ***Recreation***

Recreation promotes physical and mental wellness for all Texans. The Committee supports accessible recreational opportunities for Texans with disabilities and provides information on physical access to recreational facilities, including parks, sports arenas and arts organizations. The Committee also applauds the involvement of people with disabilities on sports teams and as artists, actors and musicians. The key State and federal agencies the Committee partners with are the [Texas Parks and Wildlife Department](#) (TPWD) and the [U.S. Access Board](#). There are also independent organizations contracted by the [U.S. Department of the Interior](#), such as the [National Park Service](#) and the [National Center on Accessibility](#), that provide consultation on accessible recreational opportunities.

### ***Transportation***

Because people with disabilities are more active in their communities than ever before, they deserve reliable and accessible transportation to allow for their full participation in a wide range of activities. The Committee examines all forms of transportation, from the everyday issues of accessible parking and paratransit services, to planning for business and recreational travel by airplane and ship. Key State and federal agency partners are the [Texas Department of Transportation](#) (TxDOT), the [Texas Department of Motor Vehicles](#) (DMV), the [Texas Department of Public Safety](#) (DPS), the [Federal Highway Administration](#) (FHWA), the [U.S. Department of Transportation](#) (DOT), the [Federal Transit Administration](#) (FTA), the [Aviation Consumer Protection and Enforcement Division of the U.S. Department of Transportation](#), and the [U.S. Department of Justice](#) (DOJ).

### ***Veterans***

Texas is currently home to around 1.7 million Veterans, many with disabilities. The Committee looks at all aspects of Veteran's services, including housing, medical care, benefits determination, employment and health. The 82<sup>nd</sup> 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 the Committee are [Texas Workforce Commission Veterans Services](#), the [Texas Veterans Commission](#) (TVC), and the [U.S. Department of Veterans Affairs](#) (VA).

### ***Workforce***

Texans with disabilities represent a valuable and skilled labor market that is sometimes overlooked by employers. The Committee supports compliance with [Title I of the ADA](#), which prohibits discrimination against applicants or employees with disabilities by covered entities. The Committee also supports innovative approaches to integrating people with disabilities into the workforce, including the use of reasonable accommodations, assistive technologies, and trainings in best practices for both employers and employees. The key State and federal agencies that partner with the Committee are the [Texas Workforce Commission](#) (TWC), the [Equal Employment Opportunity Commission](#) (EEOC), and the Department of Labor, particularly the [Office of Disability Employment Policy](#) (ODEP).

## Committee Members Community Outreach

[Appointed Committee members](#) participated throughout the year in their local communities by providing 24 instances of outreach activities:

- ✪ Rudy Becerra participated in Texas School for the Blind’s “Capitol Experience” which is designed for students to learn about the legislative process.
- ✪ Joe Bontke shared the Committee’s 2013-2015 Policy Recommendations with his counterpart at the EEOC office in Dallas.
- ✪ David Fowler discussed the importance of sports and recreation for individuals with disabilities at a ReelAbilities movie screening and presentation.
- ✪ David Fowler coordinated an advocacy/legislative seminar for Texas Chapter PVA where issues were discussed involving Texas veterans with disabilities.
- ✪ Daphne Brookins presented to service providers and employers about workforce during two Job Links events.



*Barbara Jordan Media Awards event, Arlington, left –right: Erin Lawler, Jo Virgil, Nancy Van Loan, Angi English, member Kathy Strong; top row, left – right: Aaron Bangor, Shawn Saladin and Chair Joe Bontke.*

- ✪ Daphne Brookins presented during a community resource and job fair about the Committee issue areas of access, education, health, housing and workforce.
- ✪ Margaret Larsen took 32 Texans to the White House for 2013 Washington Hill Day to discuss intellectual disabilities.
- ✪ Patty Watson was guest speaker at the 100,000 Jobs Mission Dallas Employment Fair at the Dallas Convention Center. More than 2,100 military, veterans and spouses attended as well as 115 employers.
- ✪ Patty Watson served as judge for the Lewisville ISD Special Education Job Olympics. Ms. Watson regularly participates in area events for Special Olympics Texas – Greater Dallas, and Lewisville ISD Parent Teacher Special Education Association.
- ✪ Margaret Larsen hosted the annual Texas Law Enforcement Special Olympics Texas Torch Run kickoff event at the Capitol.
- ✪ Joe Bontke presented during the National ADA Symposium, an annual conference of the Americans with Disabilities Act.
- ✪ David Ondich works with MyRIDE-Tarrant County, and Tarrant Rider’s Network. He was a stakeholder interview participant for Tarrant County Transportation Needs Assessment requested by the North Central Texas Council of Government. (ongoing)
- ✪ Shawn Saladin participated in “Operation LoneStar emergency preparedness exercise, the largest non-military drill in the nation. Operation LoneStar is held annually during the last week of July. This year (2013) marked OLS’ 15<sup>th</sup> year providing free medical services to residents of South Texas, including health screenings and treatments, immunizations, student physicals, hearing and vision exams, behavioral health evaluations, and for the first time, dental health exams.
- ✪ Joe Bontke represented the Governor’s Committee on People with Disabilities at the Ms. Wheelchair America leadership workshop and gave three presentations on the ADA, rights of persons with disabilities, and advocacy.
- ✪ Joe Bontke spoke at the Society for Human Resource Management for conferences held in Victoria and Wichita Falls. Topics included outreach to the small business community and EEOC enforcement.
- ✪ Joe Bontke presented on the changes in the Americans with Disabilities Amendments Act (Disability 101) during “Promote Wichita Falls” conference.



- ✪ Kathy Strong attended the annual Sports Day Out event hosted by the Nacogdoches Mayor's Committee on People with Disabilities; and provided transportation for six others to attend.
- ✪ Joe Bontke served as emcee for the annual Lex Frieden Employment Awards held at the Waco Convention Center.
- ✪ Joe Bontke spoke at the Employment Law Seminar hosted by Undersood Attorneys at Law and gave a legal update and what the strategic plan is all about – ADA, GINA and trends in human resources regarding EEOC charges and allegations.
- ✪ Joe Bontke also spoke during a compliance seminar of Noble Energy, Inc. and gave a similar presentation as above.
- ✪ Joe Bontke provided outreach to the Houston Mayor's Committee, mainly a training program expanding their knowledge of equal employment opportunity issues.
- ✪ Joe Bontke (in the role of Santa) and staff (in the role of elves) provided outreach to students of the Rosedale School in Austin ISD.
- ✪ David Ondich identified four alternate positions for dislocated workers due to acquisition of a disability.
- ✪ David Ondich spoke on "positive disability disclosure" in the Tarrant County College Job Fair for people with disabilities.

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## **Executive Director and Staff Accomplishments for 2013**

### **Executive Director's Report, Angi English**

*These items bulleted below represent only major activities during the 2013 calendar year; it is not a cumulative listing of all activities.*

- Facilitated four successful Quarterly Meetings for the Committee in Arlington, Waco and twice in Austin
- Conducted the Lex Frieden Employment Awards on October 17, 2013 in partnership with the Waco Mayor's Committee on People with Disabilities
- Conducted the 30<sup>th</sup> Annual Barbara Jordan Media Awards with the University of Arlington, College Park Center in April 13, 2013, hosted by the UT Arlington, Center for Communication
- Celebrated National Disability Employment Awareness Month with distributing 2,500 posters featuring John Bramblitt's painting, "*Cowboy Sunset.*"
- Attended the Southwest Disability Conference in Albuquerque, New Mexico, which the Texas Governor's Committee on People with Disabilities partners with the New Mexico Governor's Committee on People with Disabilities and the New Mexico University Center for Excellence
- Participated in various Emergency Management collaborations: the Functional Needs and Support Services Stakeholder meetings, Disability Stakeholder Outreach and Preparedness Subcommittee meetings, the Disability Stakeholder Effective Communication Subcommittee meetings and the Disability Task Force on Emergency Management
- Hosted monthly TechLunch networking gatherings for public/private entities and people with disabilities that are interested in accessible technology.
- Attended the Council of State Government's annual conference held in Austin in early December of 2013.
- Participated in monthly calls with the National Association of Governor's Committees on People with Disabilities

- Met with Dr. Anne Corn, recent inductee to the Texas Women's Hall of Fame on issues related to people who are blind or have visual impairments
- Met with professors at The University of Texas at Austin on a grant they have obtained to provide peer-to-peer counseling and other support services to veterans with disabilities returning from war
- Facilitated the annual office Christmas project with Rosedale School in Austin for its students with disabilities
- Facilitated a meeting with the American Council of the Blind of Texas and the Office of Governor Rick Perry's Director of Policy
- Participated in the Annual Accessibility Awards in partnership with Accessibility Professional Association at the Marriott in Round Rock, Texas
- Developed and distributed the biennial Governor's Committee on People with Disabilities 2013-2015 83<sup>rd</sup> Legislative Session Policy Recommendations
- Tracked legislation throughout the session related to Texans with disabilities and produced a post-legislative report sent out to the public
- Participated in the Office of Disability Employment Policy's meetings in collaboration with the National Association of Governor Committees on People with Disabilities
- Worked with Department of State Health Services on the accessibility on the TexasPrepares.org website
- Gave a legislative presentation to the Texas PVA (Paralyzed Veterans of Texas) on bills that have been filed related to veterans with disabilities
- Participated and provided feedback on the ePolicy Works Demonstration in collaboration with the National Association of Governor's Committees on People with Disabilities related to the SharePoint site
- Attended the Texas Emergency Management Conference and presented on a panel discussion of the Disability Stakeholder Advisory Committee
- Finalized and distributed the 2012 Annual Report of the Governor's Committee on People with Disabilities

- Staff facilitated the Texas School for the Blind and Visually Impaired Capitol Experience Day by hosting students. Staff met with 15 students in the Capitol and discussed how the legislative process works and the bills that had been filed related to disability issues.
- Assisted the National Integration Center on the Mass Evacuation Resource Typing Project on disability related issues and preparedness
- Participated in the Federal Emergency Management Association (FEMA) and Department of Homeland Security (DHS) group Access and Functional Needs Lexicon Group
- Met with Office of the Governor's Economic Development Small Business staff to explain how to provide accessible resources to citizens with disabilities at their future meetings
- Facilitated a group meeting with the U.S. Department of State with members of a Turkmenistan delegation who were in the United States learning about disability related services and programs
- Fostered educational efforts of the public through the Gov Delivery. From January 1, 2013 to December 31, 2013, there were 241 Gov Delivery bulletins sent out to 571,739 subscribers over the course of the year. Subscribers may sign up for all six topic areas which are: Accessible Technology, ADA and Accessibility/Disability Rights, Emergency Management, Employment of People with Disabilities, Local Disabilities Committees & Awards Programs, and Veterans with Disabilities.

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## Community Outreach & Public Information Coordinator, Jo Virgil

### *GCPD Awards and Programs Overview*

The Texas Governor's Committee on People with Disabilities (GCPD) has a long history of honoring the achievements of Texans who have played a vital role in various aspects of disability issues by presenting awards for best practices and exemplary endeavors of media professionals and students, employers, local committees, public site venue owners and managers, and individuals active in the field of disability issues. As part of our mission to further opportunities for Texans with disabilities to enjoy full and equal access to lives of independence, productivity, and self-determination, we proudly sponsor three annual awards programs as well as an art competition and poster design, all intended to raise public awareness in a positive way about disability issues.

### *The Barbara Jordan Media Awards*

In 1982, the Texas Governor's Committee on People with Disabilities created the [Barbara Jordan Media Awards](#) program which includes a series of prestigious annual awards recognizing outstanding contributions by individuals and organizations of the communications media. The award looks at respectful portrayals of people with disabilities in various forms, including Broadcast, Print, Photojournalism, Internet, Book, and Student categories. Contributions are recognized for eliminating attitudinal, social, and physical barriers and encouraging accurate and progressive portrayals of people with disabilities in the media.



*Barbara Jordan Media Award*

The Barbara Jordan Media Awards are named in honor of the **Houston native and U.S. congresswoman** who gained recognition and a place of honor in history. She was known as a remarkable orator who broke barriers and built bridges. In 1973, Jordan was diagnosed with multiple sclerosis, and eventually began to use a cane and then a wheelchair. Barbara Jordan passed away in 1996.

The Barbara Jordan Media Awards program has evolved over the years to better represent a changing media market, and has resulted in a significant increase in submissions and nominations from various media outlets and journalism schools. In 2010, the GCPD made the decision to partner with University Schools of Journalism as partners in the awards presentation ceremony, helping raise awareness of respectful reporting and People First language for future journalists. The GCPD also makes available an educational video titled [The Scoop on Reporting about People with](#)

[Disabilities](#) and related lesson plans for journalism teachers; the video and documents are available on the GCPD website as well as on iTunesU.

Winners in various categories are chosen by panels of judges that include people with disabilities, professionals in the field of disabilities, and professional journalists.

### ***2013 Barbara Jordan Media Award Winners***



The 30<sup>th</sup> Annual Barbara Jordan Media Awards ceremony was hosted by the University of Texas at Arlington Department of Communication and held at College Park Center on the UTA campus on Saturday, April 13, 2013.

#### **Book**

[Shouting in the Dark](#) by John Bramblitt, Denton  
Publisher: Globe Pequot Press

#### **Photojournalism**

[A Will to Walk](#) (Videography) by Mario Sandoval, Weslaco  
KRGV-TV

#### **Print Feature**

[Private Battles/War Wounds](#) by David  
Tarrant, Dallas  
Dallas Morning News

#### **TV Feature**

[I Will Run](#) by Greg Groogan and Mark  
Muller, Houston  
KRIV-TV

#### **Print Feature Series**

[Zach's Journey](#) by Marc Ramirez,  
Dallas  
Dallas Morning News



*Greg Groogan and Joe Bontke*

#### **Internet**

[Moving Mountains \(Declaring Independence\)](#) by Kelly West, Austin  
Austin American-Statesman online



**Special Contribution, Individual**

[225th Birthday Celebration: Erastus "Deaf" Smith Exhibit and Tours](#) by Steve C. Baldwin, PhD, Austin  
Exhibit held at the Capitol and various other locations across Texas

**TV Feature, Extended**

[Never Losing Focus](#) by Bob Phillips Productions, Dallas  
Texas Country Reporter (DVD)

**TV Documentary**

Healing Heroes by Chie Saito, Austin  
YNN-TV

- [Healing Heroes Part 1](#)
- [Healing Heroes Part 2](#)
- [Healing Heroes Part 3](#)
- [Healing Heroes Part 4](#)
- [Healing Heroes Part 5](#)
- [Healing Heroes Part 6](#)

**Student, High School**

[Students Seek to Serve](#) by Joey Hadden, Rockwall  
Rockwall High School

**Student, College**

[Once Again](#) by John Spottswood Moore, Austin  
The University of Texas at Austin



*John Spottswood Moore*

## ***The Lex Frieden Employment Awards***

Since 1979, the Governor's Committee on People with Disabilities (GCPD) has implemented the annual [Employment Awards](#) to recognize and highlight the efforts of employers to hire, retain and provide full inclusion for employees with disabilities, and to recognize best practices affecting employees with disabilities within the workplace. In 2011, the GCPD announced that the annual employment awards were renamed after disability rights champion and independent living movement leader Lex Frieden, one of the architects of the landmark Americans with Disabilities Act of 1990.

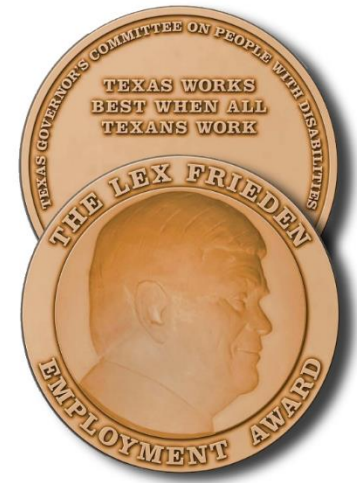
Frieden is the UT Chancellors Health Fellow on Disability, a professor of biomedical informatics and rehabilitation at UT Health and director of the Independent Living Research Utilization Program (ILRU) at TIRR Memorial Hermann Rehabilitation Hospital. He was appointed by President George W. Bush as chair of the National Council on Disability in 2002. He served an eight-year term on the United Nations Panel of Experts on the Standard Rules for Disability. Frieden is author or co-author of more than 60 articles on independent living, disability rights and rehabilitation. He has received two Presidential Citations for his work in the field of disability, and was awarded an honorary doctorate in law by the National University of Ireland in 2004.

Nominations for the award can come from the public, employees, or self-nominations from the business or organization itself. Winners are selected by a panel of judges that includes people with disabilities, professionals in the field of disabilities, and people familiar with employment issues. GCPD has created a document called ***Above and Beyond: Employment Practices*** which offers innovative suggestions for employers to ensure a fully inclusive workplace.

Each year in October, the National Disability Employment Awareness Month, the GCPD partners with an active Local Committee in Texas to present the Lex Frieden Employment Awards to winners at a public ceremony.

Annual [Lex Frieden Employment Awards](#) are given in the following categories:

[The Governor's Trophy](#) is the Governor's Committee's highest honor and is awarded to the person who has achieved the highest success in enhancing the empowerment and employment of Texans with disabilities. The Governor's Trophy recognizes long-term commitment and outstanding efforts at both the community and state level.



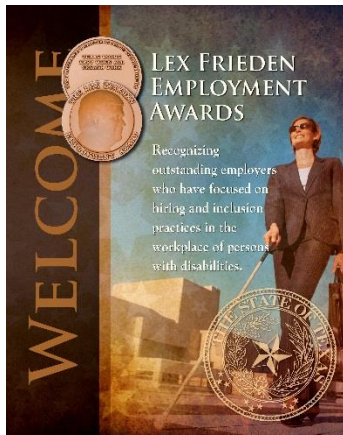
*Lex Frieden Employment Award*

[Employer Awards](#) are given in four categories - Small Employer (25 or fewer employees), Medium Employer (26 to 500 employees), Large Employer (more than 500 employees), and Non-Profit Employer. Each category serves to recognize employers in Texas who have fostered a diverse and accessible workplace and who have developed innovative ways to integrate people with disabilities into the workplace.

[The Martha Arbuckle Award](#) recognizes the most innovative local committee project, and is presented in memory of Austin’s long-time disability advocate Martha Arbuckle.

[The Entrepreneurship Award](#) is awarded to a living entrepreneur with a disability who has shown extraordinary ingenuity and drive to create and sustain a successful business that has created jobs and accessible services.

### ***2013 Lex Frieden Employment Award Winners***



The 2013 Lex Frieden Employment Awards ceremony was hosted by the Waco Mayor’s Committee for People with Disabilities and was held at the Waco Convention Center on Friday, October 18.

### **The Governor’s Trophy Carroll Schubert, [Professional Contract Services Inc \(PCSI\)](#) (Austin)**

Carroll Schubert was one of the founders of PCSI in 1996, and since 2011 has served as the President and CEO of the company. Mr. Schubert is known for his passion in providing training, accommodations, and full inclusion of all people in the workplace. His enthusiasm has led to a significant growth of the company since its beginnings with its first contract to provide



*Carroll Schubert and employees*

facilities maintenance and support services at Camp Bullis in San Antonio to a company today with national reach that employs roughly 1,300 individuals-about 80 percent of whom have disabilities.

Mr. Schubert has structured the company to provide the highest wages possible for people with disabilities, allowing them the opportunity to live independently and with dignity. He created a "promote from within" culture at PCSI which affords outstanding performers opportunities for advancement, as well as a successful career-coaching program available to star performers as they climb the ladder to success to enter lead, supervisory, and managerial positions. Mr. Schubert created partnerships with commercial subcontractors, affording those who graduate from PCSI programs the opportunity to work for a commercial company if they choose. Also, the partnership Mr. Schubert has built with the Wounded Warrior program helps attract veterans who receive preference in the hiring process.

As the president and CEO of PCSI, Mr. Carroll Schubert has played a pivotal role in cultivating a culture of opportunity, encouragement, and support leading to full and fulfilling employment of people with significant disabilities.

### **Entrepreneurship Award**

**Rebecca Page, [Livin' My Dreams Art Studio and Co-op](#) (Alpine)**



*Rebecca Page*

Rebecca Page is the Sole Proprietor of Livin' My Dreams Art Studio and Co-op in Alpine. Ms. Page, who has Down syndrome, was able to start her business with a grant from the Texas Department of Assistive and Rehabilitative Services. She works every day in her studio creating art and is responsible for the daily operation of the studio. She is also a public advocacy speaker and has travelled all over Idaho and Texas to address audiences and share her enthusiasm. She is the driving force behind the success of her business. One of her primary goals is to recruit other artists to join her co-op. She wants everyone to be able to live their dreams, and if art is their dream, she will help them to live it. People with

disabilities come to the studio to develop their own artistic talent and some sell their art on consignment to Livin' My Dreams. The first thing Ms. Page did when she started her business was to make sure her building would be accessible to all people with disabilities, setting an example for the small town of Alpine. The building had to have a bathroom remodel, installation of a ramp on the front door and selection of furniture that was wheelchair friendly. Anyone can move freely in the studio and work at a table. Affiliated artists often teach art lessons in the community. Any age or ability is encouraged to come in and try to create something. Ms. Page has also been working hard to learn sign language, as well as a little Spanish, to ensure more inclusiveness in her business.

## Large Employer Award

### Army Air Force Exchange Service (The Exchange) (Dallas)

The Exchange has had an ongoing commitment to employment of individuals with disabilities and is poised for continued growth. The company recognizes and honors the value and talent that individuals with disabilities can bring to the workplace.

ABLE, the Special Emphasis Disability Employment Program, ensures equal opportunity in the areas of recruiting, hiring, promoting and training. The ABLE Mission is to achieve a workforce in which associates with disabilities are represented at every level in the organization and to assure that the Exchange is on target with the applicable civilian work force. ABLE actively engages the workforce by sponsoring a number of initiatives:



- National Disability Employment Awareness Month: Guest speakers, cultural displays, educational and training programs.
- Outstanding Associate with a Disability: The Department of Defense (DOD) initiative in selecting the Worldwide Outstanding Associate with a Disability.
- Centralized ABLE Portal: A document library that includes current events and Exchange Post articles, disability resources, special events.
- Community outreach: Partnerships with disability organizations and participation in recruitment fairs, expos, and conferences as well as the DOD/Department of Labor Workforce Recruitment Program (WRP) Internship Program for college students with disabilities.
- Reasonable Accommodation Tracking System (RTS): A system created by the Exchange to help manage and track the progress of accommodation requests.
- Local, state and national partnerships: A network to provide assistance in recruitment and inclusion of people with disabilities which includes Department of Assistive and Rehabilitative Services (DARS), Easter Seals, Ability One, Goodwill Industries, Lighthouse for the Blind, and others.
- Community involvement: Participation as committee/advisory board members of various community organizations focused on inclusion.

**Medium Employer Award  
Target Medallion Center Store #T0055 (Dallas)**



Target Medallion Center Store in Dallas has a strong commitment to promoting diversity. During the employee orientation the topic of diversity and inclusion is featured as core to Target's performance expectation for providing customer services.

Employees are reminded that a mutual respect among the teams is required; this attitude is expressed in how they recruit their employees and in how they communicate with their guests. During training, positive communications within the community they serve is an essential job task for all employees. Customer feedback is encouraged and can become a key to earning promotions. Target acknowledges individuals and team efforts by posting scores when they reach store goals or by providing verbal and written recognition for earning positive comments from guests or others. Leadership and other training schedules are publically displayed and are offered to all employees. During the orientation the opportunity to advance is highly encouraged. Mentors are assigned to new employees. Target's team benefits include resources in a program to improve team members' lives based on the five elements of a well-being philosophy: their health, career satisfaction, social relationships, financial security and connections to the community. They also help team members create meaningful connections with others by offering discounts, social networks, and fun activities.

**Small Employer Award**  
**Stencor Company, LLC (Jacksonville)**



Stencor believes in the value of the individual and that each individual has something to contribute when given the opportunity. The company sees meaningful employment in an integrated work setting not only as a benefit to the employees with disabilities, but to the organization as a whole. Stencor works in partnership with Texas Department of Assistive and Rehabilitative Services (DARS) and Client Services of East Texas (CSET) to identify consumers who have the potential to learn the necessary skills to be successful in assembly work. Stencor provides the space, parts and tools necessary for CSET to bring in potential employees to complete assessments in order to identify those who want to be a part of the organization. Stencor makes every effort to integrate employees with disabilities into all levels and services in the work place. Its focus is to see that in the workplace there are no differences, all are one and the same.

**Martha Arbuckle Award for a Local Committee Project**  
**Panhandle Coalition for Transition Services: LITE project (Amarillo)**

The Panhandle Coalition for Transition Services is made up of various organizations and agencies interested in fostering a smooth transition from high school to higher education, into the community, or into the workplace for persons with disabilities. Current PCTS members include The Panhandle Independent Living Center, Eddie Bauer Store, West Texas A&M University, Parmer County SSA, Uniting Parents, 2Care for Kids, Coalition for Health Services, Department of State Health Services, Division for Rehabilitation Services, Division for Blind Services, Workforce Solutions Panhandle, Amarillo ISD and Canyon ISD representatives, Region 16 ESC, and Amarillo College. The Living Independently Through Education (LITE) Scholarship program event was developed out of this partnership. The LITE event is held annually; the 2013 LITE event raised over \$50,000 for scholarships to be awarded to students with disabilities to attend Amarillo College and West Texas A&M University. The event consists of fund raising, selling raffle tickets, a silent auction, vendor booths, and guest speakers.

The Mayor of the City of Amarillo presents a proclamation declaring LITE Day. The LITE event offers an opportunity for the community to celebrate and promote the abilities of persons with disabilities and to acknowledge accomplishments and look to the future. The LITE program has enhanced the lives of Texans with disabilities by allowing many students to attend college who may not otherwise have been able to attend, and to enhance their employment opportunities.

**Non-Profit Employer Award**  
**RISE Center (Beaumont)**



RISE Center has a long history of successfully hiring, training and retaining qualified individuals with disabilities to advance in employment at the Center and in the community. Founded in 1996, RISE Center promotes the full inclusion, equal opportunity, and participation of persons with disabilities in every aspect of life; currently, approximately 85 percent of RISE staff are individuals with disabilities. As a consumer-driven organization, RISE Center services are developed, directed, delivered and governed primarily by individuals with disabilities. The goals of the Center are to empower individuals with disabilities to become viable parts of their community, and to make the community and society aware and sensitive of individuals with disabilities. RISE Center follows the independent living philosophy that is founded on principles of self determination, self help, and consumer choice. RISE Center established a Job Readiness Program supported by funds received from an American Recovery and Reinvestment Act (ARRA) grant. The majority of current RISE Center staff participated in the program and serve in various levels of employment. With a focus on practical and innovative accommodations, the Center has an embosser and software to translate the written word into Braille; signage throughout the Center in Large Print and Braille; an

automatic door opener to the Center's suite; work areas throughout the Center with adjustable height tables; larger-than-average computer monitors; and five screen readers.



*RISE Center accepts award from Committee Chair Joe Bontke and Member David Ondich*

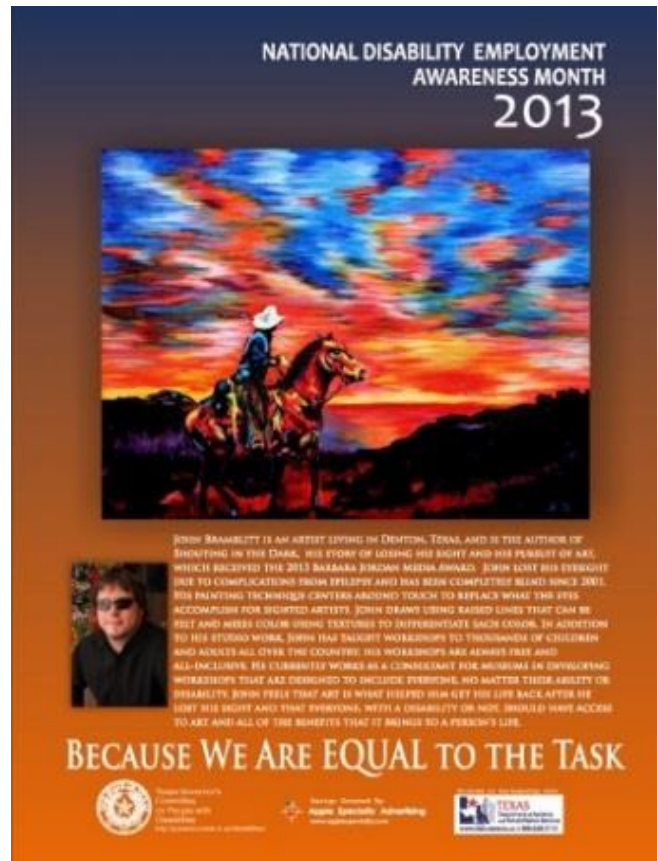


## ***About the National Disability Employment Awareness Month (NDEAM) Poster Art Competition***

Each October, the Texas Governor's Committee on People with Disabilities (GCPD) produces a poster celebrating [National Disability Employment Awareness Month \(NDEAM\)](#). Artwork for the poster is selected by a submission and judging process which is open to any Texas artist with a disability. There is no age limit or specific theme. Original 2D and 3D art in all media are eligible. There is no entry fee, but all submissions must be accompanied by a signed copy of the submission form, agreeing to donate the original art to GCPD.

Once the team of judges has selected a winning piece of art, a professional designer donates her time to create a poster using the current national theme and the winning artwork to create an 18x24-inch poster. The poster is printed by the Department of Assistive and Rehabilitative Services (DARS) and Department of Aging and Disability Services (DADS) Print shop and about 2,500 posters are distributed free of charge to businesses and organizations throughout the state and often to other states.

**The 2013 Winner of the NDEAM Poster Art competition was John Bramblitt from Denton,** for his painting titled *Cowboy Sunset*. John lost his eyesight due to complications from epilepsy and has been completely blind since 2001. His painting technique centers around touch to replace what the eyes accomplish for sighted artists. John draws using raised lines that can be felt and mixes color using textures to differentiate each color. John has taught workshops all over the country. He currently works as a consultant for museums in developing workshops that are designed to include everyone, no matter their ability or disability. John feels that art is what helped him get his life back after he lost his sight and that



*John Bramblitt*

everyone, with a disability or not, should have access to art and all of the benefits that it brings to a person's life.

Each year, the winning artist is invited to be a guest at our annual [Lex Frieden Employment Awards](#) ceremony in October to autograph copies of the poster for attendees.

Current and past year posters are framed and displayed, along with the original artwork, in the office of the Governor's Committee on People with Disabilities, and are occasionally presented as an exhibit in various venues, along with information about the National Disability Employment Awareness Month and best hiring practices and innovative accommodations.

### ***The APA/GCPD Accessibility Awards***

Beginning in 2010, the Texas Governor's Committee on People with Disabilities (GCPD) partnered with the [Accessibility Professionals Association](#) (APA) to create the [APA/GCPD Accessibility Awards](#) program that recognizes businesses and organizations that go significantly above and beyond the legal requirements of both physical and service accessibility for people with disabilities. Nominations are submitted by accessibility specialists, building owners or managers, or by appreciative citizens. Site visits are made by APA professionals to inspect physical accessibility and by professionals familiar with disability issues to inspect for service accessibility (friendliness of staff, easily accessible accommodations, innovations such as braille menus, etc.). GCPD has created a document called ***Above and Beyond: Service Accessibility*** which offers innovative suggestions for site owners and managers to be sure that their services are fully inclusive.

Each year the winners are recognized at the APA/GCPD Accessibility Awards ceremony, part of the APA Annual Conference in Austin in mid-January, and each winner is presented with a signed and framed Proclamation from the Governor.

## ***2013 Accessibility Award Winners***

### **Children's Medical Center of Dallas (Dallas)**

1935 Medical District Drive  
Owner: Children's Medical Center; Thor Reffner,  
Senior Project Manager  
Design Professional: WHR Architects, Inc., Dallas  
- Mark Vaughan, primary contact  
Construction Team: Beck Construction, Dallas



*Children's Medical Center, Dallas*

Recent renovations of the Children's Medical Center were aligned to tie in with the 100th Anniversary of the facility, which began as an open-air tent hospital dedicated to the care of babies from impoverished families. Today the facility operates as a private, not-for-profit entity and enjoys the reputation as one of the finest pediatric facilities in the U.S. The campus is dedicated to children with medical needs and their families, and renovations have included a strong emphasis on physical and service accessibility. Obstacle-free accessible routes are provided in the building and the parking lot, and in the routes between the two. The facility also offers 24/7 valet parking for patients or visitors with mobility impairments. The Ryan Seacrest Studio allows critical care patients access to view special events within their rooms. A large interactive screen tells the history of the facility audibly and visually upon touch.

### **Irving Convention Center (Irving)**

500 West Las Colinas Blvd.  
Owner: City of Irving; Maura Gast,  
Executive Director, Irving Convention  
and Visitors Bureau; and Tom Meehan,  
General Manager, Irving Convention  
Center  
Design Professional: RMJM Hillier,  
Princeton, NJ - Barbara Hillier,  
primary contact  
Construction Team: Austin  
Commercial



*Irving Convention Center*

Because the Irving Convention Center is by its nature a venue always open to the public, the design and construction

teams took care to make sure all aspects of the building and parking are fully accessible, even beyond the legal requirements. The staff continues to be open to improvements, incorporating what they call a “mile in their shoes” approach to innovative accessibility implementation, surveying the building regularly to identify any spots where traction for wheelchairs, crutches or other mobility needs might be a concern, where audible or tactile directions would be useful, and providing smooth physical access and navigation to all visitors. The Human Resources staff use their quarterly meetings to include service accessibility training, such as the use of People First language and disability etiquette, often incorporating role playing to increase awareness.

### **Perot Museum of Nature and Science (Dallas)**

2201 North Field Street

Owner: Perot Museum of Nature and Science; Dan Kohl, Vice President of Creativity and Innovation

Design Professional: Morphosis, Culver City, CA - Brandon Welling, primary contact

Construction Team: Balfour Beatty, Dallas

Designed to engage a broad audience and inspire wonder and curiosity, the Perot Museum strives to broaden individuals’ and society’s understanding of nature and science through an immersive and interactive environment, accessible and engaging to all



*Perot Museum of Nature and Science*

visitors. The museum is designed to give visitors a birds-eye view of downtown Dallas, as well as an interactive experience with the exhibits, symbolically tying together all aspects of inclusion. Ramps throughout the museum are designed with a gentle slope, fitting in with the overall experience of the

visitor. Elevators and escalators exceed legal requirements in size, and the elevators include audio information for ease of navigation. Most exhibits include tactile or audio experience, enhancing the significance of the exhibit as well as making the display accessible to visitors with hearing or visual disabilities. The facility also offers special hours of operation when the museum is not open to the public to allow for tours by groups of people with certain disabilities, such as autism.

### ***About the Quarterly Calendar of Events***

Part of the role of the Governor’s Committee on People with Disabilities (GCPD) is to network with local committees, statewide disability organizations, and other entities involved in disability issues. One way we do that is to share information on events, trainings, webinars and other activities of particular interest to people with disabilities and professionals in the field of disability issues. Each quarter, we reach out for information from local committees, disability organizations, universities and schools, and other organizations to compile a list and organize by location (national, statewide, online, and by city). The Quarterly Calendar of Events is posted on the GCPD website and notices sent out to all our contacts. In 2013, each of the Quarterly Calendars provided information on approximately 500 events.

The Quarterly Calendar serves not only to announce activities, but also to allow local committees and organizations to take a look at what other communities are doing to raise awareness of disability issues, provide resources for people with disabilities and professionals, implement training for caregivers and other professionals, and provide fully inclusive activities for children and for adults. Spotlighting interesting and effective activities helps other organizations find ideas that can be fine-tuned to serve their own communities.

A current example of the Quarterly Calendar of Events can be found on the [GCPD Local Committees website](#).

### ***About the Disability History Month Facts***

In October 2011, Governor Perry declared the month to be Persons with Disabilities History and Awareness Month in Texas. Every year since, the proclamation has continued. As part of the awareness-raising campaign, the Governor’s Committee on People with Disabilities (GCPD) compiles historical information on famous people with disabilities, stories on innovative inventions that serve as accommodations to people with disabilities, and other Disability History Month facts.



These bits of info are sent out by GovDelivery emails, one every business day in the month of October. The information continues to grow in popularity and, as a result, raises awareness of the role that Texans and other with disabilities have played in our history.

## ***2013 Disability History Month Facts***

(This is a generalized listing of the 2013 Disability History Month Facts topics; full information on each topic is available on request)

- ✪ **The McGinty Club**, a men’s fun-making group that also contributed to civic development in the bustling frontier town of El Paso in the 1890s, was created by a Texan with a disability.
- ✪ **George McCormick** (1841-1905) was state attorney general under Governor Oran M. Roberts. He was one of sixty-nine lawyers from across the state who met to form the Texas Bar Association, today known as the State Bar of Texas. McCormick had an amputated leg.
- ✪ **Charles Victor Roman** (1864 – 1934), African-American physician, professor, author, and civil rights leader, lost his right leg to an amputation as a child.
- ✪ **Hope Therapy at Moody Gardens, Galveston** is a facility that provides an innovative rehabilitative treatment program for children and adults.
- ✪ **The Football Huddle** was invented at a college for the deaf—Gallaudet University in Washington DC—as a means of hiding signals from other deaf teams.
- ✪ **Olin Teague** was, after fellow Texan Audie Murphy, the most decorated U.S. combat soldier of World War II. He had undergone the amputation of part of his left leg as a result of injuries from the war. In 1980 the VA hospital in Temple was renamed for him.
- ✪ **John Bell Hood** (1831 – 1879) served as a major general in the Civil War and received a severe wound to his left arm that left it incapacitated and was shot in the leg, resulting in its amputation. Hood County is named in his honor, as is Fort Hood in Bell County.
- ✪ **The Oval Office: The Most Famous Room in the World:** President Franklin D. Roosevelt, who used a wheelchair, was responsible for the design of perhaps the most famous room in the world – the Oval Office.
- ✪ **Joseph Jefferson Mansfield**, who used a wheelchair, served in Congress until 1947. He worked closely with the people who created the Lower Colorado River Authority (LCRA). In 1941, the Mansfield Dam was named in his honor.

- ✪ **Leon Roger Payne** was born blind in one eye and lost the sight of the other in a childhood accident. In 1938 he joined Bob Wills and the Texas Playboys for a time. Some well-known singers who recorded Payne's songs were Elvis Presley, Glen Campbell, Don Gibson, Jim Reeves, and George Jones.
- ✪ **Cyd Charisse** (1922 – 2008), the famous dancer and actress, had polio as a child and at age six, she began dancing lessons to help her overcome the weakness in her legs.
- ✪ **Patsy L. Smith Moore** contracted polio as a child and for the rest of her life wore leg braces and used a cane for walking. She joined a Lubbock law firm and was the city's first woman attorney. She helped establish the Lubbock County Legal Aid Commission and helped establish a clinic in Lubbock for people with developmental disabilities.
- ✪ **Dale Evans**, actress, singer and wife of Roy Rogers, had a child with Down syndrome and heart conditions. At the time, parents were encouraged to place babies with developmental disabilities in institutions, but Dale and Roy refused to do so and embraced their daughter with love and attention.
- ✪ **Charles Sanford Eskridge, Jr.** was an early activist in Texas in the field of disability issues who helped establish a city-owned and operated transportation system for people with disabilities. He helped write and pass many bills for the benefit of people with disabilities in Texas, including the expansion of the Architectural Barriers Act.
- ✪ **Ralph Alexander ("Andy") Anderson, Sr.** was a sports writer for the *Houston Post* who began rehabilitation work during World War II with returning war veterans with disabilities, with his focus on social and recreational activities, particularly outdoors.
- ✪ **Johann Michael Jahn**, one of the founders of the town of New Braunfels, was a noted cabinetmaker and furniture craftsman. Jahn had a permanent mobility disability.
- ✪ **Helen Jane Rehbein Farabee** worked with future lieutenant governor William P. Hobby, Jr. in encouraging the state legislature to establish the state agency known today as the Texas Department of State Health Services.
- ✪ **Pearl S. Buck and the Vineland Training School:** The American Pulitzer Prize-winning novelist Pearl S. Buck, best known as the author of *The Good Earth*, helped to raise awareness of the challenges faced by people with intellectual disabilities.

- ✪ **Ima Hogg** spent two years under the care of a specialist in mental and nervous disorders. She became an active advocate for people with mental illness and established the Hogg Foundation for Mental Health at the University of Texas.
  
- ✪ **Hugh “Hackberry Slim” Johnson II** was one of the first cowboys to put together a Buffalo Rodeo. Johnson came to be known as Hackberry Slim when an accident resulted in the amputation of one of his legs and he used a limb from a hackberry tree to carve himself a prosthetic leg.
  
- ✪ **History of Guide Dogs:** There is convincing evidence that people with vision loss have been working with canine companions, protectors and guides for centuries.

### **Some Famous Guide Dogs**

“Honey” became the subject of a popular BBC children’s television show.

American suspense novelist Dean Koontz owns a retired guide dog named “Trixie Koontz.”

Two heroic dogs worked with their handlers to reach safety after hijacked airplanes struck the World Trade Center on September 11.

“Endal”, a service dog in England, is considered by some to be “the most decorated dog in the world.”

“Ruger” the yellow Lab served in a series of court cases involving discrimination suits against businesses that refused to allow service dog through their doors.



## **Accessibility and Disability Rights Coordinator, Erin Lawler**

Ms. Lawler served as the Accessibility and Disability Rights Coordinator from January - November 2013. While the essential function of this position is to provide technical assistance on the Americans with Disabilities Act (ADA) and other state and federal anti-discrimination statutes. Ms. Lawler far exceeded that during her time working for the Governor's Committee on People with Disabilities. Below is a summary of Ms. Lawler's accomplishments for FY 2013.

### ***Provided technical assistance and analysis of disability rights issues:***

- Presented "[Policy Recommendations and Filed Legislation: Issues Relevant to the Public Electronic Services on the Internet \(PESO\) Work Group](#)" to the PESO workgroup through the Department of Information Resources (DIR).
- Presented "[Federal Employment Protections for Volunteers with Mental Health Disabilities](#)" at the OneStar Foundation training event for AmeriCorps participants.
- Presented at the Texas Advanced Leadership and Advocacy Conference (TALAC): "[Disability Issues in the 83<sup>rd</sup> Texas Legislative Session: New Laws, Old Issues, and What Work Remains](#)" (July 7, 2013).
- Presented at the Texas Association of Regional Councils' Finance and Personnel Staff Association Meeting and Training on "[Disability in the Workplace: What Government Employers Need to Know about the Americans with Disabilities Act](#)" (September 25, 2013).
- Monitored emerging trends in disability law and issues relating to people with disabilities.
- Assisted constituents through personalized guidance and referrals over the phone and by email.
- Provided commentary on the Texas Department of Licensing and Regulation's self-nomination of the (Elimination of) Architectural Barriers Program for an award through the Zero Project.
- Provided extensive commentary and revisions to a Department of Assistive and Rehabilitative Services (DARS) brochure on the rights of Texans using service animals.

### ***Worked Intensively on Legislative Tracking:***

- Sorted approximately 600 disability-related bills of interest into one or more of the Committee’s ten issue areas.
- With staff assistance, maintained eleven email distribution lists for weekly legislative updates.
- Sent weekly legislative updates at the end of every week during the Regular Session.



- Presented a report on filed legislation related to disability issues at the April quarterly meeting of the Disability Issues Committee at the State Bar of Texas (audience of 11).
- Presented “Disability in the Workplace: What Employers Need to Know about the Americans with Disabilities Act” to the Texas Society of Association Executives (audience of 20).
- Presented “Disability Issues in the 83<sup>rd</sup> Texas Legislative Session: New Laws, Old Issues, and What it All Means” at the Texas Advanced Leadership and Advocacy Conference.

- Prepared to serve as a resource witness at a legislative hearing on Senate Bill 1576, related to accessibility of electronic and information resources at state agencies and institutions of higher education, per a request from Senator Judith Zaffirini’s office.
- Met with leadership of the Texas Workforce Investment Council about document and web accessibility requirements.
- Reviewed and provided comments for OneStar Foundation’s informational booklet, “Everyone Can Serve,” about volunteerism in Texas; provided specific feedback and examples for a section on legal and illegal interview questions.
- Provided editorial guidance to the Office of the Comptroller on a Request for Proposals (RFP) related to transportation service providers; provided specific feedback on questions related to accommodating travelers with disabilities.
- Monitored emerging trends in disability law and issues relating to people with disabilities.



*Erin Lawler, Nancy Van Loan, Kevin Triplett, Jo Virgil and Angi English*

- Met with representatives of the Golden Hat Foundation, an Austin-based non-profit organization dedicated to recognizing the intellectual capabilities of people with autism.

***Represented the Committee at government and stakeholder conferences and events, including:***

- Participated in National Association of Governors' Committees (NAGC) conference call on the Employment First policy initiative with Serena Lowe, Senior Policy Advisor with the Office of Disability Employment Policy (ODEP) and Laura Owens with the Association of Professionals in Supported Employment.
- Participated in several ODEP/NACG conference calls about the status of the ODEP/NACG alliance.
- Participated in a meeting of the Inclusion Team of Texas, through OneStar Foundation, dedicated to enhancing opportunities for Texans with disabilities to participate in volunteerism.
- Participated in a quarterly meeting of the Disability Issues Committee of the State Bar of Texas, served as secretary.

## **Research Specialist, Stephanie Myers**

The following bullets represent select activity and accomplishments of Ms. Myers between October 28 and December, 2013:

### ***Ongoing Projects***

- Began research for the interim-study on paratransit services in Texas
- Met with John Sneed of the State Preservation Board and Dennis Borel and Chase Bearden of the Coalition of Texans with Disabilities to discuss accessibility improvements in and around the Capitol Building

### ***Engaged Constituents***

- Assisted constituents through personalized guidance and referrals over the phone and by email (approximately 60 instances of personalized guidance and referral).
- Participated in GCPD's annual visit to Rosedale School with GCPD Chair Joe Bontke as Santa.

### ***Conferences and Committees***

- Attended the 14<sup>th</sup> Annual Texas Conference for Women on November 19, 2013
- Selected to serve as an ex-officio on the Texas Employment First Task-Force

### ***Participated in continuing education, including:***

- How to Use Assistive Technology to Comply with Section 508 (December 4, 2013)

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## Annual Disability History Perspectives for 2013

The Committee believes that understanding ongoing disability history is important to its work.

### *Texas:*

- ✪ The University of Texas at Arlington College of Liberal Arts Department of History launched a new program for students providing a Disabilities Studies minor. The program was designed to benefit students preparing for a variety of graduate programs and for those seeking careers in law, education, public health, nursing, architecture, urban planning and social work. The minor will require a minimum of 18 semester hours of courses. UT Arlington's program is the first one in Texas to offer a disability studies degree.
- ✪ The University Interscholastic League of Texas (UIL) voted in the fall of 2013 to add a wheelchair division to the Track and Field state championships. Wendy Gumbert, the regional Paralympic coordinator for Texas, traveled throughout the state to present clinics on adaptive sports to educate coaches. Texas is the 20<sup>th</sup> state in the U.S. to currently offer competitive opportunities in track and field for students with disabilities.
- ✪ The Texas Education Agency (TEA) issued its *Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities* in January 2013, explaining specific rights and responsibilities of the parent in the Special Education Process. The document is meant to clarify for parents their rights under the Individuals with Disabilities Education Act (IDEA). A companion document, *A Guide to the Admission, Review, and Dismissal (ARD) Process*, was issued at the same time to present information about how to effectively participate in an ARD committee meeting for their child.
- ✪ The George Bush Presidential Library and Museum in College Station featured an exhibition titled *Access/ABILITY* from July through September, 2013, focusing on disability awareness for children, parents and educators, stressing how all humans are more alike than different. The interactive exhibit gave visitors a chance to do such things as learn phrases in American Sign Language, type their name in Braille, ride a hand-pedaled bike and take part in a multi-sensory city walk.
- ✪ The Coalition of Texans with Disabilities (CTD) hosted its Tenth Annual Cinema Touching Disability Film Festival in October, 2013, featuring short film finalists

and documentaries, including the premier of CTD's own *The Autistic Brain: An Interview with Dr. Temple Grandin*.

- ✪ On March 26, 2013, Stephen Hawking addressed a filled Jones Lecture Hall in Houston as part of the Brilliant Lecture Series, sharing his knowledge of science as well as his advice on living with a disability.
- ✪ The Ms. Wheelchair America Pageant was held in July, 2013, in Houston, with representatives from all over the U.S. participating. Ms. Wheelchair America is a competition based on advocacy, achievement, communication and presentation. The winner of the Ms. Wheelchair America 2013 competition was a Texan – Mariah Kilbourne from Seguin.
- ✪ The Federal Communications Commission awarded a talented group of Texas state employees the Chairman's Award for Accessibility for Employment, a set of YouTube tutorials on document accessibility.

***National:***

- ✪ In January, the U.S. Department of Education clarified Section 504 of the ADA with the intention of furthering the equal access of athletics for students with disabilities.
- ✪ The District of Columbia Public School system is partnering with NASA and other companies for their Competitive Employment Opportunity Program, a career mentoring program for high-school students with disabilities.
- ✪ Oregon State University and Streetline Inc. are working together to produce a unique app for the campus called "Parker." Parker is an intuitive app providing people with disabilities real-time information regarding parking availability.
- ✪ The U.S. Department of Labor's Office of Disability Employment Policy's (ODEP) began the "Because" campaign intending to encourage young people with disabilities to work towards their goals.
- ✪ Dakota Birch of Fergus Falls, Minnesota helps implement an Adaptive Bowling Team at her high school to encourage students with disabilities, like herself, to participate in sports.



- ✪ In March, Bookshare, a company committed to providing copyrighted books to people with visual disabilities, releases two new products: Web Reader and Bookshelf. Web Reader is an online book reader that doesn't force the user to have to download the book and can also be manipulated by the user to change the font size and color. Bookshelf can be used to organize books on an electronic literal shelf and is accessible for people with disabilities.
- ✪ ABiSee Inc. announced the launch of their two new products: Eye-Pal Ace and Eye-Pal ROL. Both products are extremely portable and have the ability to read and scan materials, as well as enlarge text and provide audible alerts.
- ✪ U.S. Representative Greg Harper of Mississippi reintroduced the TEAM Act (Transition toward Excellence, Achievement and Mobility Act), a set of bills designed to give high school students with disabilities the tools needed to transition into a successful adult life.
- ✪ Monster.com will be the first in their industry to make their website accessible for people who are blind or are visually impaired. They are partnering with the Attorney General of Massachusetts and the National Federation of the Blind (NFB) in order to make this huge transition.
- ✪ The Fox Theatre in Detroit, Michigan hosted an "Autism Friendly Performance" of Sesame Street with the intention to educate their staff, actors and audience about how that specific performance was more enjoyable for children with autism. Some of the accommodations included: gluten-free concessions, quiet areas for parents and children, notes for the parents before the shows so they knew what to expect, and extra seating space.
- ✪ Senator Tom Harkin introduced two bills requiring movie theatres with two or more screens to offer movies with closed captioning and audio description, as well as a second bill requiring captioning on all flights where in-flight video entertainment is offered.
- ✪ Amanda Englehart, a special education teacher from Ohio, created a new elective at her school designed to allow students without disabilities to enter a special education classroom to learn about disability history, as well as to interact with the students who have disabilities.
- ✪ New, wearable technologies synch with smart phones and can notify people who are deaf or hard of hearing by vibrating or flashing different colors. They are being offered in watch and bracelet form and are customizable and can notify the user of phone calls, texts and even app updates and emails.

- ✪ Greyhound partnered with eSSENTIAL Accessibility to create a disability channel that would include information on Greyhound’s travel promotions and specials, wheelchair-accessible buses and also the company’s hiring opportunities.
- ✪ The Disability Employment Initiative (DEI), a grant program mandated by Congress, allocates funds to 23 states to help people with disabilities use resources like American Job Centers. This grant program seeks to increase employment rates of people with disabilities and continues to look into ways to improve the system, such as better training for staff as well as a follow-up program for consumers once they have found work.
- ✪ The U.S government issued regulations on the Schedule A Hiring Authority, which will make the application process easier for people with disabilities who will no longer be required to submit a “certification of readiness,” a formal assessment declaring people with disabilities to be able to work in specific environments. This mandate is consistent with the President’s goal of encouraging more people with disabilities to seek federal employment.
- ✪ The Department of Justice’s Office on Violence Against Women announced a series of trainings focused on survivors with disabilities. One of the trainings offered will be a webinar focused on people with disabilities, titled “Caring for Survivors with Physical and Developmental Disabilities.”
- ✪ Nissan and BraunAbility developed a wheelchair accessible taxicab in compliance with the ADA. This taxi is largely used in New York City and has an accessible wheelchair ramp and entrance from the back, but can also function as a standard taxi when needed.
- ✪ Talk to An Expert Inc. developed a software called Therapist Direct that can be used as a platform for therapy to occur via video chat/or email. The software is compliant with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- ✪ The Rising Tide Car Wash, located in Parkland, Florida, is a carwash owned by John D’Eri and his son Thomas, which mainly employs people with autism. They founded this carwash because D’Eri was looking for a way to find suitable employment for his other son Andrew, who has autism. D’Eri worked with the University of Miami and Nova Southeastern University to develop a 46 step program for washing cars so people with autism would have a more structured environment. The family is looking to expand The Rising Tide so other parts of the country can offer similar opportunities to people with autism.

- ✧ Rhode Island pledged to phase out sheltered workshops and is committed to integrating people with disabilities into typical work settings. These changes are occurring as a result of the state adopting the Employment First Policy, which prioritizes finding employment in integrated workplaces for people with disabilities.
- ✧ The Federal Communications Commission (FCC) is working on a proposal in compliance with the 21<sup>st</sup> Century Communications and Video Accessibility Act (CVAA) making television guides accessible for people who are blind. The proposal includes improvements such as: menus and guides that can be read aloud, as well as accessible remote controls.
- ✧ Microsoft is developing a sign language program for the Kinect. Players will be able to communicate with the Kinect using sign language that will then be transcribed into text, or users who do not know sign language will be able to type things that will then be signed by an avatar. There is no scheduled release date yet and the software is still being developed.
- ✧ The National Governors Association met in Milwaukee and began working on policy recommendations to improve the lives of people with disabilities. Most of the conversation revolved around changing the hiring practices of the state and promoting readiness preparation throughout a child's education.
- ✧ The U.S. Department of Housing and Urban Development (HUD) issued guidance to aid in the transition of people with disabilities from institutions to communities, which is required under the Supreme Court's *Olmstead* mandate. While the guidance offered by HUD is helpful, the funding is not directly allocated to people with disabilities.
- ✧ For once at the Bonnaroo Music Festival it was not the musicians getting the attention; instead, Holly Maniatty, an American Sign Language interpreter, was the focus of the crowds for how well she kept up with the Wu-Tang Clans lyrics. Killer Mike, of the Wu-Tang Clan, addressed her signing as an art form.
- ✧ Tobii Assistive Technology developed and began selling a new eye-tracking technology allowing users of their product, Tobii EyeMobile, to use Windows 8 tablets hands free. The technology uses two cameras to accurately read the eye movements of the user which then replace the need for hands when performing functions such as swiping and scrolling.
- ✧ Family Health International (FHI) received a \$1.4 million grant from the U.S. Department of Education. The grant is intended to fund the creation of a Center on

Technology and Disability and will be a resource for schools to help them obtain assistive technology.

- ✦ New rules are issued by the Labor Department intending to increase federal job opportunities for people with disabilities and veterans. The new rules mandate that of the people federal employers hire, 7% must be people with disabilities and 8% must be veterans.
- ✦ In-home health care workers are now being protected under the Fair Labor Standards Act. The ruling of the Department of Labor means that these workers will receive minimum wage and overtime protections.
- ✦ In an effort to make it possible for more people with disabilities to be heard, a unique art project has been started and is being supported by organizations such as United Response. Postcards from the Edges showcases post cards made by people with disabilities, or their friends and family, expressing who they are and what is important to them.
- ✦ A new app called AXS Map is now available to people with disabilities, as well as the general population. The app designed and developed by Jason DaSilva works along with Google maps to showcase businesses that are accessible or not, and offers ratings and comments from users.
- ✦ AMC Theatres agrees to provide personal closed captioning systems around the country, but specifically at their 24 locations in New York. The Hearing Loss Association of America (HLAA) and Disability Rights Advocates (DRA) are responsible for the positive changes which will help improve movies for people who are deaf or hard of hearing.
- ✦ Disney Theme Parks addressed the need for a more inclusive experience for their guests by implementing a new Disability Access Service Card. This card will prevent people with disabilities from having to wait in lines and comes with a guide so more people with disabilities can enjoy what Disney has to offer.
- ✦ Today, over 35 universities nationwide offer degrees in disability studies. Syracuse University was the first to offer a degree in disability studies back in 1994.
- ✦ The CDC releases voluntary guidelines on how to handle food allergies of students. Some of which include: how to use an Epi-Pen, how to ensure students with allergies are not excluded from activities, and how to set up allergen-free zones.

- ✪ The Metropolitan Museum of Art (The Met) showcases artwork made by people who are blind or visually impaired in their “Seeing through Drawing” classes and other museums. People are taking notice and following the accessibility trend. For instance, The Whitney Museum is offering video blogs with sign language and the Art Institute of Chicago is considering printing pieces of art with a 3-D printer so people with disabilities may more fully appreciate the art.
- ✪ The Air Carrier Access Act is amended to include two new provisions benefitting passengers with disabilities. First off, airport kiosks and websites are required to be accessible and flights within the U.S. or airlines that have a consumer base in the U.S. are required to have two manual wheelchairs within the cabin of the plane.
- ✪ Under the Mental Health Parity Act mental health treatment, co-pays and visits allotted will have to be congruent with traditional medical treatments. Also under the ACA, mental health insurance will have to be provided to both individuals and groups; both of these new policies are fundamental in expanding mental health services to Americans.

***International:***

- ✪ The 2013 United Nations Report titled, Situation of Human Rights in the Democratic People’s Republic of Korea ([A/68/319](#)), revealed numerous human rights violations regarding people with disabilities.
- ✪ Singapore revised its’ Fire Code to include more provisions that are useful for people with disabilities, including visual fire alarms and two mandatory areas for people with disabilities to wait in case of an emergency.
- ✪ Japan is considering revising their natural disaster law which would allow municipalities to gather information on people with disabilities and elderly within their communities in order to ensure more aid in case of disaster. Lawmakers are concerned with finding a balance between the needs of the marginalized population but also their privacy.
- ✪ Nurudeen Abatemi-Usman, a Nigerian Senator, advocated for legislation that would address issues affecting people with disabilities such as: poverty, unemployment, the education of children, access to assistive devices, etc.
- ✪ Turkish Airlines vowed to improve services for people with disabilities. They plan to include the safety instructions in braille, as well as maintaining an updated

website with links to accessibility and by partnering with the Munich International Airport and Milan Malpensa Airport in an effort to improve entrance into the European Union.

- ✪ An \$877 million settlement was reached between the Canadian Federal Government and Canadian Veterans with Disabilities. The lawsuit involved thousands of veterans and was led by Dennis Manuge. The plaintiffs were looking for compensation due to the governments' scaled back pension plan for injured soldiers.
- ✪ Australia ceases their plan to increase the rent of people with disabilities who live in state-run housing. The plan would have increased rents up to 75 percent of the disability support pension.
- ✪ The United Nations held a summit focusing strictly on inclusion and accessibility of people with disabilities worldwide. 158 countries have signed the Convention on the Rights of Persons with Disabilities, the document was drafted at the summit, and 82 countries have ratified it.
- ✪ After Disability Rights International investigated how people with mental illnesses were treated in Guatemala, they took affirmative action and reported their findings to the Inter-American Commission on Human Rights, which has recently come to an agreement with the Guatemalan Health Ministry. Guatemala will create a community-based home program for people with mental illness and offer free medication to people with psychiatric disabilities among other improvements.

## 83<sup>rd</sup> Legislative Session Legislative Wrap-Up

The Governor’s Committee on People with Disabilities approached the 83<sup>rd</sup> Texas Legislative Session with a sense of optimism. The previous session had been dominated by budget issues, but the 83<sup>rd</sup> Legislative Session offered new opportunities to focus on issues of importance to Texans with disabilities. In particular, the legal and political landscape of health care was shifting and Texas lawmakers were almost certain to respond to these shifts through changes to state law. In the area of education, parents and advocates were clamoring for an opportunity to address testing and accountability; under particular scrutiny were the effects of the State of Texas Assessment of Academic Readiness (STAAR).

The staff of the Governor’s Committee on People with Disabilities monitored bills and resolutions filed in both the House and Senate during the Regular Session. Hereinafter, bills and resolutions will collectively be referred to as “bills.” Six-thousand three hundred and seventy-nine (6,379) bills were filed in all; out of these the staff determined that approximately 610 were disability-related. Staff considered a bill to be disability-related if the bill’s provisions would directly affect the rights or responsibilities of Texans with disabilities or if the bill’s provisions were likely to have a more pronounced effect on people with disabilities as compared to the general population. Each tracked bill was assigned to one or more issue areas based on the bill’s provisions. The Committee structures its work in its ten issue areas; they are access, communications, education, emergency management, health, housing, recreation, transportation, veterans and workforce.

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*Out of the approximately 610 bills that the Governor’s Committee on People with Disabilities monitored, 144 passed through the legislative process and eventually became law.*

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These bills represented activity across The Committee’s ten issue areas, with the most activity concentrated in the areas of health (74 new laws created) and education (36 new laws created).

Only two disability-related laws were filed by the Governor without signature, meaning that the Governor allowed the bills to pass into law without his explicit support. The first such bill was **House Bill 1926 (passed)**, relating to the provision of electronic courses by a school district or open-enrollment charter school. House Bill 1926 is discussed in more detail in the Education section below. The other disability-related bill filed without signature was **House Joint Resolution 24 (passed)** which proposes a constitutional amendment authorizing the legislature to provide an exemption from ad valorem taxation

on the residence homestead of a veteran with a disability or the surviving spouse of such veteran, when the homestead was donated by a charitable organization. This resolution is discussed in more detail in the Veterans section below.

Two disability-related bills were vetoed by the Governor. The first, **House Bill 950 (not passed)**, which dealt with unlawful employment practices in compensation, is discussed in more detail in the Workforce section below and the second, **Senate Bill 504 (not passed)**, which would have eliminated the requirement that school children be screened for abnormal spinal curvature, is discussed in more detail in the Health section below.

### *Access*

The Governor’s Committee on People with Disabilities created policy recommendations designed to “enhance participation of people with disabilities in Texas life through increased access.” These recommendations covered accessible voting, livable communities and “complete streets” initiatives, and the accessibility of the built environment.

An important bill to emerge from the 83<sup>rd</sup> Legislative Session relative to access for people with disabilities was **House Bill 489 (passed)**, authored by Menendez, on service animals. This bill brings Texas state law in line with requirements found in the Americans with Disabilities Act (ADA) related to access for people using service animals in public facilities. House Bill 489 also increases the criminal penalties for those who unlawfully deny a service animal access to a facility due to the animal’s presence, and



*Adan Gallegos and "Bootz" his Service Dog at the Texas Capitol*

increases penalties for those who wrongfully represent a pet as a service animal.

Another significant initiative to emerge from the 83<sup>rd</sup> Legislative Session relative to access was **Senate Bill 1003 (passed)**, which addresses segregation of adult and juvenile inmates with mental illness or intellectual disabilities within Texas criminal justice facilities.

In considering this legislation, lawmakers responded to data that indicated that five percent of all Texas inmates are currently housed in administrative segregation facilities. Nationally, only one to two percent of all inmates are housed in administrative



segregation facilities. Many of the individuals currently in segregation have mental health or intellectual disability diagnoses. Because segregation can exacerbate mental health issues, policies that allow for or encourage segregation have serious implications for the general availability and allocation of resources to address mental health issues in the criminal justice system and for local mental health facilities that aid individuals after they are released from the criminal justice system.

Senate Bill 1003 seeks to address these concerns by providing for a review of and report regarding the use of administrative segregation in Texas facilities for adults and juveniles. The review is to be conducted by an independent third party appointed by the Criminal Justice Legislative and Oversight Committee. The reviewer must report to the governor and the legislature; the report must contain detailed recommendations designed to:

- reduce the administrative segregation population in facilities in this state;
- divert adults and juveniles with mental illness from administrative segregation; and
- decrease the length of time adults and juveniles are confined in administrative segregation in facilities in this state.

While many bills were filed related to online voting and other procedures that would have made voting more accessible to people with disabilities (see, e.g., **House Bill 579 [not passed]**, relating to a study on the feasibility of online voting and **House Bill 770 [not passed]**, related to an electronic submission of an application to vote by mail), none of these bills were ultimately successful.

Companion bills **House Bill 1102 (not passed)** and **Senate Bill 565 (not passed)** would have required the Texas Transportation Committee to adopt a “complete streets” policy, written guidelines providing for the safety, accessibility, and mobility of users of streets and highways, including people with disabilities. These bills were ultimately unsuccessful.

### ***Communications***

The Governor’s Committee on People with Disabilities created policy recommendations designed to “increase communication access and improve public awareness about people with disabilities.” These recommendations promoted the use and availability of assistive technology; encouraged the creation of emerging technologies in an accessible manner; supported the advancement of hearing technologies, including hearing loops in public places; and encouraged increased awareness of American Sign Language and People-First language.

Communications bills that passed this Session reflect increased awareness of technology as a means to bridge communication gaps. Passed legislation paves the way for Next Generation 9-1-1, enhances the availability of communication technologies in Texas court rooms, and attempts to increase the availability of assistive technology to Texans with hearing disabilities.

**House Bill 1972 (passed)**, which is discussed in greater detail in the Emergency Management section, paves the way for Next Generation 9-1-1, by enacting some necessary steps in the ongoing transition from our existing legacy 9-1-1 system to a more sophisticated, “Next Generation 9-1-1” system which could allow for people to contact 9-1-1 not just through a telephone call, but also through text messaging or other modern means of communication. Next Generation 9-1-1- could particularly benefit Texans with hearing disabilities.

**Senate Bill 1620 (passed)** addresses an important need in court proceedings across Texas: the need for qualified communication access real-time translation (CART) providers to interpret for people with certain hearing disabilities participating in a court proceeding. Current law allows for parties to a court proceeding to request a certified court interpreter, such as an American Sign Language (ASL) interpreter, but does not include specific provisions related to CART interpreters. Committee Substitute Senate Bill requires a court to appoint a certified CART provider for a person who has a hearing disability if requested by a party or a witness in a civil or criminal proceeding in the court. The court does not have to wait for a request from a party or a witness, though; the bill authorizes the court to appoint a CART provider on its own motion as well.

The bill defines a “certified CART provider” as a person who holds a certification to provide CART services at an advanced or master level issued by the Texas Court Reporters Association or another certification association selected by Department of Assistive and Rehabilitative Services (DARS). The bill further repeals an earlier requirement that authorized DARS to maintain a list of persons certified by the Texas Court Reporters Association as qualified to provide CART services in a court proceeding and instead requires DARS to maintain a list of certified CART providers and authorizes DARS to send the list to a person or court on request.

The Governor’s Committee on People with Disabilities recommended that the State promote access to assistive technology and support programs that increase the affordability of communication technologies. **Senate Bill 512 (passed)** attempts to do just that, by seeking to enhance the efficiency of a government program that assists Texans with certain disabilities in attaining assistive equipment. The Specialized Telecommunication Assistance Program (STAP) is a voucher program that provides financial assistance for the purchase of specialized assistive equipment or services for individuals whose disability interferes with their ability to access the telephone network. Currently, responsibility for administering the program is split between Department of Assistive and Rehabilitative Services (DARS) and the Public Utility Commission of

Texas (PUC). In an effort to reduce inefficiency created by this division of responsibility, Senate Bill 512 transfers various responsibilities from the PUC to DARS, including:

- the powers, duties, functions, programs and activities of the PUC relating to the specialized telecommunications assistance program, other than the powers and duties specified under statutory provisions related to recovery of specialized telecommunications device assistance program surcharges;
- all obligations and contracts of the PUC that are related to a transferred power, duty, function, program or activity; and
- all property and records in the custody of the PUC that are related to a transferred power, duty, function, program or activity and all funds appropriated by the legislature for that power, duty, function, program or activity.

Other successful bills enhanced collaboration between state agencies related to information resources and sought to increase efficiency across the state and local government system. **House Bill 3093 (passed)** seeks to identify opportunities to increase efficiencies, customer service, and transparency in information resource technologies at state agencies by developing criteria to evaluate state agency information technologies biennial plans. **Senate Bill 866 (passed)** allows local governments a benefit already enjoyed by state agencies, which is the authority to contract with statewide data centers for technology services.

Unsuccessful communications bills from this Session included a bill that would have created a licensing program for interpreters and a bill that would have allowed high school students to earn credit for taking American Sign Language (ASL) classes. **House Bill 2072 (not passed)** would have implemented a professional licensing program for interpreters in the state of Texas. Those in favor of the bill sought to ensure that Texans with hearing disabilities are afforded interpreters who meet established skill and performance standards and to reduce the risk of miscommunication between an interpreter and a client with a hearing disability. Critics of the existing system pointed out that there is no way to know how many uncertified interpreters are practicing in Texas and clients have no complaint mechanism against uncertified interpreters. House Bill 2072 passed the House but died in the Senate Health and Human Services Committee. The Governor's Committee on People with Disabilities recommended promoting "awareness and knowledge of American Sign Language (ASL) as a secondary language." The unsuccessful **House Bill 143 (not passed)** would have contributed to this goal. Texas K-12 public schools are currently required to offer certain courses as part of an "enrichment curriculum." These requirements include courses in languages other than English, whenever possible. House Bill 143 would have added ASL classes to the list of classes that qualify for these enrichment, second-language classes. House Bill 143 did not advance out of the House Public Education Committee, where it was first introduced.

## ***Education***

The 83<sup>rd</sup> Legislative Session was significant for students with and without disabilities. The topics of school funding, the state accountability system, and school choice were dominant issues throughout the Session. Other topics of particular interest to disability advocates, including improving special education services and reforming school discipline practices also received considerable attention. The Governor's Committee on People with Disabilities made many recommendations related to education, designed to "support integrated opportunities for people with disabilities to participate in the full continuum of educational opportunities."

**House Bill 5 (passed)** addresses public school accountability, including assessment and curriculum requirements. The bill itself is over 100 pages long, encompassing highly technical changes to standard courses of study for high school students and required end of course exams. Of particular interest for students with disabilities is a provision that states that a student's Admission, Review, and Dismissal (ARD) committee can decide if a student must pass an end of course exam in order to graduate and a provision that states that students with disabilities are allowed to substitute a different course for a foreign language requirement. Other significant changes found in House Bill 5 include the reduction of the number of required end of course exams from 15 to five and the elimination of the requirement that end of course exams must count toward 15 percent of a student's final course grade. Some provisions in House Bill 5 take effect immediately; other take effect beginning in the 2014-2015 school year.

**Senate Bill 906 (passed)** also addresses student assessments, specifically stipulating that Texas Education Agency must not adopt a performance standard for the State of Texas Assessment of Academic Readiness (STAAR)-Alt test that indicates a student's performance does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The Governor's Committee on People with Disabilities recommended that the state "Support efforts that will increase the number of clinical low vision and orientation and mobility evaluations for Texas students with the goal of eventually providing evaluations to all students with disabilities." **House Bill 590 (passed)** moves the state closer to this goal by requiring that an initial evaluation of a student's eligibility for special education services based on a visual disability must include an orientation and mobility (O&M) evaluation performed by a certified O&M specialist. Further, the bill requires that an O&M specialist participate on the team evaluating the data on which the special education eligibility determination is based. House Bill 590 takes effect on September 1, 2013. Also related to evaluation and instruction of public school students with visual disabilities was **Senate Bill 39 (passed)**, which adds a requirement to the comprehensive statewide plan for the education of students with visual disabilities. The new requirement stipulates that a student must receive an evaluation of his or her disability before being

placed in a classroom setting or within a reasonable time thereafter. The bill also requires that students with visual disabilities receive instruction in an expanded core curriculum, including compensatory skills, such as braille, assistive technology (including optical devices), independent living skills, self-determination, and sensory efficiency. The bill took effect on June 14, 2013.

**House Bill 1264 (passed)** requires school districts and charter schools to report the number of students in the district or school who have been diagnosed with dyslexia. These numbers are to be reported through the Public Education Information Management System. The bill took effect on June 14, 2013.

The Governor's Committee on People with Disabilities' policy recommendations took a hard look at transition services for young adults with disabilities in Texas who are transitioning out of the public school system and into adult life. The Committee made four recommendations related to transitions, including recommending that the state "create comprehensive guide for transitioning students with disabilities and family members, updated biennially, that outlines the services provided by Texas State agencies and private partners, includes information on applying for services, and is presented in a print version and an online, accessible version." The legislature did just that in **House Bill 617 (passed)**. House Bill 617 does three things, which generally apply to 2013-14 school year:

- requires the Texas Education Agency and Health and Human Services Commission to develop a transition and employment guide;
- requires each school district to make the transition and employment guide available to parents, including by posting an electronic version on the district's website; and
- requires each school district to designate a transition coordinator for students in special education.

**Senate Bill 709 (passed)** seeks to resolve ambiguity regarding whether a non-attorney may represent a person in a special education due process hearing. Prior to the passage of this bill, the Texas Education Agency sought an opinion from the Office of the Attorney General (OAG) on whether non-attorneys may represent parties in due process hearings. The OAG responded in [Opinion No. GA-0936](#) in 2012 that while a non-attorney is prohibited from practicing law at a due process hearing, the OAG could not determine whether particular conduct at a due process hearing constituted the practice of law. Senate Bill 709 seeks to resolve this unsettled state of affairs by providing that a person in a due process hearing may be represented by either a licensed attorney or a person who has special knowledge or training about special education issues and satisfies other qualifications that will be laid out in rule by the Commissioner of Texas Education Agency. The bill took effect on June 14, 2013.

Another significant change in special education law in Texas came from **Senate Bill 816 (passed)**. Senate Bill 816 changes the deadline by which a school district must complete an initial evaluation for special education services. Under the old law, a school district had 60 *calendar* days in which to complete the evaluation. Under the new law, a school district will generally have 45 *school* days from the date on which the district receives written consent for the evaluation. Notably, the bill defines “school day” to exclude days that fall during summer break, so summer break is no longer included in the calculation of the timeline. To prevent a situation where parents or guardians who submit a request for an evaluation near the end of the school year would have to wait until the next school year for a response, the bill provides that if a school district receives written consent for the evaluation between 35 and 45 school days before the last instructional day of the school year, then the evaluation must be completed and the written report provided to the parents or guardian by June 30<sup>th</sup>. The student’s Admission, Review, and Dismissal (ARD) committee is also required to meet not later than the 15<sup>th</sup> day of the following school year in order to consider the evaluation. In both instances described above, if a student is absent from school for more than three days during the relevant period, the period is extended by the number of school days that the student was absent.

**Senate Bill 816 (passed)** also places requirements on school districts related to the school district’s response to a request for an evaluation. The bill requires that if a parent or guardian makes a written request to a school district’s director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, then the district must reply not later than the 15<sup>th</sup> school day after the date the district receives the request, by either:

- providing an opportunity for the parent or guardian to give written consent for the evaluation, or
- by refusing to provide the evaluation and providing the parent or legal guardian with notice of procedural safeguards under federal law.

Another important change to special education in Texas came from **Senate Bill 542 (passed)**, which requires TEA to develop a statewide independent Individualized Education Program (IEP) facilitation program to provide IEP facilitation services, at no cost to parents or school districts, in certain ARD committee meetings. The bill took effect on June 14, 2013.

This Session also resulted in at least two bills related to mental health, emotional disorders, and substance abuse in schools. First, **Senate Bill 460 (passed)** requires that training for teaching certificates include instruction in characteristics of mental and emotional disorders among children, as well as effective strategies for deescalating situations and positive behavioral interventions. The bill also requires similar training for current junior high and high school teachers, counselors, principals, and other personnel as appropriate. Senate Bill 460 also expands the duties of a school district’s local health

advisory council to include making recommendations designed to prevent mental health issues among students. A second bill, **Senate Bill 831 (passed)**, expands the list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools, and mandates that this list must include early mental health intervention; mental health promotion and positive youth development; substance abuse prevention; substance abuse intervention; and suicide prevention.

The Governor's Committee on People with Disabilities recommended measures to address the disproportionate impact that zero tolerance disciplinary policies and ticketing in schools have on Texas students with disabilities. This Session saw significant movement in these areas in **Senate Bill 393 (passed)**, **Senate Bill 394 (passed)**, **Senate Bill 395 (passed)**, and **Senate Bill 1114 (passed)**. Among other things, Senate Bill 393 requires that complaints alleging a school offense be accompanied by a statement from a school employee stating whether the student is eligible for or receives special education services and also stating what graduated sanctions were already imposed on the student before the complaint was filed. These changes align with the Committee's policy recommendation 3.9: "[a]uthorize prosecutors to request information related to a student offender's eligibility for special education services and information related to the previous disciplinary actions already taken against the offender." Senate Bill 393 also codifies recommendations from the Texas Judicial Council, the policy-making body of the judiciary in Texas, to create additional diversionary measures designed to provide early interventions for minors who commit certain minor offenses and to allow more resources to be focused on those minors with the potential to commit more serious acts. Senate Bill 394 further codifies recommendations for the Texas Judicial Council related to expanding the confidentiality of records for all minors, including those who received deferred prosecution. Senate Bill 394 also expands existing confidentiality provisions to include municipal and justice courts.<sup>i</sup> Senate Bill 395 is yet another codification of Texas Judicial Council recommendations, this time seeking to balance the imposition of fines and court costs for juveniles while still balancing youth accountability. Senate Bill 395 gives judges in fine-only offenses the discretion to waive payment of fines and court costs for children in the same manner as currently done for indigent defendants and will allow juvenile defendants to choose to elect to pay fines and court costs or dispense of them through community service or receiving tutoring. Lastly, Senate Bill 1114 creates a discretionary progressive sanction model for dealing with school disciplinary issues. This process allows for the correction of behavior through intervention and corrective sanctions before using the criminal justice system. In addition, it allows juvenile case managers who currently work for courts that hear juvenile cases, mostly truancy, to intervene and work with a student prior to the student being referred to court.

Several provisions in the budget bill, often referred to as riders, will also have an effect on education in Texas. The Texas Education Agency (TEA) budget includes \$1.5 million in General Revenue (GR) funds for each of the next two years to pay for professional development for educators working with students with autism (**Article III Budget Rider 67**). TEA must ensure that all accountability, monitoring, and compliance systems

related to special education are unified, not duplicated, and focus on positive results for students. TEA must ask for stakeholder input and report to the legislature by January 12, 2015 (**Article III Budget Rider 70**).

The Governor’s Committee on People with Disabilities recommended expanded use of online learning and virtual schools, so long as these opportunities are accessible to students with disabilities. **House Bill 1926 (passed)** seeks to address concerns that many four-year universities currently have admissions requirements that exceed Texas’ requirements for high school graduation. For example, some high schools do not offer four years of foreign language instruction because of financial constraints and a shortage of demand, but many top-tier schools require or recommend that a student have studied a language other than English in school for that amount of time. House Bill 1926 seeks to address this issue and encourage expansion of the use of the state virtual school network so that students can obtain the education that best suits them, regardless of the district in which they attend school. Governor Rick Perry filed House Bill 1926 without signature, stating, “[o]nline and blended learning is a significant part of education’s future, and while I have concerns that House Bill No. 1926 might impact full-time online learning, it does broaden opportunities for students to engage in technology-based learning. [...] Hopefully, future legislators will work to ensure continued expansion of online learning and student choice.”

The Committee also recommended efforts to ensure that instructional learning materials are accessible to students with disabilities. Unsuccessful bill **House Bill 3586 (not passed)** would have created the Accessible Learning Materials Council of Texas to “study issues related to improving the academic success of students with disabilities using accessible learning materials” and to “make recommendations to change existing requirements, laws, rules, or policies, to require that assistive technology and learning materials be available for instruction and use in the administration of assessment instruments.” Another unsuccessful bill, **Senate Bill 1576 (not passed)**, would have required the Governor’s Committee on People with Disabilities to conduct a study in collaboration with the Department of Information Resources “to identify difficulties persons with disabilities are encountering at state agencies and postsecondary educational institutions that receive state or federal funds.”

### ***Emergency Management***

The Governor’s Committee on People with Disabilities recommended changes to state law that would “promote a Whole Community approach to the full inclusion and participation of Texans with disabilities in the emergency management life cycle.” This Session did not see a significant amount of activity around emergency management issues, however, some positive developments emerged in two areas of particular importance to people with disabilities during disasters: the deployment of healthcare practitioners to disaster areas, and the development of Next Generation 9-1-1.



**House Bill 746 (passed)** amends current law relating to the registration of volunteer health practitioners and the services of volunteer health practitioners during disasters. When disasters occur, the deployment of health practitioners to areas affected by the disasters is hindered by a lack of uniformity in state laws regarding the scope of practice and licensing of such practitioners. In response to this hindrance, the Uniform Law Commission (ULC) has developed a model uniform law to regulate volunteer health practitioners providing services during emergencies. The purpose of the proposed model law is to provide a system whereby health practitioners in any state can be deployed to health care facilities and disaster relief organizations in another state in which an emergency is occurring and can follow a clearly understood protocol in meeting the needs of the volunteers and relief agencies while ensuring the delivery of quality care to disaster victims. House Bill 746 accommodates the provisions of the ULC’s model law to ensure proper registration, scope of practice, liabilities, and recognition of licenses of health practitioners in disaster situations on an intrastate basis.

The Governor’s Committee on People with Disabilities recommended that Texas: “[s]upport the adoption of digital, interoperable, Next-Generation 9-1-1 services across the state that are capable of interacting with those in need with voice, TTY, SMS, and real-time text.” **House Bill 1972 (passed)**



*Live Press Conference, West, Texas 2013*

paves the way for Next Generation 9-1-1 by statutorily redefining 9-1-1 so that it is not restricted to telephone service, and cleaning up some issues of liability and confidentiality. Specifically, House Bill 1972 updates existing language in certain provisions of the Health and Safety Code relating to 9-1-1 service. Current law regarding emergency communications could be considered outdated given the evolving technologies that the public currently uses to communicate. House Bill 1972 changes the definition of “9-1-1 service” to mean a communications service that connects users to a public safety answering point through a 9-1-1 system. It removes the references to “telephone” throughout the Health and Safety Code.

Further, the current law provides liability and confidentiality protections for all of those involved in delivering 9-1-1 calls. House Bill 1972 expands the limited liability provided

to 9-1-1 service providers to include communications service providers, developers of software used in providing 9-1-1 service, and third parties or other entities involved in providing 9-1-1 service. House Bill 1972 also updates language for criminal penalties to address abusive or harassing 9-1-1 calls as well as interference with 9-1-1 emergency requests.

**Senate Bill 628 (passed)** adjusts funding structures relevant for the transition to Next Generation 9-1-1. Currently, 9-1-1 communications are delivered by one of two kinds of entities. The first of these two kinds of entities, emergency communication districts, have predictable sources of revenue to support their 9-1-1 services from emergency service fees paid by district residents. A predictable revenue stream would assist with a smooth deployment of Next Generation 9-1-1. The second kind of entity, a regional planning commission, tends to face greater funding struggles especially if it does not have an emergency communications district within its territory. Senate Bill 628 seeks to address this disadvantage by providing for the creation of regional emergency communications districts that would have the same governing and financing authority as emergency communication districts.

## ***Health***

The healthcare delivery system in Texas was a dominant issue during the 83<sup>rd</sup> Legislative Session. The national dialogue about healthcare was influenced by responses to the federal Patient Protection and Affordable Care Act, concerns about mental health issues prompted by several high-profile acts of gun violence, and anticipated revisions to the Diagnostic and Statistical Manual of Mental Disorders (DSM). The Governor's Committee on People with Disabilities crafted policy recommendations designed to “[p]romote health and wellness among Texans with disabilities through accessible, affordable health care options provided in a range of settings.”

This Session saw an enormous amount of activity around healthcare in general, with the Committee tracking 292 disability-related health bills. Of the 292 disability-related health bills filed, 74 passed into law. Of particular interest this Session were bills designed to enhance the safety and welfare of Texans with disabilities in congregate living and healthcare settings, to redesign mental health services and supports, to increase insurance coverage for Texans with autism, and to enhance the health and wellbeing of children, especially in schools.

So many bills related to health for Texans with disabilities were passed that this section of the report is broken up into sub-sections.

## **Medicaid**

Perhaps the largest transformations to healthcare delivery for Texans with disabilities can be found in Senate Bills 7 and 8.

**Senate Bill 7 (passed)** changes how medical and long-term services and supports are provided through Medicaid and Medicaid waivers. Senate Bill 7 was designed to improve the coordination of Medicaid long-term care services and supports with acute care services, redesign the long-term care services and supports system to more efficiently serve individuals with intellectual and developmental disabilities, and expand on quality-based payment initiatives to promote high-quality, efficient care throughout Medicaid. In part, Senate Bill 7 authorizes Health and Human Services Commission and Department of Aging and Disability Services to develop and implement pilot programs to test one or more service delivery models involving a managed care strategy based on capitation to deliver long-term services and supports under the Medicaid program to individuals with intellectual and developmental disabilities. Senate Bill 7 also transitions many Texans with intellectual and developmental disabilities who are currently receiving supports through the Texas Home Living waiver program or an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) program to the STAR + PLUS Medicaid managed care program delivery model or the most appropriate integrated capitated managed care program delivery model.

**Senate Bill 8 (passed)** relates to the provision and delivery of certain health and human services in Texas, including the provision of those services through Medicaid and the prevention of fraud, waste, and abuse in Medicaid and other programs. Senate Bill 8 requires the executive commissioner of the Health and Human Services Commission (HHSC) to establish a data analysis unit within HHSC to establish, employ, and oversee data analysis processes designed to improve contract management; detect data trends; and identify anomalies relating to service utilization, providers, payment methodologies, and compliance with requirements in Medicaid and child health plan program (CHIP) managed care and fee-for-service contracts.

**Senate Bill 1542 (passed)** establishes a Medicaid quality improvement process within the Health and Human Services Commission to review clinical initiatives designed to improve the quality of care provided under and cost-effectiveness of the Medicaid program.

### **Safety and Welfare**

The legislature passed several bills aimed at increasing the safety of Texans with disabilities in congregate living facilities and healthcare settings. **House Bill 729 (passed)** amends current law relating to access to criminal history record information by certain hospitals and other facilities, adding students doing their clinical training at hospitals and contract employees and volunteers at nursing homes, hospice programs, and long-term care facilities to the list of people about whom facilities can request criminal record information. Similarly, **House Bill 2673 (passed)** seeks to increase the safety of State Supported Living Center residents by allowing the health and human services agencies to obtain criminal history information for contracted employees and applicants for contracted positions as well. House Bill 2673 also aims to expand the investigative reach of organizations who investigate mortality at Intermediate Care Facilities. House

Bill 2673 allows the Health and Human Services Commission to contract with an institution of higher learning or a health care organization or association with experience in conducting research-based mortality studies to conduct the independent mortality reviews. These entities are not subject to the federal limitations that patient safety organizations are. House Bill 2673 also ensures that the mortality reviews will be completed across all settings in which individuals with developmental disabilities receive services.

**Senate Bill 33 (passed)** allows for video or audio monitoring of residents' rooms at state supported living centers under certain circumstances. Many parents and guardians of residents at state supported living centers expressed a desire to install surveillance equipment in their loved ones' rooms to ensure against abuse and neglect. The legislature responded to this desire by creating a right for residents and parents or guardians of residents to install such equipment under certain circumstances. Only the resident has the authority to request surveillance if the resident has capacity to make such a request and has not been judicially declared to lack the required capacity. If the resident has been judicially declared to lack capacity, then only the guardian of the resident may request surveillance. If the resident has not been judicially declared to lack capacity, but does in fact lack capacity, then only the legal representative of the resident may request surveillance. Among the limitations placed on this right are: all of the persons occupying the room must consent to the surveillance; the parent or guardian is responsible for the costs associated with the surveillance, other than the cost of electricity; the equipment must be installed in a safe way; and the entrance to the room must have a clear notice informing people that the room is being monitored electronically. If a person observes abuse or neglect through the use of the surveillance equipment, that person has a duty to report the abuse or neglect.

**Senate Bill 152 (passed)** seeks to increase the safety of people with disabilities receiving services in state hospitals by increasing oversight, increasing employee training, and strengthening abuse and neglect reporting requirements. Specifically, Senate Bill 152 requires specialized training for state hospital employees on patient caregiving and how to recognize and report abuse; authorizes HHSC's office of inspector general to investigate criminal offenses at state hospitals; allows the Department of State Health Services to require state hospital direct care workers to undergo federal background checks based on risk assessments; and requires professional boards to report cases of abuse, neglect or exploitation.

**Senate Bill 944 (passed)** addresses criminal background checks of employees likely to come into contact with people with disabilities. Certain unlicensed employees working in the mental health unit of a hospital, such as food service workers, were formerly not required to undergo a criminal background check. Senate Bill 944 amends the Health and Safety Code to require hospitals to conduct such checks.

The Governor's Committee on People with Disabilities created policy recommendations designed to address the rising prevalence of obesity in the Texas and the accompanying rise in chronic diseases. These recommendations encouraged integrated initiatives in chronic disease prevention and treatment and accessible, community-based programs to increase physical activity and improve nutrition. **House Bill 3401 (passed)** seeks to encourage healthy lifestyles among recipients of public benefits through Medicaid, Temporary Assistance for Needy Families (TANF), and the Supplemental Nutrition Assistance Program (SNAP) by requiring Health and Human Services Commission to collaborate with community-based organizations to encourage people receiving these public benefits to access existing online information and programs (including those already available through the HHSC website) that provide nutrition and wellness education and promote healthy eating habits and a healthy lifestyle.

**Senate Bill 747 (passed)** clarifies the term of the Governor-appointed independent ombudsman for state supported living centers, making clear that the term lasts two years and that the ombudsman can be reappointed.

**Senate Bill 1236 (passed)** seeks to better protect older Texans and Texans with disabilities under protective orders by expanding the time period a protective order may be in place, allowing for the Department of Aging and Disability Services to make a guardianship determination before the order expires. Before the passage of Senate Bill 1236, the law contained a discrepancy with the potential to leave older Texans or Texans with disabilities vulnerable. An emergency order relating to protective services for an older Texan or a Texan with a disability could expire a certain period after the date the order was rendered or after the person was removed to a safer environment. Although a court was able to extend the emergency order, even the extended period was shorter than the period that the Department of Aging and Disability Services (DADS) had to determine whether permanent guardianship was appropriate. In other words, the protective order could expire before DADS had made a decision. Senate Bill 1236 remedies this discrepancy by increasing the number of days certain emergency protective orders can be in effect.

**Senate Bill 1842 (passed)** amends some existing rules relating to the use of restraint and seclusion at psychiatric facilities and hospitals. Under the old rules, only a physician or physician's designee was authorized to conduct a face-to-face evaluation of the patient on whom restraint or seclusion was used. The purpose of such evaluation is to assess the patient's stability after the use of restraint or seclusion. Senate Bill 1842 allows a trained and licensed registered nurse to perform an evaluation, bringing Texas' rules in line with the rules promulgated by the Centers for Medicare and Medicaid.

## **Prevention**

**House Bill 740 (passed)** amends existing rules to give Department of State Health services increased flexibility and authority to add new disorders to newborn screening requirements in Texas, including screening for congenital heart disease. **House Bill 1204**

**(passed)** declares October 1<sup>st</sup> as Influenza Awareness Day to raise awareness of the health risks associated with influenza and to encourage Texans to take proactive measures to reduce exposure to those risks.

### **Children's Health**

**House Bill 915 (passed)** changes the requirements for prescribing a psychotropic medication to a foster child and would modify legal and medical oversight of a foster child's medical care. It defines a psychotropic medication as one prescribed to treat symptoms of psychosis or another mental, emotional, or behavioral disorder by affecting the central nervous system to change behavior, cognition, or affective state. This definition would include: psychomotor stimulants, antidepressants, antipsychotics or neuroleptics, agents for control of mania or depression, anti-anxiety agents, and sedatives, hypnotics, or other sleep-promoting medications.

House Bill 915 also defines consent procedures for psychotropic medications and consent by a foster parent or other person authorized to give consent would be valid only if given voluntarily and without undue influence and if the person authorized to give consent had received verbal or written information about the: specific condition to be treated, expected beneficial effects on that condition from the medication, probable health and mental consequences of not consenting, and probable clinically significant side effects and risks from the person authorized to give consent and the prescribing health care provider (or designee), and the completed form would be kept in the child's case file and medical records. The foster child's authorized consentor would have to ensure the child had an office visit with the prescribing physician at least every 90 days to allow the physician to monitor side effects, determine whether the medication was helping achieve the physician's treatment goals, and decide if continued use of the medication was appropriate. The bill requires Department of Family and Protective Services, at the soonest scheduled meeting, to notify a foster child's parents of any prescription or dosage change of a psychotropic medication.

**Senate Bill 44 (passed)** seeks to alleviate the consequences of a difficult choice faced by some parents of children with severe behavioral or mental disorders. Some Texas parents face a significant financial burden in securing necessary medical care and services for their child. Some parents who do not have adequate health insurance or the financial means to obtain treatment for their child may make the decision to place their child in the custody of child protective services in order to obtain the mental health services or treatment the child needs. In doing so, parents are deemed as having refused to accept parental responsibility and are placed on the state's abuse and neglect registry, which can affect the parent's ability to find employment in certain job fields requiring contact with children. Senate Bill 44 seeks to address these issues by amending current law relating to maintaining and reporting certain information regarding certain child abuse or neglect cases and the provision of mental health services for children in those cases.

**Senate Bill 50 (passed)** amends the requirements for the composition of the Children’s Policy Council, a health and human services advisory committee charged with identifying concrete solutions for advancing policy for children with developmental disabilities. Senate Bill 50 adds a requirement that families of children with mental health disabilities be represented on the council and that the Children’s Policy Council addresses issues relating to mental health services for children.

**Senate Bill 492 (passed)** provides for the development and licensure of prescribed pediatric extended care centers. Prescribed pediatric extended care centers allow certain children under the age of 21 with medically complex conditions to receive medical care in a nonresidential setting. When approved, children can receive services from a center, including nursing services, personal care, developmental therapies, and caregiver training of the minor’s parents or legal guardian, for up to 12 hours a day.

**Senate Bill 1060 (passed)** seeks to improve cost-effectiveness of recently implemented family cost sharing provisions in the early childhood intervention program through Department of Assistive and Rehabilitative Services by providing for the collection of data and evaluation of the cost-effectiveness of these measures.

**House Bill 908 (passed)** also seeks to strengthen existing protections for older Texans and Texans with disabilities by expanding the pool of professionals authorized to perform psychological assessments of older Texans or Texans with disabilities who may be experiencing abuse, neglect or exploitation in order to recommend emergency protective services without the consent of such person. Under the old law, only master social workers and licensed psychologists were authorized to perform such examinations, but there are a significantly limited number of social workers and psychologists in rural communities and this dearth may pose a threat to the health and safety of older Texans and Texans with disabilities in those communities. House Bill 908 adds licensed professional counselors to the list of those eligible to perform psychological assessments in order to ensure that older Texans and Texans with disabilities in have access to emergency protective services across the state of Texas.

### **Mental Health**

**House Bill 978 (passed)** addresses the transportation of certain incarcerated persons to mental health facilities. Under the old law, it was the duty of law enforcement to transport people with mental illness; this duty usually fell to sheriff’s departments who are not always equipped for medical transport. The new law reorders the priority list by which a court may authorize the transportation of certain patients to mental health facilities and also allows for contracting with qualified transportation providers.

**House Bill 1023 (passed)** initiates some first steps in addressing Texas’ mental health workforce shortage crisis. The passage of this bill was prompted in part by the designation of a majority of Texas counties as Health Professional Shortage areas for mental health by the federal government; many of those shortage areas are identified as not having a single psychiatrist. House Bill 1023 requires the Health and Human

Services Commission (HHSC), or a health and human services agency designated by HHSC, to use existing information and data available through HHSC, the Department of State Health Services, the statewide health coordinating council, and nongovernmental entities with expertise in mental health workforce issues to make recommendations regarding mental health workforce shortages in this state. Further, House Bill 1023 requires HHSC, or the health and human services agency designated by HHSC, not later than September 1, 2014, to submit a report that includes certain information to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the legislature.

**House Bill 1738 (passed)** addresses issues of transporting people experiencing mental health emergencies. Although law enforcement officers currently transport people experiencing mental health emergencies all over the state, the officers and facilities throughout Texas do not all use the same detention forms. Detention forms contain information on the person's condition and risks and go into the person's medical file for use in treatment and commitment decisions. This bill creates statewide, standardized forms to ensure that laws regarding emergency detention procedures are applied consistently throughout the state. House Bill 1738 also amends current provisions related to the information provided to the person subject to the detention.

**House Bill 1191 (passed)**, covered in more detail in the Housing section, makes housing information available for people with mental health disabilities.

**House Bill 2392 (passed)**, covered in more detail in the Veterans section, supports peer-to-peer counseling services for veterans experiencing mental health issues.

**Senate Bill 58 (passed)** attempts to address difficulties that some Medicaid managed care recipients face in obtaining mental health services. While several mental health services are already provided to certain Medicaid recipients through the managed care program, other categories of services, such as targeted case management and rehabilitative services, are provided on a fee-for-service basis and are delivered almost exclusively to the Medicaid population by local mental health authorities. The current system makes it difficult to coordinate physical and behavioral health and limits the number of providers available to recipients. Senate Bill 58 attempts to address this issue by requiring that the Health and Human Services Commission, to the greatest extent possible, integrate into the Medicaid managed care program the following services for Medicaid-eligible persons: (1) behavioral health services, including targeted case management and psychiatric rehabilitation services; and (2) physical health services.

**Senate Bill 126 (passed)** attempts to increase transparency and accountability in community mental health and substance abuse programs by requiring Department of State Health Services to create a public reporting system of performance and outcome measures relating to mental health and substance abuse services. The data from this system will be publicly available and will allow consumers to compare programs and make informed decisions.



**Senate Bill 718 (passed)** answers the question: what is the legal age of consent for outpatient mental health services in Texas? The new law clarifies that people aged 16 or older can consent to outpatient mental health services, just as they can for inpatient mental health services. This means that a parent or guardian's consent is not required when a person aged 16 or older voluntarily pursues mental health treatment. The bill further clarifies the protections and procedures involved when foster parents or employees of the Department of Family and Protective Services seek mental health services for a minor against the minors' will.

**Senate Bill 1889 (passed)** authorizes the Department of State Health Services to enter into reciprocal agreements with other states and local authorities of other states to facilitate the return of people committed to mental health facilities in Texas or another state to the state of the person's residence. The new law establishes that the state returning the person bears the expense of returning the person, unless that state agrees to share the cost in a reciprocal agreement.

**House Bill 807 (passed)** clarifies which professionals may refer to themselves as "psychologists," by removing an exemption that previously applied to the licensing requirement of certain employees of governmental agencies. On a related note, **House Bill 808 (passed)** clarifies the authority of a psychologist to delegate the provision of certain care to an employee under the psychologist's supervision, including a person training to become a psychologist.

### **Child Welfare in Schools**

**House Bill 1018 (passed)** requires School Health Advisory Councils, which are parent-led committees that advise school boards on issues related to student health, to establish sub-committees to make specific recommendations to school boards on strategies to increase physical activity and improve fitness among students.

**House Bill 2483 (passed)** seeks to increase school children's awareness of and access to oral health by integrating oral health into coordinated health programs offered at schools. The new law requires the Texas Education Agency to make available to each school district one or more coordinated health programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes in elementary school, middle school, and junior high school students.

**Senate Bill 376 (passed)** seeks to increase participation in the national school breakfast program for students by mandating that every school district campus or an open-enrollment charter school in Texas that has 80 percent or more of students qualifying for participation in the national school breakfast program shall offer a free breakfast to each student.

**Senate Bill 504 (not passed)** would have removed the state's requirement that schools screen all students in the 6<sup>th</sup> and 9<sup>th</sup> grades for spinal conditions. Governor Rick Perry vetoed Senate Bill 504, stating: "To ensure children receive the attention and treatment

they need for abnormal curvatures, Texas must remain vigilant and retain this required screening.”

### **Guardianship and Other Planning Tools**

**House Bill 2080 (passed)** amends current law relating to guardianships, including the assessment and payment of attorney’s fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities.

**House Bill 2918 (passed)** changes the legal form used to create a statutory durable power of attorney to reduce confusion. Texas formerly used an “opt-out” form, where the principal (the person signing the form) was assumed to have granted general powers to the agent, unless the principal specifically restricted a power. Other states and national authorities on guardianship generally use “opt-in” forms, where if the principal wants to provide for a power to be exercised by the agent, the principal must specifically grant that power. The new law changes Texas’s form to make it an opt-in form, requiring the principal to initial beside the powers that the principal desires to grant to the agent.

**House Bill 2407 (passed)** creates a legal procedure by which a person formerly under a guardianship (a “ward”) but who has been completely restored to competency may regain the right to own a firearm. The procedure requires a court to consider whether the person is likely to act in a dangerous manner and whether restoring the person’s right to own a firearm is in the public interest.

**Senate Bill 651 (passed)** clarifies requirements for witnesses and signatures on a medical power of attorney document.

**Senate Bill 1235 (passed)** revises some requirements for applications for guardianships. Where before applicants were required to present a written letter or certificate documenting a determination of an intellectual disability, dated within the 24 months preceding the guardianship hearing, under the new law, applicants will be allowed to present documentation of an update or an endorsement of a prior determination of an intellectual disability, so long as that documentation comes from a licensed or certified physician or psychologist and was made within the 24 months preceding the hearing.

### **Health Insurance**

**House Bill 2929 (passed)** extends medically necessary post-acute brain injury health care coverage to certain eligible policyholders.

**Senate Bill 1057 (passed)** addresses the Department of State Health Services’ (DSHS) role as a payer of last resort in administering its safety net programs. In theory, DSHS is not expected to provide services to Texans who have access to the same or similar services through private health care coverage. In practice, Texans are not always aware of what services are available to them through service providers other than DSHS and may end up using DSHS services when they should not. Senate Bill 1057 seeks to raise awareness among certain applicants about coverage and subsidies available under the

new health insurance exchanges established by the federal government in accordance with the Affordable Care Act. These exchanges should allow Texans to access services through a private insurer, rather than through the state. The new law also requires applicants to notify DSHS of their access to private insurance coverage before qualifying for services, except in the case of emergencies.

**Senate Bill 1332 (passed)** adjusts the definitions of small and large employers for state health insurance regulation purposes. Under the new law the total number of employees will be used to determine the classification of the employer, regardless of whether the employees are full-time or part-time.

**Senate Bill 1367 (passed)** abolishes the Texas Health Insurance Pool and establishes a plan for its dissolution. The choice to abolition was a reaction to changes in federal law that legislators believed rendered the Texas Health Insurance Pool unnecessary.

### **Autism**

**Senate Bill 1484 (passed)** amends the Insurance Code to change coverage limitations for enrollees diagnosed with autism spectrum disorder. The old law mandated coverage for an enrollee who was diagnosed with autism spectrum disorder from the date of diagnosis to the end of the enrollee's ninth year of age. In other words, it was legal for coverage for services related to autism to end at the child's tenth birthday. The new law allows for lifetime coverage of a person diagnosed with autism spectrum disorder, provided the diagnosis was in place before the child's tenth birthday. There are caps on coverage, though, with providers not required to provide over \$36,000 a year in applied behavior analysis for an enrollee ten years of age or older.

It is important to note that the exact effect of Senate Bill 1484 is not clear at this time. The new law specifies that to the extent that the required coverage would otherwise require Texas to make a payment under certain federal law, a qualified health plan, as defined by federal law, is not required to provide a benefit that exceeds the specified essential health benefits required under federal law.

**House Bill 3276 (passed)** adds a requirement in the Insurance Code, requiring health benefit plans to provide, at a minimum, coverage for screening for autism spectrum disorder at 18 and 24 months.

**Senate Bill 519 (passed)** amends the Human Resources Code to update the definition of "autism and other pervasive developmental disorders" by referencing, in that definition, the Diagnostic and Statistical Manual (DSM-5), 5th Edition, rather than the 4th Edition of that manual.

### **Prescription Medication**

**Senate Bill 34 (passed)** clarifies rules related to the administration of psychoactive medication to clients of certain residential facilities, including state supported living centers. Among other things, Senate Bill 34 prohibits a person from administering a

psychoactive medication to a client of a residential care facility who refuses to take the medication voluntarily unless the client is having a medication-related emergency, the client is under a court order authorizing the administration of the medication regardless of the client's refusal, or the client is a ward who is 18 years of age or older and the guardian of the ward consents to the administration of psychoactive medication.

**Senate Bill 406 (passed)** clarifies and revises the delegation of prescriptive authority by physicians to certain advanced practice registered nurses and physician assistants.

### **Specialty Courts**

Beginning first with specialty drug courts and later expanding to include specialty mental health courts as well, specialty courts in Texas direct nonviolent offenders to treatment programs, rather than incarceration. Although the use of specialty courts in Texas began over two decades ago, performance measures have not yet been established to determine the success and cost-effectiveness of the use of these courts. Additionally, the laws governing the various types of specialty courts are scattered throughout various statutes, rather than codified in a common statute for ease of reference for judges and other legal professionals.

**Senate Bill 462 (passed)** seeks to address some of the issues described above by consolidating Texas statutes relating to specialty drug courts, improving oversight of specialty court programs, and changing the composition of the governor's Specialty Courts Advisory Council.

**Senate Bill 646 (passed)** seeks to address and clarify statutory provisions related to court-ordered outpatient mental health services. Previously, Texas law authorized a judge to "advise but not compel" certain patients to receive treatment with psychoactive medication. This standard had created some confusion among judges and resulted in reluctance by judges to order the use of assisted outpatient mental health services. Senate Bill 646 clarifies the procedure through which a judge may order a person to receive outpatient mental health services. Further, Senate Bill 646 makes clear that a person may not be administered psychoactive medication against his or her will unless the person is having a medication-related emergency, is under an order authorizing the administration of the medication regardless of the patient's refusal, or is a ward who is 18 years of age or older and the ward's guardian consents to the administration of psychoactive medication regardless of the ward's expressed preferences.

**Senate Bill 1185 (passed)** creates a jail diversion pilot program for inmates with mental illness among the Harris County jail population designed to reduce recidivism.

**Senate Bill 1475 (passed)** creates a jail-based competency restoration pilot program.

## *Housing*

The Governor's Committee on People with Disabilities tracked 64 disability-related housing bills, of which 16 passed. The Committee's policy recommendations were aimed at increasing "availability of safe, affordable, and accessible integrated housing options for people with disabilities." Some of the most significant housing bills are discussed below.

**Senate Bill 49 (passed)** addresses housing and transition needs of children with intellectual and developmental disabilities who are under the care of the Department of Family and Protective Services (DFPS). Currently, the services of the Texas Promoting Independence Plan are not available to children under most DFPS care. This is the case because the Promoting Independence Plan mainly serves people residing in nursing facilities, state supported living centers, and large community intermediate care facilities for people with disabilities. Children under DFPS care often live with foster families and thus fall outside the jurisdiction of the Promoting Independence Plan. Consequently, there are fewer opportunities for these children to transition into appropriate care in a community-based setting and to access certain Medicaid waiver programs. Senate Bill 49 seeks to ensure that these children have timely access to home and community-based services by amending current law relating to transitional living assistance and appropriate care settings for children with disabilities who reside in general residential operations.

**House Bill 424 (passed)** seeks to increase the safety of residents of certain group home facilities, including many classifications of facilities that serve people with disabilities, by creating a reporting requirement when a sex offender becomes a resident of the group home. Current law does not require certain group homes to notify the residents of the home of a newly admitted resident who is a registered sex offender. House Bill 424 requires notice to a resident of a group home or a resident's legal guardian, if applicable, when a registered sex offender becomes a resident of the group home.

**House Bill 1191 (passed)** addresses the shortage of information on housing options for Texans with mental health disabilities. This bill requires Health and Human Services Commission to make available through the Texas Information and Referral Network Internet site, more familiar to disability advocates as the 2-1-1 website, information regarding housing options for persons with mental health disabilities provided by public or private entities throughout the state. The bill also provides that the Internet site will serve as a single point of access through which a person may be directed on how or where to apply for housing in the person's community.

**House Bill 1971 (passed)** seeks to address the needs of elderly Texans and achieve growth and modernization of assisted living in Texas by providing for the development of a pilot program to authorize certain accreditation surveys of assisted living facilities.

**House Bill 2276 (passed)** addresses information provided to people with intellectual disabilities about housing by their local mental health mental retardation authorities. A

local authority is required to provide, upon request, information on all available housing options, including information on residential services offered at state supported living centers. House Bill 2276 seeks to ensure that persons seeking certain residential services are given unbiased and informative written material about housing services available, including state supported living centers, community intermediate care facility (ICF-MR) programs, and waiver services under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n(c)).

### ***Recreation***

Recreation was not an active issue area during this Session. The Governor's Committee on People with Disabilities followed seven disability-related bills in the area of recreation and only one of these bills passed. The Committee's policy recommendations on recreation were designed to "[e]nsure the full inclusion, participation and integration of people with disabilities into recreational opportunities, venues and services in Texas." Many of the filed bills related to privileges for veterans with disabilities and aging Texans to enjoy recreational opportunities free of charge.

**House Bill 1718 (passed)** makes "a terminally ill individual who is participating in an event sponsored by a charitable nonprofit organization" eligible for a resident hunting license in Texas. The issue comes up when charitable organizations seek to grant the final wishes of children and adults with terminal illnesses. Sometimes the wishes involve coming to Texas to hunt. Because many of the participants in these charitable programs are not residents of Texas, often the charitable organization must pay a fee to purchase a nonresident hunting license for participants in the hunting trip. A nonresident hunting license is considerably more expensive than a resident hunting license. The new law is aimed at reducing the expenses on charitable organizations who sponsor such events, allowing the organizations to help more people or allow extra family members to join in the event.

**House Bill 3723 (not passed)** would have been the most significant disability and recreation related bill from the Session if it had passed. House Bill 3723 addressed the participation of students with disabilities in extracurricular athletic events sponsored or sanctioned by a school district. The bill would have amended the Education Code to include guidelines for participation by students with disabilities, including incorporating the definition of a person with a disability found in Section 504 of the Rehabilitation Act of 1973, and, pursuant to Section 504, requiring that each school district provide qualified students with disabilities opportunities to benefit from the athletic activities equal to the opportunities of students without disabilities. Further, the bill would have required school districts to make reasonable modifications and provide aids and services necessary for equal access with certain exceptions. The exceptions included that the district may: require a level of skill or ability as a qualification of participation; refrain from making fundamental alterations to the activity; and adopt bona fide safety standards. In the event that a student with a disability would be unable to participate in an athletic activity even

with reasonable modifications or aids and services, the school district would be required to provide separate or different opportunities and support those other opportunities to the same extent that the district supports other extracurricular athletic activities. House Bill 3723 was introduced and referred to the House Committee on Public Education, but did not receive a hearing.

Two unsuccessful bills attempted to extend recreational privileges for veterans with disabilities. **HB 1368 (not passed)** would have extended the privilege to a free hunting and fishing license, currently available to veterans with disabilities who are also Texas residents, to veterans with disabilities who are not Texas residents. **Senate Bill 982 (not passed)** would have similarly extended privileges to free hunting and fishing licenses to nonresident veterans with disabilities and would have revised the definition of a disability used to determine whether a veteran qualified for such privilege. The current definition required that the veteran has a service connected disability, as defined by the Veterans' Administration, consisting of the loss of the use of a lower extremity or of a disability rating of 60 percent or more, and received compensation from the United States for the disability. The proposed definition would have allowed a veteran to qualify with the loss of an upper extremity as well, provided the other conditions were met. Neither of these bills were successful, so the laws related to recreational privileges for veterans with disabilities remain the same.

**House Bill 1937 (not passed)** would have exempted Texas residents who are 65 years of age or older from certain parks and wildlife fees.

**House Bill 754 (not passed)** and **SB 96 (not passed)** attempted to prohibit the use of eminent domain to take private property for recreational purposes.

### ***Transportation***

Governor Rick Perry included issues of transportation infrastructure in his calls during the special sessions, but the disability-related transportation issues were addressed in the regular session. The Governor's Committee on People with Disabilities followed 28 disability-related transportation bills, of which six passed. The Committee proposed recommendations that would "[p]romote the availability of affordable, reliable and accessible transportation for people with disabilities." Although many bills were introduced that would have made wide-reaching changes to existing transportation laws, including bills related to complete streets, distracted driving, and accessible parking, the bills that passed mostly took small steps, requiring a study of transportation issues and making minor changes to parking for veterans.

One transportation-related bill to emerge from this session requires the Governor's Committee on People with Disabilities on People with Disabilities to conduct a study. **House Bill 1545 (passed)** requires the Committee to conduct a study on certain issues related to transportation services for people with disabilities, sometimes referred to as

paratransit, and report the findings of the study to governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives that have jurisdiction over issues related to transportation by January 1, 2015. Specifically, the bill requires the Governor's Committee on People with Disabilities to collaborate with paratransit advocacy groups and transportation service providers to investigate:

- the feasibility of standardizing the process of certifying an individual's eligibility for services in the state; and
- whether the current 21-day provision of services by a provider is adequate to meet the needs of visitors with disabilities to locations served by the provider.

The issue of drivers unsafely texting while driving, often referred to as the issue of "distracted driving," saw a lot of activity this session, although the change that resulted was minor. Because Texans with disabilities, especially those with visual or mobility disabilities, are at an increased risk of injury or death due to a distracted driver, the Governor's Committee on People with Disabilities recommended that the State: "[s]upport legislation that would ban the use of hand-held wireless communication devices for text-based communication while operating a motor vehicle."

Although there was much activity around this issue, in the end, only House Bill 347 passed, one of the most incremental changes proposed, became new law. **House Bill 347 (passed)** prohibits the use of a wireless communication device while operating a motor vehicle on school property and includes exceptions for when the vehicle is stopped or the person is using a hands-free device. The new law will also allow for certain affirmative defenses, including that the person was using the communication device to contact an emergency service.

**House Bill 719 (passed)** allows for the use of a golf cart or utility vehicle on a public highway in certain counties. This bill has a very narrow application, mainly affecting unincorporated areas of counties with certain features.

**House Bill 1514 (passed)** extends the privilege of parking for free at most meters controlled by state and local government entities to veterans of World War II. Previously, this privilege was enjoyed by other veterans whose vehicles displayed a specialty license plate, including veterans with disabilities and recipients of various military honors.

Two unsuccessful bills would have addressed issues of accessible placards. **House Bill 406 (not passed)** would have authorized a chiropractor licensed in Texas or an adjacent state to complete a request for an accessible parking placard for the vehicle of a person with a temporary mobility disability. Further, House Bill 406 would have allowed people with temporary mobility disabilities to apply for a placard from the county in which they are being *treated*; under current law a people must apply for placards in the county in



which they *reside*. **House Bill 767 (not passed)** would have enacted several measures designed to reduce the fraudulent issuance and use of accessible parking placards, including increasing penalties and requiring the Governor’s Committee on People with Disabilities to conduct a study to examine the improper use of accessible parking spaces, with an emphasis on improper use at large buildings and facilities, including stadiums and performing arts centers. House Bill 767 did not advance out of committee.

Companion bills **House Bill 1102 (not passed)** and **Senate Bill 565 (not passed)** would have required the Texas Transportation Committee to adopt a “complete streets” policy, written guidelines providing for the safety, accessibility, and mobility of users of streets and highways, including people with disabilities. These bills were ultimately unsuccessful. Similarly, companion bills **House Bill 2225 (not passed)** and **Senate Bill 1515 (not passed)** sought to protect “unprotected road users,” defined in the bill to include people with disabilities, from accidents by increasing penalties for accidents and mandating certain safety measures for motor vehicle operators passing unprotected road users in the street.

### ***Veterans***

The Governor’s Committee on People with Disabilities tracked 81 bills related to veterans with disabilities, of which 21 passed. The Committee’s policy recommendations were aimed at promoting “an array of services and opportunities for Texas Veterans with disabilities.” Legislators appeared to respond to this call, filing several bills related to veterans services, especially services focused on promoting mental health and wellness among veterans and encouraging veterans to take advantage of educational opportunities. This session saw some activity around ad valorem taxation and specialty license plates.

Several bills were aimed at making business ownership a more viable option for veterans with and without disabilities. One such bill was **House Bill 194 (passed)**, which amends the Government Code to add businesses owned by veterans with service-connected disabilities to the state definition of “historically underutilized businesses” (HUBs). HUB status is beneficial because each state agency is required to make a good faith effort to utilize HUBs in contracts for construction, services (including professional and consulting services), and commodities purchases. A second such bill, **Senate Bill 1476 (passed)**, establishes a veteran entrepreneur program through the Texas Veterans Commission to provide guidance to veteran entrepreneurs and business owners through conferences, seminars, and training workshops with federal and state agencies, among other activities.

Recent sessions have seen much activity around the ad valorem property tax exemption available to certain veterans and this session was no exception. Changes to existing state tax law came in the form of House Bill 97, House Joint Resolution 24, and Senate Bill 163.

**House Bill 97 (passed, pending constitutional amendment)** addresses an ad valorem taxation issue faced by veterans to whom charitable organizations have donated a home. The changes proposed in House Bill 97 will take effect on January 1, 2014, but only if voters approve a constitutional amendment necessary to authorize the legislature to make the changes. If that amendment is not approved by voters, then House Bill 97 has no effect. In recent years, homes have been donated by charitable organizations to veterans returning from service who have sustained injuries. Sometimes the donated home has fallen into foreclosure because the veteran was unable to pay the property taxes on the home. House Bill 97 would provide a property tax exemption on the donated residence homestead of a veteran with a disability rating of less than 100 percent. The exemption would also apply to a surviving spouse of such a veteran under certain circumstances.

**House Joint Resolution 24 (passed)** proposes the constitutional amendment necessary to enact the provisions of House Bill 97. The proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: “The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.” *(Update: November 6, 2013: HJR 24 passed as a constitutional amendment by a percentage vote of 85%)*

**House Bill 163 (passed)** extends the property tax exemption previously granted to veterans with a 100-percent disability rating, then extended to surviving spouses of such veterans, to surviving spouses of service members killed in action.

**House Bill 2392 (passed)** amends current law relating to the mental health program for veterans. The Governor’s Committee on People with Disabilities recommended that the governor and the legislature “support programs and services for peer-to-peer interactions of returning Veterans, including peer-to-peer counseling services”<sup>ii</sup> The State answered this call in House Bill 2392, which establishes a new sub-chapter within the Health and Safety Code for the provision of the Mental Health Program for Veterans. Under the new law, the Department of State Health Services (DSHS) is required to develop a mental health intervention program for veterans. This program must include peer-to-peer counseling; access to licensed mental health professionals for volunteer coordinators and peers; training approved by DSHS for peers; technical assistance for volunteer coordinators and peers; grants to regional and local organizations providing services under this subchapter; recruitment, retention, and screening of community-based therapists; suicide prevention training for volunteer coordinators and peers; and veteran jail diversion services, including veterans courts. The bill also requires DSHS to establish a grant program through which DSHS is authorized to award grants to regional and local organizations for the delivery of these programs or services.

## *Workforce*

The Governor’s Committee on People with Disabilities tracked 56 disability-related workforce bills, of which eight passed. The Committee’s policy recommendations were aimed at supporting “full, integrated employment opportunities for people with disabilities in the public and private sectors.”

Perhaps the most significant disability-related workforce bill to emerge from this session was **Senate Bill 1226 (passed)**, sometimes called the “Employment-First” bill, which establishes an “employment-first policy” to promote competitive employment opportunities for people with disabilities, creates an interagency task force to promote competitive employment, and directs the task force to issue a report and recommendations. Senate Bill 1226 states that “it is the policy of the state that earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for individuals with disabilities.” Further, it requires the Health and Human Services Commission (HHSC), the Texas Education Agency (TEA), and the Texas Workforce Commission (TWC) to adopt and implement an employment-first policy that:

- ensures all working-age people with disabilities, including young adults, are offered information about employment, including the relationship between earned income and public benefits;
- ensures people with disabilities are given opportunities to explore options for education and training toward employment;
- promotes availability and accessibility of individualized training toward employment;
- promotes partnerships with employers to overcome barriers;
- ensures staff of public schools, vocational service programs, and community providers are trained to assist toward this goal; and
- ensures competitive employment is not required of a person to secure or maintain public benefits.

Senate Bill 1226 requires the Health and Human Services Commission (HHSC) commissioner to establish an interagency task force to promote competitive employment. At least one-third of task force members must be people with disabilities. The commissioner shall appoint at least (among others): a person with a disability, a family member of a person with a disability, an advocate for people with disabilities, a representative of a provider of integrated and competitive employment services, an employer or a representative of an employer, and representatives from various state agencies. The task force shall:

- design an education and outreach process targeted at working-age people with disabilities, family members, state agencies, and service providers that is aimed at “raising expectation of the success of individuals with disabilities in integrated, individualized, and competitive employment;”
- develop recommendations for policy, procedure, and rule changes that are necessary to fully implement the employment-first policy; and
- report recommendations to the governor and the legislature, including recommendations on improvement of employment services and outcomes, using any cost-savings from the policy to further improve services and outcomes, and necessary policy, procedure, and rule changes.

**Senate Bill 45 (passed)** was designed to address the lack of meaningful employment opportunities for Texans with disabilities who are participants in various Medicaid waiver programs. When considering this bill, legislators heard from interested parties who described how employment services are not often included in the benefits that a person with a disability is entitled to, even though access to employment can make a significant impact on the quality of life of the individual and his or her family. Under current law, some Medicaid waiver programs provide services to help persons with disabilities find meaningful employment, but few programs provide comprehensive employment services to help persons locate paid employment in the community and supported employment services to help a person maintain a job once they find one.

Senate Bill 45 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to provide “employment assistance” and “supported employment” to participants in the following Medicaid waiver programs: the Community Based Alternatives program; the Community Living Assistance and Support Services program; the Deaf Blind with Multiple Disabilities program; the Home and Community-based Services program; the Medically Dependent Children program; the Medicaid STAR + PLUS managed care program; the Texas Home Living program; and the Youth Empowerment Services program. “Employment assistance” is defined in the bill as assistance provided to an individual to help the individual locate paid employment in the community. “Supported employment” is defined in the bill as assistance provided in order to sustain paid employment. The bill requires HHSC to apply for any waiver or other authorization necessary to implement the bill’s provisions as soon as possible after the bill’s effective date and authorizes HHSC to delay implementing the provisions until the waiver or authorization is granted.

**Senate Bill 128 (passed)** is designed to reduce the incidence of Texans with disabilities being precluded from employment opportunities due to a criminal history. Senate Bill 128 allows the Department of Assistive and Rehabilitative Services (DARS) to better connect clients to employment and training programs by making the agency’s authority to obtain criminal background checks consistent across all programs. Currently, DARS is

authorized to conduct background checks on individuals enrolled in the General Vocational Rehabilitation Program, but DARS is not authorized to conduct background checks on individuals enrolled in the newly formed Vocational Rehabilitation Program for the Blind (VR-B). This bill authorizes DARS to obtain background checks for individuals enrolled in VR-B to ensure that such individuals are not precluded from finding employment because of a criminal history.

In response to a recommendation from the Sunset Advisory Commission, the legislature transferred the responsibility for the administration of adult education programs in Texas from Texas Education Agency to Texas Workforce Commission in **Senate Bill 307 (passed)**. The bill also creates an Adult Education and Literacy Advisory Committee.

**Senate Bill 620 (passed)** aims to reduce the shortage of speech-language pathologists and audiologists in Texas public schools. These professionals can be valuable in assisting children and adults prevent or overcome a variety of communication disabilities, including speech, language, hearing, reading, and learning disabilities. Although many such specialists are employed by public school districts, interested parties assert that Texas has a critical shortage of specialists employed by school districts and doctoral-level faculty needed to educate and train master's level speech-language pathologists and doctoral-level audiologists. Senate Bill 620 seeks to address this shortage by providing a student loan repayment program for speech-language pathologists or audiologists employed by public schools or as faculty members of certain graduate programs at public institutions of higher education.

**Senate Bill 1332 (passed)** adjusts the definitions of small and large employers for state health insurance regulation purposes. Under the new law the total number of employees will be used to determine the classification of the employer, regardless of whether the employees are full-time or part-time.

**Senate Bill 1609 (passed)** addresses training requirements for employees who handle confidential medical information. It is designed to reduce unintended burdens of prior legislation by adding flexibility to the training requirements.

**Senate Bill 1476 (passed)**, discussed in more detail in the Veterans section above, creates a veteran entrepreneur program through the Texas Veterans Commission.

One disability-related workforce bill was ultimately vetoed. **House Bill 950 (not passed)** would have clarified the statute of limitations with regard to certain claims of unlawful discrimination brought under state law, and would have codified the Lilly Ledbetter Act under state law. Specifically, the bill would have asserted that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination, including discrimination based on disability, resets with each new paycheck affected by that discriminatory action.

Other unsuccessful disability-related workforce bills included companion bills **House Bill 318 (not passed)** and **Senate Bill 118 (not passed)**, which would have prohibited an employer from requiring or requesting access to the personal accounts of employees and job applicants through electronic communication devices. Companion bills **House Bill 451 (not passed)** and **Senate Bill 416 (not passed)** would have extended similar privacy protections from requests for personal online accounts to prospective and current students of institutions of higher education, as well as employees and job applicants. **House Bill 1828 (not passed)** would have made certain direct care staff at State Supported Living Centers and State Hospitals eligible for hazardous duty pay. **House Bill 3628 (not passed)** would have clarified that reasonable workplace accommodations under Texas state law include “any technology, hardware, or software, or upgrades to existing hardware or software, that would enable an individual with a visual or hearing impairment to function properly in the workplace.”

*End of Legislative Report - Texas 83<sup>rd</sup> Legislative Session (R)*

Note: Endnotes available on page 94 of this document

## 2013 Governor's Committee on People with Disabilities Members

**Joe Bontke** of Houston is the current Chair of the Governor's Committee on People with Disabilities. He is the Outreach Manager and Ombudsman for the Houston District Office



of U.S. Equal Employment Opportunity Commission (EEOC). Joe has been in the field of Human Resources & Civil Rights for the past 25 years and has experience in employment law and adult education. With a Bachelor's in Philosophy and a Master's in Education, he has been a Human Resources Director, a Training Coordinator for the American Disabilities Act (ADA) Technical Assistance Center for Federal Region VI, was appointed as Assistant Professor at Baylor College of Medicine and served as Vice Chair of the Committee before his appointment to Chair. Using his entertaining style, Joe has educated groups throughout the country and most recently, his work at the EEOC has enabled him to empower employers and employees with the

understanding they need to work effectively at their jobs. Joe's philosophy of education is - that 90% is knowing where to find the information when you need it.



**Aaron W. Bangor, PhD**, of Austin is the Lead Accessible Technology Architect at AT&T and currently serves as Vice Chair of the Governor's Committee on People with Disabilities. He is a member of the Human Factors and Ergonomics Society and serves on national and international committees regarding the usability and accessibility of technology. He holds 14 patents and is also board certified in professional ergonomics as a Certified Human Factors Professional. Dr. Bangor received Bachelor's degrees, a Master's degree, and a Doctoral Degree in Human Factors Engineering from Virginia Tech.

**Rodolfo "Rudy" Becerra, Jr.** of Nacogdoches earned his Bachelor of Science degree in Rehabilitation from Stephen F. Austin State University (SFASU). While at the university, he worked as a Disability Consultant for the Office of Students with Disabilities and a Library Assistant managing the adaptive technology in the computer lab. He is a former member of the Nacogdoches Mayor's Committee on People with Disabilities and a current member of the East Texas Community Health Services Inc. board of directors. Currently, Mr. Becerra is pursuing his Master's degree in Rehabilitation Counseling at Stephen F. Austin State University.

**Daphne Brookins** of Forest Hill is a Human Services Specialist for the City of Fort Worth (CAP). She is a former Alumni board member of Texas Wesleyan University, and serves on the board of directors for Expand Your Horizons, introducing young girls to careers in fields of Math and Science, and Amon Carter Jr. Downtown YMCA, Girls, Inc., New Directions Initiative, Tarrant County Challenge, and Southeast Fort Worth Dropout Coalition. She is a former forum leader and past spokesperson for the American Cancer Society, former Mayor Pro Tem and Councilman for the City of Forest Hill, a past member of the Tarrant County CHIP Coalition and a former member of Fort Worth Sister Cities Young Professional Advisory Council. Ms. Brookins was awarded "Greatest Woman in Texas" in 2009 and "40 Under 40" in 2008 by the Fort Worth Business Press. She received a Bachelor's degree from Texas Wesleyan University.



**Margaret Larsen** of Austin is the President and CEO of Special Olympics Texas (SOTX), a position in which she has served for 18 years. She sits on Special Olympics, Inc.'s United States Leadership Council and serves as the Chair of the Government Relations Committee. Representing Special Olympics Texas, she has led national legislative efforts for Special Olympics Hill Day in Washington, D.C. Ms. Larsen formed a special committee to focus on proper terminology and respectful language, subsequently launching a public awareness campaign about the "R-word" that garnered national attention and recognition. With Ms. Larsen's foresight and drive, today Special Olympics Texas is one of the largest and most respected programs in the world with the participation of more than 44,000 children and adults with intellectual disabilities. Ms. Larsen holds a degree from John Hopkins University, and was a Post Graduate Reader at Exeter College in the Oxford University system.



**David Ondich** of Burleson is the Human Resources and Disability Specialist within the Human Resources Department at the City of Fort Worth. He works on several key city initiatives related to the recruitment, training and retention of a diverse workforce to include individuals with disabilities. Mr. Ondich has completed coursework for his Ph.D. in Rehabilitation Counseling from the University of Texas at Austin. Prior to attending UT Austin, he earned a Bachelor's Degree in Rehabilitation Sciences and a Master's Degree in Rehabilitation Counseling Psychology from UT Southwestern Medical School of Allied Health in Dallas. He provides consultation to the Diversity Advisory Committee to the City Manager, serves as Chair of the Fort Worth Return to Work Committee, and as Staff Liaison to the Mayor's Committee on Persons with Disabilities. In 2008, he received The Governor's Trophy for his innovative efforts to employ Texans with disabilities in Fort Worth. In 2009, he received a Barbara Jordan Media Award for a television documentary titled "Reaching Higher: Versie Returns to Work."



**Shawn P. Saladin, PhD, CRC, CPM** of Edinburg is Associate Dean for Research and Academic Affairs for the College of Health Sciences and Human Services and an Associate Professor of Rehabilitation (Department of Communication Sciences and Disorders) at The University of Texas Pan-American. He is the current Chair of the Commission on Rehabilitation Counselor Certification and past president of the Texas Rehabilitation Association. He has previous work experience with the state of Texas State/Federal Vocational Rehabilitation (VR) program. He served on the Rehabilitation Council of Texas for six years prior to his appointment to the Texas Governor's Committee on People with Disabilities.

**Kathy S. Strong** of Garrison is Executive Director of the Nacogdoches Treatment Center. She is an ex-officio member of the Nacogdoches Mayor's Committee on People with Disabilities. She is a member of the Leadership Nacogdoches Steering Committee and serves on the Texas State Plan on Alzheimer's Disease - Emphasis on Caregivers. She served as director of an accessible housing project in Nacogdoches and taught special education classes. Ms. Strong received a Bachelor's Degree from Stephen F. Austin State University.



**Marco A. Treviño** of Edinburg is a Licensed Clinical Social Worker. He is currently employed with the United States Veterans Affairs–McAllen Outpatient Clinic as a Mental Health Social Worker. He is a member of the National Association of Social Workers since 2005 and currently serves as a Steering Committee Member. Marco received a Bachelor’s and Master’s Degree in Social Work from University of Texas–Pan American. He is also a board-approved Supervisor.

**Patty Watson** of Flower Mound is the Chief Information Officer at Brinks. Ms. Watson served in the U.S. Air Force. She received a Bachelor’s Degree from Saint Mary’s College at Notre Dame and a Master’s Degree in Business Administration from the University of Dayton in Ohio.



## 2013 Governor’s Committee on People with Disabilities Staff



**Angela English, LPC, LMFT**  
***Executive Director***

Ms. English is currently the Executive Director of the Texas Governor’s Committee on People with Disabilities where she plans, directs and coordinates the programmatic goals and all related business of the Committee, including human resources management, staff development and budget management. She speaks to complex disabilities issues, trends and laws and represents the Office of the Governor at various local, state and national functions to promote public awareness and full inclusion of Texans with disabilities. She develops biennial policy

recommendations to the Governor and the Legislature on issues related to best practices and emerging trends consistent with the full inclusion and participation of Texans with disabilities in ten issue areas, which are; access, communication, education, emergency management, health, housing, recreation, transportation, veterans and employment.

Ms. English’s previous experience includes serving for six years as the Accessibility and Disability Rights Coordinator for the Governor’s Committee on People with Disabilities, providing technical assistance regarding accessibility and disability rights laws. She has 13 years of service in Mental Health Quality Management related to State Hospitals, Community Mental Health Centers and State Supported Living Centers.

She has a Master’s degree from Baylor University in Educational Psychology and a Bachelor’s Degree from Carson-Newman College in Art/Special Education. Ms. English is a Licensed Professional Counselor and a Licensed Marriage and Family Therapist. She has teaching degrees in Special Education and Art Education K-12 grades.

In 2010, she was appointed by Janet Napolitano to serve on the [Local, State, Tribal and Federal Preparedness Task Force](#), which was charged with assessing the state of the nation’s disaster preparedness and making recommendations. The task force report “Perspective on Preparedness: Taking Stock Since 9/11,” represents a significant milestone in aligning preparedness leadership, practitioners, and stakeholders to a common vision for future improvements across the Nation. The Perspective on Preparedness report offers an analysis of what preparedness has meant in the United States, both historically and since 9/11, and includes an in-depth analysis of post-9/11 preparedness-related activities in policy and guidance, grants, and capabilities and assessment. The Task Force also provided input into the Presidential Policy Directive 8

(PPD8), the National Preparedness Report, and the Threat and Hazard Identification Risk Assessment (THIRA). Additionally, Ms. English was a member of the National Disaster Recovery Framework Access and Functional Needs Subcommittee that worked on the Whole Community paradigm and language.

And in 2012, she was selected to attend the [Executive Leaders Program](#) at the Naval Postgraduate School's Center for Homeland Defense and Security in Monterey, California. The Naval Postgraduate School's Center for Homeland Defense and Security in partnership with the U.S. Department of Homeland Security's National Preparedness Directorate provides the educational opportunity for our nation's homeland security leaders to develop the strategies, policies and organizational elements needed to defeat terrorism in the United States. In 2013, she was accepted into the Master's Degree in Security Studies program at the Naval Postgraduate's School's Center for Homeland Defense and Security.

**Erin E. Lawler, JD**

***Accessibility and Disability Rights Coordinator***

Erin Lawler is a licensed Texas attorney with a focus in disability rights and a Credentialed Mediator with the Texas Mediator Credentialing Association and an attorney-mediator with the Austin Dispute Resolution Center. Ms. Lawler is also a member of the Disability Issues Committee of the State Bar of Texas. She earned a Juris Doctor degree with honors from Notre Dame Law School and won the Dean's Award for outstanding work in Non-profit Organizations. She earned a Master of Science with honors from the London School of Economics, and a Bachelor of Arts from American University, where she graduated phi beta kappa.

**Stephanie Myers, MA**

***Research Specialist***

Stephanie Myers is a native Texan who hails from Katy, Texas where she graduated from Katy High School. After high school, Mrs. Myers studied literature at Sam Houston State University where she earned her B.A. in English. She then shared her love of reading as an 8th grade Language Arts teacher for a number of years until a new opportunity took her to New York City. While living in New York, Mrs. Myers held prestigious internships with both the United Nations and the New York City Parks Department. During this time she was enrolled in a master's program at the City University of New York, School of Professional Studies where she earned an M.A. in Disability Studies. Her graduate degree gave her the skills needed to land a significant position with the City of New York where she served as a Project Coordinator for the Mayor's Office for People with Disabilities. [Note: January, 2014, Stephanie now serves the people of Texas as the Accessibility and Disability Rights Coordinator for the Governor's Committee on People with Disabilities.]

## **Nancy Van Loan**

### ***Executive Assistant***

Ms. Van Loan is the Executive Assistant for the Committee. Ms. Van Loan has worked since 1995 with the Office of the Governor providing technical support for the Executive Director, Committee members, and staff. She has twenty-three years of service with the State including four years with the Texas Department of Insurance Workers' Compensation Division. She has taken undergraduate courses from Mohave and Pima Community Colleges, and the University of Central Texas. Ms. Van Loan served four years in the United States Army Signal Corps and has six years managerial experience in the grocery stores' industry.



## **Jo Virgil, MS**

### ***Community Outreach and Information Coordinator***

Ms. Virgil has served as Community Outreach and Information Coordinator for the Committee since January 2009. Ms. Virgil holds a Master of Journalism degree from the University of North Texas and a Bachelor of Arts degree in English from Texas Tech University, as well as teacher certification in English and Journalism. Her background includes a position as Community Relations Manager for Barnes & Noble and, before that, as a reporter and columnist for the Fort Worth Star-Telegram. Her work with Barnes & Noble included planning and implementing events (such as author signings, writing workshops, performances, and other community-related events) and working with local schools, libraries, literacy and arts organizations, and other non-profit organizations to promote literacy as well as to build a sense of community. Ms. Virgil currently serves on the Board of the Central Texas Storytelling Guild. She is active in Story Circle Network, an organization that encourages women to write their life stories, and the Writers' League of Texas.

## **Ex Officio Members, Representatives and Advisors**

### **Department of Aging and Disability Services (DADS)**

Jon Weizenbaum, Commissioner

[Marc Gold](#), Texas Promoting Independence Initiative

### **Department of Assistive and Rehabilitative Services (DARS)**

Veronda Durden, Commissioner

[Cassie Fisher](#), Stakeholder Relations

**Texas Department of Family and Protective Services (DFPS)**

Howard Baldwin, Commissioner

[Peter Hajmasy](#), Director, Center for Policy, Innovation and Program Coordination

**Texas Health and Human Services Commission (HHSC)**

Kyle Janek, M.D., Executive Commissioner

[Nancy Walker](#), Senior Policy Advisor for Long Term Care

**Texas Department of State Health Services (DSHS)**

David L. Lakey, M.D., Commissioner

[Robyn Strickland](#), Program Coordination and Implementation Unit

**Texas Department of Licensing and Regulation (TDLR)**

William H. Kuntz, Jr. Executive Director

[Robert Posey](#), Manager Architectural Barriers Program

**Texas Workforce Commission (TWC)**

Andres Alcantar, Chairman

[George McEntyre](#), WIA Policy/Program Assistance Supervisor and TWD Veteran's Contact

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<sup>i</sup> Senate Bill 393 and Senate Bill 394 contain provisions that create *conditional* confidentiality in certain non-traffic, fine-only misdemeanor cases involving offenses by children. Specifically, the bills make confidential the records of deferred disposition cases that result in charges being dismissed. A third bill passed in the 83<sup>rd</sup> Legislative Session, House Bill 528, makes confidential the records in all non-traffic, fine-only misdemeanor cases involving children once the child is charged with an offense. In contrast to Senate Bill 393 and Senate Bill 394, House Bill 528 creates a situation where all such cases will be confidential regardless of the result. House Bill 528 creates a situation of *total* confidentiality. The Office of Court Administration has requested an opinion from the Office of the Attorney General on several issues stemming from this seeming contradiction in the recent legislation, including whether House Bill 528 creates an irreconcilable conflict with Senate Bills 393 and Senate Bill 394 and how the laws should be treated whether there is or is not an irreconcilable conflict.

<sup>ii</sup> [Office of the Governor Rick Perry: Committee on People with Disabilities - Policy Recommendations](#), 2013-2015 and 83<sup>rd</sup> Legislative Session, see Policy Recommendation 9.17 in the Veteran section.