

# V. INCLUSION

Including people with disabilities in everyday life in the same way as people without disabilities is the starting point in achieving social justice and equality in access to the responsibilities and benefits that all Texans should enjoy.

Barriers to full participation and inclusion in community life can be difficult to remove. Often physical barriers, such as stairs, are easier to overcome than barriers in communications and attitudes. Nevertheless, gains have been made in the past 50 years with the passage of broad federal laws such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, and their implementation, support, and expansion at the state level.

We see now some of the results of inclusion when people with disabilities receive fair treatment from others (nondiscrimination) in education, employment, housing, transportation, and other aspects of community living; in the development of products, processes, communications, and systems that are usable by as many people as possible and to the maximum extent possible; and in the growing elimination of false ideas that people with disabilities are unhealthy or less capable than other people. Perhaps of greatest importance to continuing and future progress toward inclusion is that government is beginning to ask people with disabilities what they think and then using that feedback to shape policies and practices affecting them.

Recommendations in this section address participation in government activities; improvements that can be made in policies governing transportation and service animals; and disaster planning and recovery, one area of Texas living that requires advance preparation to effectively respond to emergency needs on a large scale, including the needs of people with disabilities.

## Key Policies That Impact Inclusion

- The Americans with Disabilities Act (ADA)
- Rehabilitation Act of 1973
- Post Katrina Emergency Management Reform Act of 2006
- The Twenty-First Century Communications and Video Accessibility Act of 2010

# DISASTER PLANNING & RECOVERY

Disaster planning and recovery services should exist for the needs of people with disabilities, in a manner that is appropriate, accessible, integrated, and equivalent to that received by others.

## RECOMMENDATIONS

- Appoint a state-wide disability integration coordinator to focus on disaster preparedness and recovery.
- Develop new policies to ensure that appropriate and accessible short- and long-term emergency and recovery services, supports, shelter, and housing exist for people with disabilities in the most integrated setting possible.
- Enforce existing laws related to accessibility, education, employment, healthcare, and mental healthcare so that individuals with disabilities receive meaningful, appropriate, and nondiscriminatory disaster recovery services.

## BACKGROUND

During Hurricane Harvey, people with disabilities endured additional challenges. Some were turned away from emergency shelters because of their service animals. Others, whose auto-immune disease put them at risk by staying in a moldy environment, had to find elsewhere to live without assistance because FEMA declared their home habitable. Based on experiences like these, it is clear there has neither been adequate planning nor recovery services put in place to serve individuals with disabilities.



## CONCLUSION

Many individuals with disabilities, and families of people with disabilities, need assistance navigating the emergency management system, housing and home repair, mental health support and other services.

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# PARTICIPATION IN GOVERNMENTAL ACTIVITIES

Governmental bodies that are inclusive of individuals who are personally impacted improves the quality and outcomes of programs and services. Practices that promote inclusive civic engagement are typically universally beneficial, resulting in more productive and meaningful interactions for all involved.

## RECOMMENDATIONS

- Require sustained and adequate representation of people with disabilities and their families on all governmental bodies established by the Texas Legislature.
  - Appropriate funds to state agencies for funding for travel and related expenses as well as stipends or honoraria for time. All policies should allow for flexibility for individuals who may need a travel advance instead of reimbursement. Expert advice is worth the investment.
  - Review recruitment processes, including dissemination of opportunities to apply for appointment and applications for appointment, of governmental bodies. All recruitment processes should be highly-visible, accessible, and allow flexibility for people with disabilities who may require accommodations for locating and/or completing applications.
- Review representation of public members with disabilities in governmental bodies to ensure there is an adequate number of people with disabilities involved in all policy and planning decisions. All governmental bodies have something to gain from including people with disabilities in their decision-making activities, even if the governmental body isn't a disability specific body.
  - Allow witnesses with disabilities and their families (if their loved one's disability creates a barrier to public participation) submit written and/or remote testimony to legislative committees.

## BACKGROUND

The voices of people with disabilities and their families are being stifled when it comes to setting priorities and advising on programs and services at the Texas Legislature and Texas state agencies. Numerous governmental bodies that depended upon input from people with disabilities and their families to guide their work have been abolished in recent years. The remaining governmental bodies may not have adequate funds to cover the cost of travel and related expenses for members with disabilities and their families. This causes a financial barrier to inclusive participation for many who reside outside of Austin and/or require additional supports to attend in-person. The impact of a disability on the financial resources of an individual and their family members should be recognized as a barrier that can limit their participation.

It should also be recognized that people with disabilities and their families are impacted by decisions made by all state agencies - not just the Texas Health and Human Services Commission (HHSC). While the majority

of governmental bodies with numerated requirements of public members with disabilities and their families have historically been within HHSC, there are immense possibilities for more disability representation in other agency bodies. This includes, but is not limited to: the Texas Department of Transportation, the Texas Education Agency, the Texas Department of Housing and Community Affairs, and the Texas Department of Criminal Justice. Furthermore, governmental bodies under the Governor's appointment responsibility and with explicit requirements for public members with disabilities and their families should be reviewed for prolonged vacancies. When members with disabilities resign or their term expires, there should be an expedited appointment process. The work of these important bodies should not be unduly impacted by delayed recruitment processes.

Technology has in many ways increased our independence and autonomy in our professional and personal lives. The same is true for Texans with disabilities, who make up at least 1 in 5 constituents in all legislative districts. Legislative committees should consider gathering the input of witnesses with disabilities despite the barriers - or hazards - of travel to Austin by allowing the submission of written and/or remote testimony. All constituents should be empowered and welcome to share their knowledge and experiences with elected officials to improve public policies that could impact their lives.

## CONCLUSION

It is one thing to convene a body to comply with a regulation. It is another to develop inclusive partnerships with individuals with disabilities and their family members to welcome their expertise and lived experiences. With the passage of the Americans with Disabilities Act (ADA) in 1990, the federal government proclaimed that the disability community should be included in mainstream society. An important aspect of full participation in society is advising and driving the development of policy and planning. In order to realize the goals of the Americans with Disabilities Act and ensure that people with disabilities are full participants in society, they must be represented in the workings of the state government.

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# PUBLIC TRANSPORTATION

Public transportation systems must meet the needs of individuals with disabilities in a safe, reliable, convenient, affordable, timely and accessible manner. Transportation is essential for helping ensure all individuals can live as independently as they choose, and to be an active participant in their communities.

## RECOMMENDATIONS

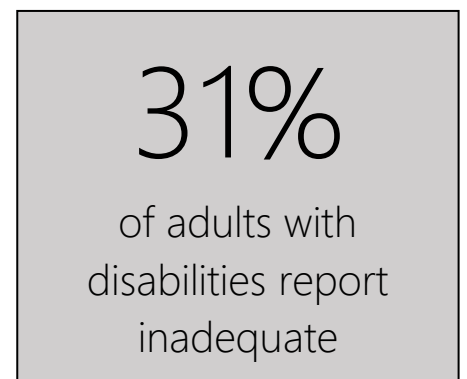
- Coordinate and computerize dispatch at state, federal and local levels among all modes of transportation.
- Expand capacity in suburban, urban, rural, and unincorporated areas to connect places people live with places they work, shop, socialize, worship, attend school, access health care, etc.
- Require alternative routes for people with disabilities and specifically those who use wheelchairs, during construction.
- Be fully accessible and available to all people with disabilities at varying times of the day, including private transportation companies so all are in full compliance with anti-discrimination laws and policies.
- Include individuals with disabilities on boards and advisory groups that oversee or provide transportation services.

## BACKGROUND

Almost one-third, 31%, of adults with disabilities report inadequate transportation access, double the rate of the general population, 13%.<sup>viii</sup> People with disabilities cannot enjoy the basic right to freedom of movement when access to transportation is not available or systems are limited, do not exist, are unsafe, or the transportation and walkways are not interconnected or accessible.

## CONCLUSION

Everyone must have access to safe, reliable, affordable, and accessible transportation to connect individuals where they live, where they need to be, when they need to get there for the promise of full community integration to be real for people with disabilities.



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# SERVICE & ASSISTANCE ANIMALS

Clearly defined policies and practices are needed to guarantee people with disabilities using service and assistance animals receive necessary accommodation, and to discourage those who misuse service and assistance animals.

## RECOMMENDATIONS

- Define clearly in the Human Resources Code the difference between service animal and assistance animal and where they are allowed.
- Include taking a court-ordered disability awareness class as an alternative penalty for denying the access of a service or assistance animal, or for fraudulent representation of a service or assistance animal.
- Support more robust public and law enforcement education about the use of service and assistance animals.

## BACKGROUND

A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, and is protected under the ADA. An assistance animal, however, provides therapeutic comfort and is not protected under the ADA, but is covered under the Fair Housing Act (FHA). The Texas Human Resources Code does not provide this clarification.

Abusing service animal law in Texas is punishable by a fine of up to \$300. This fine could create financial hardship for some, and would not necessarily enhance an offender's understanding of the policies and practices surrounding service and assistance animals.

Service and assistance animals are vital for many people with disabilities in order to fully participate in everyday life, but not all disabilities are obvious. Ignorance about the varied use of service and assistance animals can lead to unnecessary disputes between people with disabilities and the public, sometimes leading to law enforcement intervention.



## CONCLUSION

Due to the misunderstood laws and obligations regarding service and assistance animals, business owners and landlords often refuse to provide accommodation, and some pet owners are able to fraudulently pass off their pets as service or assistance animals. These misunderstandings ultimately make life more difficult for legitimate users of service and assistance animals.

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