**Disability Task Force Proposal**

**Submitted to Chief W. Nim Kidd through**

**The Texas Emergency Management Advisory Committee**

**May 2018**

**Recommendation:** The Disability Task Force supports a proposal to the Texas Department of Emergency Management to establish and hire a full-time disability integration coordinator. On May 16, 2018, members of the DTF voted unanimously in support of this proposal. On May 17, 2018 the proposal was brought to the TEMAC quarterly meeting by Dr. Laura Stough, Chair of the Disability Task Force, on behalf of the DTF, for endorsement by TEMAC.

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**Background:** The Disability Task Force (DTF) was established as an advisory group to the Texas Emergency Management Advisory Committee (TEMAC) in 2016. The DTF has served as a resource to the Texas Division on Emergency Management (TDEM) since 2011. Over 30 different state agencies, organizations, and local entities have held membership in the DTF, including over a dozen disability groups representing citizens from across Texas (see Appendix A).

**Need:** The U.S. Census estimates the national disability prevalence rate at 18.7 percent (Brault, 2012) and the 2018 Texas disability rate is estimated to be 22.9% (The Centers for Disease Control and Prevention, 2018). Given the current state population of 28.3 million, approximately 6.48 million Texans can be expected to have a mobility, cognitive, sensory, or mental health disabilities, or limitations to independent living. The National Response Framework stipulates that “Emergency management staff in all jurisdictions have a fundamental responsibility to consider the needs of all members of the whole community, including…individuals with disabilities and others with access and functional needs” (2013, p. 4). Section 308 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act prohibits disability-related discrimination during disaster relief and assistance activities. Federal laws, policies, and directives inform the whole community approach (NACCHO, 2014) and there are legal implications for governmental entities which do not adequately address the needs of individuals with disabilities in their emergency management practices (see Appendix B).

Research clearly documents that people with disabilities are disproportionately vulnerable in emergency situations (Alexander, Gaillard, & Wisner, 2012; Davis & Phillips, 2009; Stough & Kelman, 2018). Studies show that people with disabilities are more likely to lose their homes, to have property damage, and to die in disasters. They are more likely to be separated from their family members, overlooked by relief volunteers in shelters, and to suffer injuries or incur health-related complications. Compounding these difficulties, before disasters occur people with disabilities are more likely to live in poverty, be unemployed, and have limited access to health care. These factors indicate that targeted technical expertise and capacity is required in state departments of emergency management to adequately address the needs of citizens with disabilities and other access and functional needs.

Several Disability Task Force members represent agencies directly involved in the response and relief efforts to Hurricane Harvey in 2017. Others represent disability-related organizations which received direct reports from clients and community members during the disaster. To collectively discuss and document emergency management practices towards Texans with disabilities during Hurricane Harvey, the DTF conducted an After-Action Discussion and survey of its members during the Spring of 2018. Among other findings, the DTF discussion highlighted that the State of Texas requires additional emergency management capacity to meet the needs of Texans with disabilities experiencing disaster. Specifically, a coordinator whose primary function is to address disability-related communications and preparedness in advance of emergencies, provide a single-point-of-contact in the State Operations Center during emergencies, and who provides oversight and coordination during the mitigation, preparedness, response, and recovery phases of disaster.

Several other States have increased capacity in their respective departments of emergency management. Most notably, the California Governor’s Office of Emergency Services established an Office of Access and Functional Needs (OAFN) in 2008 which is headed by a chief for the division. The purpose of the OAFN is to identify the needs of individuals with disabilities and others with access and functional needs before, during, and after disasters and to integrate them into the State’s emergency management systems. The OAFN provides guidance to emergency managers and planners and to disability and older adult service systems for planning and responding during disasters and recovery. The OAFN also provides training, technical assistance, and informational resources. The California OAFN is considered a leading model in the nation on how to address the emergency management needs of the disability community.

Since its establishment in 2011, the Disability Task Force has developed important disability-related tools and training for the Department of Emergency Management and for emergency managers. DTF members are a consistent presence at the Texas Emergency Management Conferences and similar venues, produce a newsletter, conduct webinars, and provide outreach. Importantly, the DTF has brought together individuals from both the disability community and emergency management community to address the critical topic of how best to serve Texans with disabilities experiencing disaster. However, these accomplishments have been ad hoc contributions of DTF members, rather than a coordinated and sustained central function within TDEM, and cannot appropriately substitute for a designated disability specialist with a primary appointment within TDEM. In addition, although the TDEM currently provides staff support to the task force, the DTF recognizes the need for TDEM to create a full-time disability coordinator position to leverage the task force’s expertise, support task force goals, and coordinate its ongoing activities and contributions to TEMAC and the State of Texas.

**Proposal:** The Disability Task Force (DTF) supports this proposal to the Texas Department of Emergency Management to establish and hire a full-time disability integration coordinator. The work scope of this position would involve overseeing, managing, planning, developing, coordinating, and implementing the Texas Division of Emergency Management preparedness, response, and recovery activities with the specific intent of planning for and protecting the interest of Texans with disabilities.

**Considerations:**

1. During Hurricane Harvey the response and recovery efforts of several disability non-profit organizations were commendable. However, these efforts were not well coordinated with the state response. These efforts could have been leveraged given state resources designated to coordinate disability-related efforts.

2. During an emergency there is no designated point-person within the SOC with disability-related expertise who is assigned to help TDEM leadership efficiently and effectively respond to the needs of Texans with disabilities.

3. While FEMA has a disability integration specialist, FEMA cannot act on behalf of the state of Texas and state agencies and is not under the control of TDEM. TDEM needs disability-informed support at the state level which is part of the State’s coordinated mitigation, preparedness, response, and recovery efforts.

4. TDEM should consider including this position in their agency’s Legislative Appropriations Request for the 2019-2020 biennium.

**Duties and Responsibilities of Position:**

1. TRAINING: Develop, implement, maintain, and deliver training on disabilities and functional and access needs for emergency management officials, planners, first responders, Voluntary Agencies Active in Disaster (VOADs), and disability-related organizations. Support training capacity on the whole community approach, with a specific focus on disability-related needs. Would lend subject-matter expertise on training exercises and training tools.
2. TECHNICAL ASSISTANCE: Oversee statewide program activities and provide technical guidance to planners, state and district coordinators, state and local government agencies and others to coordinate emergency management preparedness, response, and recovery activities for people with disabilities.
3. PLANNING: Ensure state and local emergency plans include the needs of people with disabilities.
4. PARTNERSHIPS: Establish and maintain an effective network of contacts with TDEM staff, local government personnel, state and federal agencies, and non-governmental organizations. In particular, promote emergency preparedness for Texans with disabilities by leveraging partnerships with state and local disabilities organizations and drawing from existing expertise and knowledge of local jurisdictions.
5. DTF: Support the Texas Disability Task Force and promote establishment of access and functional needs advisory committees in local jurisdictions throughout the state.
6. COORDINATION: The needs of people with disabilities often intersect with those of individuals with other access and functional needs. The position would support other functions with TDEM addressing preparedness, response, and recovery for individuals with access and functional needs.

**APPENDIX A**

**Current and Past Member Organizations and Agencies of the Disability Task Force**

* American Red Cross
* American Foundation for the Blind - Texas
* City of McKinney, Office of Emergency Management Coordinator
* Coalition of Texans with Disabilities
* City of Corpus Christi Office of Emergency Management
* FEMA Disability Integration Coordinator Region VI
* Harris County Office of Homeland Security & Emergency Management
* Mayor’s Committees on People with Disabilities
* National Federation of the Blind of Texas
* North Central Texas Council of Governments
* Texas A&M University, Center on Disability and Development
* Texas Animal Health Commission
* Texas Association of Regional Councils
* Texas Association of the Deaf
* Texas Governor’s Committee on People with Disabilities
* Texas Health and Human Services Commission
* Texas Chapter of the Hearing Loss Association of America
* Texas Council for Developmental Disabilities
* Texas Council of Community Centers
* Texas Council on Autism & Pervasive Developmental Disorders
* Texas Deaf Blind Multi-Handicapped Association
* Texas Department of Aging & Disability Services (DADS)
* Texas Department of State Health Services (DSHS)
* Texas Division of Emergency Management
* Texas Health and Human Services Commission
* Texas Health Science Center at Houston
* Texas Independent Living Centers
* Texas Paralyzed Veterans of America
* Texas State Independent Living Council
* Texas Voluntary Organization Active in Disaster
* Texas Workforce Solutions Vocational Rehabilitation (formerly DARS)
* University of Texas, Center for Disability Studies

**APPENDIX B**

Legal Enforcements and Agreements

**Emergency Management Under Title II of the Americans with Disabilities Act:**

“One of the primary responsibilities of state and local governments is to protect residents and visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters. State and local governments must comply with Title II of the ADA in the emergency- and disaster-related programs, services, and activities they provide. This requirement applies to programs, services, and activities provided directly by state and local governments as well as those provided through third parties, such as the American Red Cross, private nonprofit organizations, and religious entities. Under Title II of the ADA, emergency programs, services, activities, and facilities must be accessible to people with disabilities and generally may not use eligibility criteria that screen out or tend to screen out people with disabilities. The ADA also requires making reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against a person with a disability and taking the steps necessary to ensure effective communication with people with disabilities” (United States Department of Justice, 2007). Complete text may be found at: <https://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>

**Current American with Disabilities Act (ADA)** enforcement activities can be found at: [https://www.ada.gov/enforce\_activities.htm](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.ada.gov_enforce-5Factivities.htm&d=DwMFAw&c=ODFT-G5SujMiGrKuoJJjVg&r=PYZSsVx3vFsoZHwvxOrRfw&m=IkaKNJzxUTK7BX9dwOvRd7wm--2kVemqAGPciS_rOYc&s=o-NDFpXSKB_WcgrV1ubp_J8AdJc5JneBllqDVfI204I&e=).

**Galveston, Texas Settlement Agreement (2011)** **DJ# 204-74-343:** The United States reviewed Galveston County's emergency management and disaster prevention policies to evaluate whether people with disabilities had an equal opportunity to utilize these programs. Galveston County was instructed to comply with the Americans Disability Act in their Emergency Operations Plan (EOP) and to include six disability-inclusive practices as part of their EOP, as well as identify and publicize to the public and to people with disabilities the most accessible emergency shelters. Details on the scope of the investigation and settlement may be found at: [https://www.ada.gov/galveston\_tx\_pca/galveston\_tx\_sa.html](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.ada.gov_galveston-5Ftx-5Fpca_galveston-5Ftx-5Fsa.html&d=DwMFAw&c=ODFT-G5SujMiGrKuoJJjVg&r=PYZSsVx3vFsoZHwvxOrRfw&m=IkaKNJzxUTK7BX9dwOvRd7wm--2kVemqAGPciS_rOYc&s=wVwW3FdFl5LM1U6AecYK9WNWXWj_6noV4yrplvPB-x4&e=)

**Nueces County, Texas Settlement Agreement (2011) #DJ 204-74-348:** The Disability Rights Section of the Department of Justice's Civil Rights Division conducted a compliance review of the County's compliance with Title II of the Americans with Disability Act of 1990. Nueces County was instructed to comply with the Americans Disability Act in their Emergency Operations Plan (EOP) and to include six disability-inclusive practice as part of their EOP, as well as to provide program access or remove barriers to accessibility to emergency shelters under the ADA and provide direct access via TTY or computer-to-telephone emergency services, including 911 services. Details on the scope of the investigation and settlement may be found at:

[https://www.ada.gov/nueces\_co\_tx\_pca/nueces\_co\_tx\_sa.html](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.ada.gov_nueces-5Fco-5Ftx-5Fpca_nueces-5Fco-5Ftx-5Fsa.html&d=DwMFAw&c=ODFT-G5SujMiGrKuoJJjVg&r=PYZSsVx3vFsoZHwvxOrRfw&m=IkaKNJzxUTK7BX9dwOvRd7wm--2kVemqAGPciS_rOYc&s=aDiBI-ku6zXbuIsxBArWF5BSy5PSgrVUk5vB454wL_4&e=)

**Salinas v. City of New Braunfels, 557 F. Supp. 2d 777 (U.S. District Court, W.D. Texas March 14, 2008).** This case addressed the right of people with disabilities to equal access to effective communication resulted when a deaf woman was unable to communicate with emergency services through 911. The court found that under the ADA, the City of New Braunfels was required to grant people with disabilities, “the same opportunity as non-disabled individuals to converse with emergency responders” (Salinas v. City of New Braunfels, 2008).

**National Association of County and City Health Officials:** “The ADA has serious implications for whole community planning. Recently, court cases in Los Angeles and New York have highlighted the legal implications for cities that fail to meet the needs of persons with disabilities in planning for disasters.” Details on these court cases may be found at: <http://nacchopreparedness.org/wp-content/uploads/2016/09/16_EH_Emergency-Planning-PPl-w-Disabilities_FactSheet.pdf>