Policy Recommendations and Filed Legislation: Issues Relevant to the Public Electronic Services on the Internet (PESO) Work Group

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Presentation Overview

1. Governor’s Committee on People with Disabilities (GCPD) Policy Recommendations
2. Filed Legislation

Policy Recommendations for the Texas Legislature's 83rd Session

From the Governor's Committee on People with Disabilities

Governor’s Committee on People with Disabilities (GCPD)

- History
- Composition
- Functions
- Policy areas:
  - Access, Communications, Education, Emergency Management, Health, Housing, Recreation, Transportation, Veterans, Workforce

GCPD Policy Recommendation Process

- Research
- Survey
- Drafting
- Committee approval
- Submission to Executive and Legislature
- Legislative Tracking

- An inside look at GCPD's research process…


DUNKIN' DONUTS
Natural almonds
Nutrition Facts
Erin Lawlor
Coordinator

Communications: Background

- Ensuring that mainstream technology is accessible and usable by people with disabilities is essential to realizing the full promise of information and communication technologies.
- To that end, the federal government has passed several laws over the past two decades to ensure that virtual barriers are not erected
  - the Americans with Disabilities Act;
  - Section 255 of the Communications Act;
  - Section 508 of the Rehabilitation Act;
  - the Twenty-First Communications and Video Accessibility Act (CVAA) of 2010.

- And in 2005, the State of Texas took strong steps to promote the accessibility of technologies used at work and home by passing House Bill 2819, which requires each State agency to develop, procure, maintain and use information and communication technologies that are accessible.
  - Government Code, Title 10, Subtitle B, Chapter 2054
  - Texas Administrative Code, Title 1, Part 10, Sections 206 and 213

Communications: Background, continued

- In 2011, the Department of Labor's Office of Disability Employment Policy (ODEP) and the Assistive Technology Industry Association (ATIA) concluded a comprehensive study of how to improve the design and development of accessible workplace technologies. The results highlighted several challenges in the implementation of accessibility for information and communications technology, including:
  - lack of organizational commitment
  - lack of access to consistent, reliable information
  - lack of education/training
  - lack of testing tools

Communications: Survey Results

- 73 percent of respondents “strongly agreed” that improved accessible technology is needed to increase participation by people with disabilities in State government and in their communities
- Nearly 70 percent of respondents “strongly agreed” that the availability of accessible communications needs to be increased
- 77 percent “strongly agreed” that more financial support is required to assist people with disabilities in acquiring assistive technologies
- When asked to further explain these views in their own words, 17 percent of respondents cited the lack of availability or burdensome cost of assistive technologies that are designed to meet the needs of people with disabilities (e.g., screen readers, video phones, augmentative and alternative communication [AAC] devices, etc.)
- Another 10 percent cited mainstream technologies, such as the iPad, that have demonstrated their ability to help people with disabilities, but whose cost is too high

Communications: Survey Results, continued

- Nearly 70 percent of respondents “strongly agreed” that accessible communication in the workplace, programs, and services should be increased, that State and local websites needed to be more accessible, and that it was of high importance that State websites and public places (e.g., court rooms, government buildings and large venues) have accessible technologies and communications
- 65 percent of respondents “strongly agreed” that high-speed Internet services need to be expanded and 7 percent of open-ended comments in the Communications area suggested that broadband be more widely available and that prices made affordable for people with disabilities, especially in rural areas

Open-ended Survey Responses about Communication

- K-12 public education needs legislation to ensure equal access to digital curriculum and educational materials by students with disabilities. IDEA only requires student accommodations like assistive technology, extended testing time, or teaching assistants. The provision of accessible digital materials is not required.
- Most Deaf people depend on the videophones to communicate with friends, families and business. We realize how expensive the Internet are because videophone must have high speed Internet and cable modem. I see the rates of Internet climb up everyday. Some cannot afford to pay high rate for high speed Internet.
- Video phone reliability depends on high speed internet service. This needs to be in rural areas to help Deaf people have access to services and relationships. more awareness of assistive listening devices at public schools/school districts

Communications: GCPD Policy Recommendations (selected)

- Encourage the use of accessible technology to reach traditionally underserved populations, including people with disabilities, especially through the use of social media
- Foster the development of accessible mainstream technology and promote its adoption by people with disabilities, especially for employment, as well as civic and community engagement
- Promote the awareness of and access to assistive technologies, including mainstream technologies that have a demonstrated track record of meeting the needs of people with disabilities
- Support programs that increase the availability and affordability of accessible information and communication technologies, including high-speed Internet service, for all Texans

Communications: Policy Recommendations (selected), continued

- Provide publicly available educational resources for companies and developers to support the business case for, and the accessible development of, information and communication technology, including examples of market demand, business cases, business and technical requirements, sample code, training and testing tools
- Encourage information sharing within the technological development community about emerging assistive technologies and best practices
- Promote the development of standards of professional competence for accessibility practitioners in the area of information and communications technology
- Support the inclusion of accessibility and Universal Design topics in the higher education curricula for computer science, engineering, design, and architecture

Education: Background

- While much of the recent discussion about accessible virtual education technology has focused on students in postsecondary schools, virtual education is becoming increasingly common in grade schools as well.
- In the year 2000, the number of kindergarten through twelfth grade students enrolled in at least one online class was approximately 45,000. By 2009, that number had skyrocketed to about 3 million.
- We have already seen a migration toward virtual education in Texas through the creation of the Virtual School Network, an online network that offers TEA-approved courses to students in public school districts and open-enrollment charter schools.
- As more coursework migrates to our digital world, it is imperative that steps are taken to ensure that these courses are accessible to students with disabilities at all levels of education.
- State agencies and institutions of higher learning are held to accessibility standards related to electronic and information resources contained in Government Code Chapter 2054 and TAC sections 206 and 213, but corollary standards for K-12 schools do not yet exist in state law.

Education: Survey Results

- 71 percent of respondents rated “access to accessible e-learning opportunities and accessible instructional materials” as of “high importance” and 18 percent rated it of “moderate importance,” bringing the total to 89 percent
- 72 percent of respondents rates “access to accessible smart devices in schools (for example, ipads, tablets, mobile devices, e-readers)” as of “high importance” and 16 percent of “moderate importance” bringing the total to 88 percent
- 70 percent of respondents were “strongly in favor” of “commit[ing] the state of Texas to full accessibility of e-learning tools”

Open-ended Survey Responses about Education

- Computer labs, as they are right now, are almost impossible for deaf people to navigate. At college, I had to lipread the professor, read CART captions on my computer, view the overhead of the professor's computer, AND work on another computer. I am very tough and an A student, but I cried several times. It's overwhelming. It seems with technology, deaf people are helped and also facing serious challenges to their success.
- Assistive listening devices were very important for me when I was taking college courses a few years ago.
- E-learning should be captioned for deaf students...a real problem for them.
- As an adaptive technology specialist, I have seen firsthand how important accessible e-learning materials are to students.
- Install closed captioned mult-media Internet on the Government of Texas, other services, plus educational websites in Texas. Add the bilingual specialist (English and American Sign Language) for language support to the deaf and hard of hearing children including parents as well. The TEA offers the bilingual specialist for Spanish and English languages only.

Education: GCPD Policy Recommendations (selected)

- Require electronic textbooks and the Virtual School Network in Texas be developed and maintained in such a way that students with a variety of disabilities have equal access to all materials and instructions by teachers
- Require Texas public schools to develop and use a centralized Voluntary Product Accessibility Template (VPAT) that will ensure commitment to procuring accessible products and materials
- Build on the success of Western Governors University and continue to explore the intelligent use of technology to develop innovative, accessible learning models and personal educational pathways, while maintaining standards of educational excellence and student-teacher interaction
- Educate teaching professionals on the resources available related to electronic textbooks and accessible technology options

Workforce: Background

- The Bureau of Labor Statistics at the U.S. Department of Labor reports that the unemployment rate for people with disabilities was 15 percent in 2011. This was well above the 8.7 percent unemployment rate for people without disabilities.
- Many people with disabilities continue to face complex obstacles to securing and maintaining employment. In addition to challenges that may arise directly from the person's disability, applicants and employees may encounter attitudinal barriers, a lack of awareness of appropriate workplace services and supports, and a sometimes confusing patchwork of State and federal employment services.
- Additionally, people with disabilities who receive public benefits may fear losing necessary medical coverage, such as coverage through Medicaid, and important cash assistance if they secure even a low-paying job.

Workforce: Survey Results

- 86 percent of respondents indicated that “increased employment opportunities for people with disabilities” was of “high importance” and 10 percent indicated that it was of “moderate importance,” bringing the joint total to 96 percent
- 82 percent were strongly in favor of “educat[ing] employers on the legal requirements of reasonable accommodations”
- 82 percent were strongly in favor of “foster[ing] hiring practices and policies inclusive of all people with disabilities”
- 80 percent were strongly in favor of “ensur[ing] that all state and local government websites provide a fully accessible job application process”

Open-Ended Survey Responses about Workforce

- Often times people who are blind are not able to get a job because software is not made screen reader friendly, so the company has to spend money on what are called scripts or set files depending on the screen access software in question, […] so I think software just needs to be completely blind friendly out of the box. Another problem is that when the software gets updated, the scripts or set files have to be totally rewritten, so as you can see, this creates a very big inconvenience not only for the employee but for the company as well. (edited for readability)
- There are many persons, like myself, who still have the physical and mental ability to remain in the workplace, but are excluded due to the lack of accessibility options such as devices and processes for the hearing impaired.
- Many state agencies are not universally accessible on the internet
- Make sure all on line applications are accessible such as the software used to create the application meets ADA requirements and that the companies are aware of these requirements and laws as well as enforcing these laws more strictly

Workforce: GCPD Policy Recommendations (selected)

- Encourage employers to promote full inclusion in the workplace, including through the provision of reasonable accommodations for employees with disabilities
- Expand tax incentives for employers to hire and retain people with disabilities
- Develop an educational campaign to improve employers' knowledge about the financial benefits of hiring and retaining employees with disabilities
- Encourage accessible emerging workforce technologies
- Ensure all State and local government websites provide a fully accessible job application process
- Include businesses owned by people with disabilities in the State's definition of Historically Underutilized Businesses (HUBs).

Filed Legislation

Texas 83rd Legislative Session

Overview

- Over 6,500 bills and resolutions have been filed
- The filing deadline for normal legislation was Friday, March 8, 2013
- Almost 2,000 bills were filed in the final two days before the filing deadline
- Texas Legislature Online's tracking system indicates about 128 bills related to "individuals with disabilities"
- GCPD's tracking system indicates closer to 500 (486 and counting)
  - What explains this variation?
  - Broad understanding of issues that affect Texans with disabilities
- Bills have not been voted upon or signed into law
- Bills can still be amended

- An inside look at the GCPD's legislative tracking process…


REDUCED FAT
25% LESS FAT THAN PEANUT BUTTER
AMERICA RUNS ON
DunkinDonuts

Bills of Note for PESO

- HB 3586: relating to the creation of the Accessible Learning Materials Council
- SB 1576: relating to a study and report of issues affecting persons with disabilities at state agencies and postsecondary educational institutions

Bills of Note: HB 3586

- Filed by Mark Strama
- Amends the Education Code by adding Chapter 31A
- Establishes the Accessible Learning Materials Council 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”
- “The council shall develop a comprehensive statewide action plan for the provision of equally effective accessible learning materials and assessment instruments for public school students in this state, including a timeline for implementation of the plan.”


"A member of the council
may not receive
compensation for service
on the council."

Bills of Note: SB 1576

- Filed by Judith Zaffirini
- Amends Chapter 115, Human Resources Code
- "The committee, in collaboration with the Texas Higher Education Coordinating Board, shall conduct a study to identify difficulties persons with disabilities are encountering at state agencies and postsecondary educational institutions that receive state or federal funds.
  - The study must include an evaluation of the accessibility of resources and information, whether printed or electronic, including:
    - Materials provided by a state agency or postsecondary educational institution; and
    - With regard to a postsecondary educational institution, learning and content management software used by the institution and information and resources provided by student organizations of the institution.
- The committee shall include the results of the study and any recommendations for legislative or administrative action in the report submitted to the governor and legislature under Section 115.009(3) (editor's note: GCPD policy recommendations) before December 31, 2014."

Disability-related Trends in Filed Legislation

- Electronic voting and accessible voting
- Affordability of access to technology
- Access to virtual education

Electronic and Accessible Voting

- HB 579: relating to a study on the feasibility of online voting
  - The secretary of state shall conduct a study to consider the feasibility of implementing the practice of online voting, including the experience of jurisdictions that have implemented the practice, anticipated cost expenditures or savings to the state and counties, the anticipated increase or decrease in voter turnout, and any security issues or other challenges anticipated, including possible solutions. The secretary of state shall deliver the report to the legislature by January 13, 2015.
- HB 770: relating to electronic submission of an application to vote by mail
  - Adds "electronic transmission of an image of the application" to acceptable means of submitting application, along with mail, fax, and "common or contract carrier"
- HB 1243: relating to the use of direct recording electronic voting machines
  - "A disability access device must be connected to a direct recording electronic voting machine before the machine is used for voting."
- SB 315: relating to electronic voting registration
  - "The secretary of state shall implement a program to allow a person to complete a voter registration application over the Internet from the official website of this state and the websites of the secretary of state, the Department of Public Safety, and counties participating in the program. "

Affordability of access to technology

- HB 3080: relating to a study on the feasibility of creating a program to provide discounts on Internet access to individuals who are eligible for lifeline telephone services
  - Requires the Public Utility Commission (PUC) to examine the benefits of such a program, the costs and possible sources of funding, optimal rates or discounts, ways to implement
  - Who is eligible for lifeline telephone service? Certain low-income people and people receiving certain public benefits, including Medicaid and SSI
- HB 1133: relating to a sales and use tax exemption for tangible personal property used to provide cable television service, Internet access service, or telecommunications services and to the exclusion of that property in certain economic development agreements

Access to virtual education

- HB 1850: relating to eligibility for full-time enrollment of private school students and home-schooled students in the state virtual school network.
  - Extends eligibility for enrollment in the Virtual School Network to private school students and home-schooled students, where previously only public school students were eligible
- HB 1926: relating to the provision of electronic courses by a school district or open-enrollment charter school
  - Allows private, nonprofit, or corporate entities to act as "course providers" in the Virtual School Network, where previously only schools or school districts could participate, so long as these entities comply with all applicable federal and state antidiscrimination laws, possess prior, successful experience offering online courses to elementary, middle, or high school students as determined by the commissioner of TEA; and can demonstrate that they are financially solvent.
- HB 3155: relating to the expansion of the state virtual school network
  - "STATEWIDE POLICY ON ELECTRONIC COURSES. The commissioner shall adopt and implement a plan that promotes and provides incentives for the expansion of the state virtual school network. The plan must provide for: (1) an increase in the number of provider school districts or schools; (2) an increase in the number and types of courses that are offered through the state virtual school network; and (3) increased availability and access to the state virtual school network for students across this state. "

Other Trends in Filed Legislation

- Cybersecurity
- Social media and privacy protections
- State agency collaboration
- Government transparency
- Pie

Cybersecurity

- HB 2576 / SB 1102: relating to the appointment of a state cybersecurity coordinator
  - "The executive director [of DIR] shall designate an employee of the department as the state cybersecurity coordinator to oversee cybersecurity matters for this state. "
- SB 1134: relating to the duties of the DIR regarding cybersecurity
  - DIR "shall:
    - 1) establish and administer a clearinghouse for information relating to all aspects of protecting the cybersecurity of state agency information;
    - (2) develop strategies and a framework for:
      - (A) the securing of cyberinfrastructure by state agencies, including critical infrastructure; and
      - (B) cybersecurity risk assessment and mitigation planning;

      (3) develop and provide training to state agencies on cybersecurity measures and awareness;

      (4) provide assistance to state agencies on request regarding the strategies and framework developed under Subdivision 21 (2); and

      (5) promote public awareness of cybersecurity issues."

Social Media and Privacy Protections

- HB 1989: relating to substituted service of citation through a social media website
  - If substituted service of citation is authorized under the Texas Rules of Civil Procedure, the court may prescribe as a method of service under those rules an electronic communication sent to the defendant through a social media website [under certain circumstances]
  - Translation: 'You got served…over Facebook.'
- SB 416 / HB 451: relating to restrictions on access to certain personal online accounts through electronic communication devices by employers or public or private institutions of higher education; establishing an unlawful employment practice
  - Institutions of higher education may not demand social media passwords from current or prospective students, request that students log-in to social media accounts in the presence of administrators, or retaliate against a student for refusal to provide access to the student's social media account
  - Corollary restrictions on employers requesting access to social media accounts of prospective or current employees
- SB 118: relating to prohibiting an employer from requiring or requesting access to the personal accounts of employees and job applicants through electronic communication devices; establishing an unlawful employment practice

State Agency and Local Government Collaboration

- SB 794: relating to the development, hosting, and management of computer software for state agencies
  - DIR shall: "(1) provide for the coordinated development, hosting, and management of computer software for state agencies; and 2) develop and implement a comprehensive plan for the coordinated development, hosting, and management systems of software used by state agencies that eliminates duplicative responsibilities with respect to software development, hosting, and management. "
- SB 866: relating to authorizing local governments to participate in statewide technology centers
  - The department may operate statewide technology centers to provide two or more governmental entities on a cost-sharing basis, services relating to: (1) information resources and information resources technology; (2) the deployment and development of statewide applications; and (3) the deployment and development of local or statewide applications for local governments.
  - This bill amends existing provisions in the Government Code to extend participation in technology centers, by redefining "governmental entities" to include local governments, rather than just state agencies
- HB 2939: relating to the interoperability of information and communication systems of the Health and Human Services Commission and health and human services agencies
  - "The executive commissioner [of HHSC] shall ensure that all communication and information systems, including components, databases, applications, and other information resources purchased on or after September 1, 2013, for use by the commission or a health and human services agency are interoperable with all other communication and information systems purchased on or after that date for use by the commission or a health and human services agency."

Increasing Government Transparency through the Internet

- HB 335: relating to the posting of required notice on a political subdivision's Internet website
- HB 3646: relating to a governmental entity's selection of an advertising medium and publication of notice
- HB 816: relating to giving notice of certain information about an election electronically
- HB 9: relating to posting certain information regarding compensation of state agency executive staff on the Internet
- HB 889: relating to the requirement that certain governmental bodies broadcast meetings on the Internet

Pie

- HCR 36: Designating February 16 as Texas Homemade Pie Day for a 10-year period beginning in 2013.
  - “For generations, families have come together to create and enjoy the fruits of their labor--an exceptionally American dish, with a special place in our shared culture; by taking the time to bake pies from scratch, older and younger Texans bridge the years between them to create new memories and culinary delights in kitchens across the Lone Star State; now, therefore, be it RESOLVED, That the 83rd Legislature of the State of Texas hereby designate February 16 as Texas Homemade Pie Day.”
- HCR 53 / SCR 12: Designating pecan pie as the official State Pie of Texas
  - “Pecan pie recipes are varied and numerous, with differences regarding the sugar-to-syrup ratio and the size and consistency of the nuts, and are a matter of debate, strong opinion, and deeply held family tradition; yet Texans generally agree on two things: Texas pecan pies are, hands down, the best, especially when made with Texas pecans by a Texan, and secondly, whether served hot or cold, with a scoop of ice cream or without, pecan pie is indeed the perfect ending to any meal; now, therefore, be it RESOLVED, That the 83rd Legislature of the State of Texas hereby designate pecan pie as the official State Pie of Texas.”

Questions?

- I can be reached at erin.lawler@gov.texas.gov or by calling the Governor's Committee at 512-463-5739.