

July 2010

The word disability is a broad term used to identify individuals with certain impairments that can be physical, mental, or both. Disabilities can be acquired in a number of ways. They can occur during fetal development, childhood, or in adulthood as a result of accident or illness. According to the Americans with Disabilities Act of 1990 (ADA), a disability is “a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment” (U.S. Equal Opportunity Commission [EOC], n.d.b).

Effective January 2009, ADA was amended “to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA” (EOC, n.d.a) primarily by changing the interpretation of certain terms. *Major life activities* are listed as including (but not limited to):

- Performing manual tasks
 - Hearing
 - Sleeping
 - Standing
 - Bending
 - Breathing
 - Reading
 - Thinking
 - Working
 - Seeing
 - Eating
 - Walking
 - Lifting
 - Speaking
 - Learning
 - Concentrating
 - Communicating
 - Caring for oneself
- (EOC, n.d.b)

Additionally, the amendment expanded the definition of major life activities to include *major bodily functions* such as functioning of the immune system, normal cell growth, brain, digestive, bowel, bladder, neurological, circulatory, respiratory, endocrine and reproductive functions (EOC, n.d.b).

Consequently, how disabilities are reported has changed slightly since the 2000 census. The American Community Survey, an annual nationwide look at how communities are changing, reports disability characteristics in terms of functional difficulties versus the categories such as sensory, physical, or mental that were previously used. The table at the end of this brief shows the disability characteristics for the United States, Texas, and Bexar and Comal counties for 2008. Since the American Community Survey only includes geographic areas with populations over 65,000, there are no current statistics available specifically for Bandera and Kendall counties (U.S. Census, n.d.).

The Census indicates that disability rates rise with age and differ according to sex. The prevalence of disability among people under 65 years old is higher in men, while disability rates for people aged 65 and older are typically higher in women (U.S. Census Bureau, 2003). It is expected that disability rates will continue to rise as the baby boomers retire and age. It is estimated that in the year 2030, there will be 57.8 million baby boomers between the ages of 66 and 84 (U.S. Census Bureau, 2006). While the reported percent of Texans with disabilities is lower than the national percentage (11.6% and 12.1% respectively), Bexar and Comal county percentages, at 13.7% and 12.4% respectively, are higher than both the national and the state. Bexar County has the highest number of disabled adults with 12.9% of the 18 to 64 year old population and 43.6% of the 65 and older population reporting disabilities (U.S. Census Bureau, n.d.).

Health Issues

Health is commonly defined as lacking disease or disability. Typically, individuals with disabilities also suffer from various other illnesses as a direct result of their disability. Primary conditions are “disabling conditions that overall define a specific type of disability, birth defect or medical condition (American Association of Health and Disability

[AAHD], 2009a), while secondary conditions are “any condition to which a person is more susceptible by virtue of having a primary disabling condition” (Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), 2003). Examples of primary and secondary conditions include:

Primary

- Amputee
- Arthritis
- Autism
- Blindness
- Cerebral Palsy
- Down Syndrome
- Intellectual Disabilities
- Multiple Sclerosis

Secondary

- Asthma
- Cancer
- Cardiovascular/heart disease
- Fatigue
- Obesity
- Pressure sores

(American Association of Health and Disability, 2009a&b)

Certain types of disabilities are associated with increased mortality. Disabled individuals also experience similar health concerns as the general population. For example, with the accelerated aging process in individuals with Down syndrome, Alzheimer’s can be found starting at the age of 35. Research indicates Alzheimer’s disease in the Down syndrome population is three to five times greater than in the general population, and oftentimes, symptoms begin much earlier (National Down Syndrome Society, 2010).

Social Issues

Individuals who suffer from disabilities can sometimes suffer in other aspects of life. The process of socializing can be daunting for someone who has impairments. Often, people with disabilities are ostracized from everyday society because of their disability, or special accommodations are not available.

In 1999, in the most significant action addressing the discrimination of the disabled since the Americans with Disabilities Act (ADA), the U.S. Supreme Court ruled in *Olmstead v. L.C.* that unjustly institutionalizing persons with disabilities is a discriminatory violation of the ADA’s mandate. “Unjustified placement or retention of persons in institutions severely limits their exposure to the outside community, and therefore constitutes a form of discrimination based on disability prohibited by Title II” (Cornell University School of Law, 1999).

The Court’s decision was founded on two key points: institutionalizing individuals who desire, are capable of managing, and might benefit from residence in a community setting is wrong; and institutional living arrangements disrupt or preclude several aspects of everyday living, such as the establishment of family relations and social contacts, work options, economic independence, educational advancement, and cultural enrichment (Cornell University School of Law, 1999).

Texas responded to the *Olmstead* decision by creating the *Texas Promoting Independence Plan* with the goal of providing community-based services for persons with disabilities who would otherwise be entitled to institutional services. The 2008 Revised Plan reports the “status of the implementation of a plan to ensure appropriate care settings for persons with disabilities, and the provision of a system of services and supports that foster independence and productivity, including meaningful opportunities for a person with a disability to live in the most appropriate care setting” and includes an “analysis of the availability, application, and efficacy of existing community-based supports for people with disabilities” (Texas Health and Human Services Commission [HHSC], 2009). The following chart depicts some of the changes that have occurred between 1999-2008 in the long-term services and support systems in Texas:

| Service | Base FY | Report FY |
|--|------------------|-------------|
| Aging and Disability Programs | 1999 | 2008 |
| Percent of all individuals served in community programs | 62% | 74% |
| Expenditures on community programs | 33.5% | 48.6% |
| Intellectual and Developmental Disability Programs | 1999 | 2008 |
| Percent of all individuals served in the community | 64% | 75% |
| Expenditures on community programs | 43% | 49% |
| State Mental Health Hospitals | 2001 | 2008 |
| Individuals hospitalized for more than one year (civil commitment) | 268 | 216 |
| Individuals admitted three or more times within 180 days | (FY 2005) 293 | 159 |
| Children in Institutional Settings | 2002 | 2008 |
| Children in Dept of Aging and Disability Services facilities | 1,508 | 1,392 |
| Children in Dept of Family Protective Services facilities | 167 | 232 |
| Centers for Independent Living | 2001 | 2008 |
| Number of centers | 19 | 23 |

(HHSC, 2009)

Despite the noteworthy progress made in the areas listed in the preceding chart, the Texas Department of Aging and Disability Services (DADS) has a waiting list (as of March 2010) of 102,647 individuals interested in community-based programs including: Community Based Alternatives; Community Living Assistance and Support Services, Deaf/Blind with Multiple Disabilities; Home and Community Service; and Medically Dependent Children’s Program (DADS, 2010).

Programs for People with Disabilities

The Department of Assistive and Rehabilitative Services (DARS) administers programs for Texans with disabilities. Established in 2004 as a consolidation of four former agencies, programs are available in four distinct units, each providing services unique to its target population. An Autism program began serving autistic children and their families in 2008. Of the 2,767,633 Texans reporting a disability in 2008, only 796,886 (29%) received services through DARS in FY 2009:

| Texas Department of Assistive and Rehabilitative Services | |
|--|-----------------------------------|
| | # clients served in FY2009 |
| Division for Rehabilitation Services | |
| Vocational Rehabilitation | 85,998 |
| Centers for Independent Living | 126,998 |
| Independent Living Services | 2,283 |
| Comprehensive Rehabilitation Svcs | 625 |
| Deaf and Hard of Hearing Services | 81,508 |
| Blind Services | |
| Vocational Rehabilitation | 10,144 |
| Business Enterprises of Texas | 118 |
| Independent Living | 3,490 |
| Blind Children’s Vocational Discovery and Development Prgm | 3,503 |
| Blind Education, Screening, and Treatment | 7,909 |
| Early Childhood Intervention Services | |
| Individualized Planning Process | 79,410 |
| Family-Centered Services | 57,110 |
| Case Management | 9,538 |
| Respite | 1,344 |
| Disability Determination Services | 326,631 |
| Autism | 277 |
| Total Served in FY 2009 | 796,886 |

(DARS, 2009)

As demonstrated in the preceding charts, there is a significant gap between the number of disabled individuals and the number receiving services.

Individuals with Disabilities Education Act (IDEA) Revised and reaffirmed in 2004, this Federal Statute provides for the free education of children with disabilities (U.S. Department of Education [USDE], n.d.). The following table shows the percentage of school aged children from 5-17 years with a disability in the United States, Texas, Bexar, and Comal counties. Both local counties have a higher percentage than the state and the U.S.

| School aged children from 5-17 years with a disability | |
|---|------|
| United States | 5.2% |
| Texas | 5.3% |
| Bexar County | 6.5% |
| Comal County | 8.0% |

(U.S. Census Bureau, n.d.)

In 2003, 72% of American students with disabilities aged 15 and older graduated from high school. This represented a 17% increase in graduates from 1987 (National Center for Special Education Research [NCSER], 2005). In 2008 the National Council on Disability (NCD) reported that “students with disabilities appear to be doing better academically, and they also appear to be graduating with diplomas and certificates at higher rates than in prior years” (NCD, 2008, p8). Despite these facts, there continues to be a significant gap between the academic achievement of youth with disabilities and youth with no disabilities. NCSER (2006) reports that where 50% of the general population of youth score below the mean of 100 on direct assessments, over 75% of youth with disabilities score below the mean. Additionally, where only 2% of the general population have standard scores more than two standard deviations below the mean (i.e. below 70), from 14% to 27% of disabled youth score in that same category (NCSER, 2006).

Disabilities and Financial Obstacles

Another aspect of community integration is related to employment. Although the Americans with Disabilities Act explicitly prohibits employment discrimination, the fact remains that disabled individuals continue to have a higher rate of unemployment than persons without disabilities. In 2008 only 25% of individuals with a disability were employed (U.S. Census, n.d.). In addition to higher rates of unemployment, disabled individuals have higher rates of underemployment as well. Factors such as:

- limited work experiences
- negative employment skills
- lack of knowledge about career opportunities

have all been cited as reasons affecting underemployment and unemployment among the disabled (Strauser, Lustig, Keim, Ketz, & Malesky, 2002). Finding affordable housing is also a major concern. In 2008, 44% of all fair housing discrimination complaints were filed by persons with disabilities (U.S. Department of Housing and Urban Development, 2009).

The annual cost for the U.S. government to help the disabled has skyrocketed in recent years. In 2008 the national health expenditure grew to roughly 16% of the gross domestic product or \$2.3 trillion. “At the aggregate level, the shares of financing for health services and supplies by business (23%), households (31%), other private sponsors (3%) and governments (42%) have remained relatively steady over time (Centers for Medicare & Medicaid Services [CMS],

2010). In 2008, 7.7 million adults with disabilities were enrolled in Medicare equating to 17% of the total enrollment (CMS, 2009). Given the total Medicare expenditures of \$469.2 billion in 2008, \$79.8 billion of Medicare funds were expended for persons with disabilities (CMS, 2010). Medicaid funded \$338.8 billion with 42% going to disabled individuals nationally in 2008. Of that, \$21.5 billion was spent in Texas, 38% of which was for persons with disabilities (State Health Facts, 2008).

In the end, individuals with disabilities have numerous social, health and financial needs. These needs vary widely according to specific disabilities and functional limitations. This can sometimes be overwhelming for policy-makers and advocates for improved services and support systems for adults with disabilities.

| Disability Characteristics | | | | | | | | |
|---|--------------------|-------------------|-------------------|-------------------|------------------|-------------------|----------------|-------------------|
| | United States | | Texas | | Bexar | | Comal | |
| | | % with disability | | % with disability | | % with disability | | % with disability |
| Total Population | 298,574,528 | 12.1% | 23,827,328 | 11.6% | 1,583,454 | 13.7% | 108,023 | 12.4% |
| Total Population with a Disability | 36,071,802 | | 2,767,633 | | 216,176 | | 13,447 | |
| Population under 5 years | 155,766 | 0.7% | 12,870 | 0.6% | 908 | 0.7% | 0 | 0 |
| With a hearing difficulty | 98,315 | 0.5% | 9,074 | 0.5% | 613 | 0.4% | 0 | 0 |
| With a vision difficulty | 90,449 | 0.4% | 6,888 | 0.3% | 592 | 0.4% | 0 | 0 |
| Population 5 to 17 years | 2,741,171 | 5.2% | 248,374 | 5.3% | 20,816 | 6.5% | 1,522 | 8.0% |
| With a hearing difficulty | 355,659 | 0.7% | 35,245 | 0.7% | 2,144 | 0.7% | 221 | 1.1% |
| With a vision difficulty | 415,595 | 0.8% | 54,244 | 1.2% | 3,498 | 1.1% | 329 | 1.7% |
| With a cognitive difficulty | 2,068,784 | 3.9% | 176,145 | 3.7% | 14,987 | 4.7% | 1,156 | 6.0% |
| With an ambulatory difficulty | 365,131 | 0.7% | 38,200 | 0.8% | 2,785 | 0.9% | 0 | 0.0% |
| With a self-care difficulty | 450,978 | 0.9% | 40,688 | 0.9% | 3,283 | 1.0% | 355 | 1.8% |
| Population 18 to 64 years | 18,995,085 | 10.1% | 1,506,131 | 10.2% | 124,551 | 12.9% | 6,910 | 10.3% |
| With a hearing difficulty | 4,053,848 | 2.2% | 352,040 | 2.4% | 26,931 | 2.8% | 1,903 | 2.8% |
| With a vision difficulty | 3,427,386 | 1.8% | 342,316 | 2.3% | 33,078 | 3.4% | 885 | 1.3% |
| With a cognitive difficulty | 7,695,235 | 4.1% | 569,471 | 3.9% | 53,141 | 5.5% | 2,507 | 3.7% |
| With an ambulatory difficulty | 9,628,591 | 5.1% | 763,314 | 5.2% | 56,121 | 5.8% | 2,915 | 4.3% |
| With a self-care difficulty | 3,332,551 | 1.8% | 271,995 | 1.8% | 20,818 | 2.2% | 939 | 1.4% |
| With an independent living difficulty | 6,531,154 | 3.5% | 480,304 | 3.3% | 40,455 | 4.2% | 1,235 | 1.8% |
| Population 65 years & over | 14,179,780 | 38.1% | 1,000,258 | 42.4% | 69,901 | 43.6% | 4,985 | 35.4% |
| With a hearing difficulty | 5,854,112 | 15.7% | 414,126 | 17.5% | 29,290 | 18.3% | 1,907 | 13.5% |
| With a vision difficulty | 2,847,361 | 7.7% | 228,719 | 9.7% | 20,247 | 12.6% | 532 | 3.8% |
| With a cognitive difficulty | 3,661,155 | 9.8% | 279,578 | 11.8% | 20,131 | 12.6% | 616 | 4.4% |
| With an ambulatory difficulty | 9,195,727 | 24.7% | 681,835 | 28.9% | 48,293 | 30.1% | 3,462 | 24.6% |
| With a self-care difficulty | 3,419,489 | 9.2% | 268,391 | 11.4% | 19,927 | 12.4% | 1,348 | 9.6% |
| With an independent living difficulty | 6,384,164 | 17.2% | 461,964 | 19.6% | 34,306 | 21.4% | 2,542 | 18.1% |

(U.S. Census Bureau, n.d.)

REFERENCES

- American Association of Health and Disability. (2009a). *Primary Conditions*. Retrieved June 28, 2010, from <http://www.aahd.us/page.php?pname=health/primary>
- American Association of Health and Disability. (2009b). *Secondary Conditions*. June 28, 2010, from <http://www.aahd.us/page.php?pname=health/secondary>
- Centers for Medicare & Medicaid Services. (2009). *Medicare Enrollment: National Trends 1966-2008*. Retrieved June 28, 2010, from <http://www.cms.gov/MedicareEnRpts/Downloads/HISMI08.pdf>
- Centers for Medicare & Medicaid Services. (2010). *National Health Expenditure Data Fact Sheet*. Retrieved June 28, 2010, from http://www.cms.gov/NationalHealthExpendData/25_NHE_Fact_Sheet.asp#TopOfPage
- Cornell University School of Law, Legal Information Institute. (1999). *Supreme Court collection. Olmstead v. L.C., 527 U.S.581*. Retrieved June 25, 2010, from <http://www.law.cornell.edu/supct/html/98-536.ZS.html>
- Department of Aging and Disability Services (DADS) (2010). *Interest Lists*. Retrieved June 24, 2010, from <http://www.dads.state.tx.us/services/interestlist/index.html>
- Department of Assistive and Rehabilitative Services (DARS). (2009). *Department of Assistive and Rehabilitative Services 2009 Annual Report*. Retrieved June 24, 2010, from http://www.dars.state.tx.us/reports/2009_annual.pdf
- Department of Health and Human Services, Centers for Disease Control and Prevention (CDC). (2003). *Secondary Conditions: Children and Adults with Disabilities*. Retrieved June 17, 2010, from http://www.cdc.gov/ncbddd/factsheets/DH_sec_cond.pdf
- National Center for Special Education Research (NCSE). (2005). *Facts from NLTS2: High School Completion by Youth with Disabilities*. Retrieved June 25, 2010, from <http://ies.ed.gov/ncser/pubs/nlts2200511/figures.asp>
- National Center for Special Education Research (NCSE). (2006). *The Academic Achievement and Functional Performance of Youth with Disabilities*. Retrieved June 25, 2010, from http://ies.ed.gov/ncser/pubs/20063000/summ_a.asp
- National Council on Disability. (2008). *The No Child Left Behind Act and the Individuals with Disabilities Education Act: A Progress Report*. Retrieved June 25, 2010, from http://www.aypf.org/documents/NoChildLeftBehind_IDEA_Progress_Report.pdf
- National Down Syndrome Society. (2010). *Alzheimer's and Down Syndrome*. Retrieved June 25, 2010, from http://www.ndss.org/index.php?option=com_content&view=article&id=180%3Aalzheimer-and-down-syndrome&catid=60%3Aassociated-conditions&Itemid=88&showall=1
- State Health Facts. (2008). Total Medicaid Spending, FY2008. Retrieved June 28, 2010, from <http://www.statehealthfacts.org/comparemaptable.jsp?ind=177&cat=4&sort=a>
- Strauser, D., Lustig, D., Keim, J., Ketz, K., & Malesky, A. (2002). Analyzing the differences in career thoughts based on disability status. *Journal of Rehabilitation*, 68(1), 27-32. Retrieved June 28, 2010, from http://www.findarticles.com/cf_0/m0825/1_68/83910_979/p1/article.jhtml?term=%2BDisability+%2BDemo+graphic+%2Baspects
- Texas Health and Human Services Commission. (2009). 2008 Revised Texas Promoting Independence Plan. Retrieved June 9, 2010, from <http://www.dads.state.tx.us/providers/pi/piplan/2008revisedpiplan.pdf>
- U.S. Census Bureau. (2003). *Disability status: 2000*. Retrieved June 28, 2010, from <http://www.census.gov/prod/2003pubs/c2kbr-17.pdf>
- U.S. Census Bureau. (n.d.). *2008 American Community Survey 1-Year Estimates*. Retrieved June 9, 2010, from http://factfinder.census.gov/servlet/DatasetMainPageServlet?lang=en&ts=295550327295&ds_name=ACS_2008_1YR_G00_&program=ACS
- U.S. Census Bureau Newsroom. (2006). *Oldest Baby Boomers Turn 60*. Retrieved June 28, 2010, from http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/006105.html
- U.S. Department of Education (USDE). (n.d.). *Statute*. Retrieved June 25, 2010, from <http://idea.ed.gov/explore/view/p/%2Croot%2Cstatute%2C>
- U.S. Department of Housing and Urban Development. (2009). *HUD and Fair Housing Partners Report Record Number of Housing Discrimination Complaints*. Retrieved June 28, 2010, from http://portal.hud.gov/portal/page/portal/HUD/press/press_releases_media_advisories/2009/HUDNo.09-081
- U.S. Equal Opportunity Commission. (n.d.a). *Notice Concerning The Americans with Disabilities Act (ADA) Amendments Act of 2008*. Retrieved June 8, 2010, from http://www.eeoc.gov/laws/statutes/adaaa_notice.cfm
- U.S. Equal Opportunity Commission. (n.d.b). *Titles I and V of the Americans with Disabilities Act of 1990 (ADA)*. Retrieved June 8, 2010, from <http://www.eeoc.gov/laws/statutes/ada.cfm>