

# POLICY PRIORITIES

for the 115th Session of Congress, 2017





The Association of University Centers on Disabilities (AUCD), the National Association of Councils on Developmental Disabilities (NACDD), and the National Disability Rights Network (NDRN), representing three national networks authorized under the Developmental Disabilities Assistance and Bill of Rights Act (PL 106-402), work to ensure people with disabilities have access to all aspects of society, including quality education, health care, careers, and opportunities for economic self-sufficiency. Our organizations promote equity to address disparities in access, outcomes, and quality for underserved populations. Each of our organizations is guided by the input of our members across the country and we work in partnership with each other and broader coalitions to determine how we will work to address the issues below.

During the previous two Congresses, large bipartisan majorities voted to reauthorize the Elementary and Secondary Education Act, the Workforce Investment Act, and pass the Achieving a Better Life Experience (ABLE) Act. These three critical laws support the idea that **every young person with a significant disability should receive a quality education and be prepared for a career in the community** that allows them to become taxpayers with the long-term services and supports they need to meet these goals. Our organizations look forward to working with the new Congress and Administration to build on these bipartisan efforts.



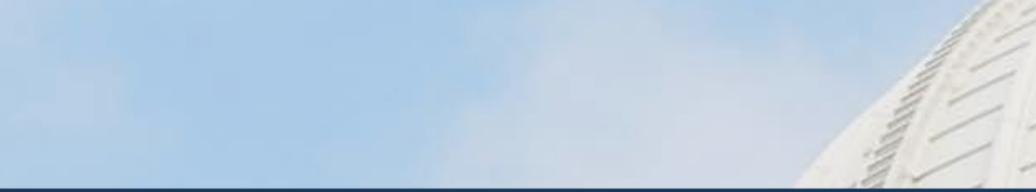
## Civil Rights

Every person regardless of ability should be able to participate fully in their community, and not experience discrimination on the basis of their disability. Congress enacted the Americans with Disabilities Act in 1990 to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” The ADA broadened protections and promoted the inclusion, integration, and empowerment of people with disabilities. The U.S. Supreme Court in *Olmstead v. L.C.* (1999) affirmed that “unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the ADA.”

*Priorities:*

- 1. Protect and promote stronger enforcement of the ADA mandate for integration and self-determination in the community.*
- 2. Promote strong enforcement of all laws that protect the rights of people with disabilities.*





## Employment

For most people, work provides a pathway to engage our society's economic and social institutions. As of February 2017, employment of people with disabilities continues to lag significantly behind those without disabilities. Of all working-age people with disabilities, only 30.8% are participating in the labor force by seeking employment or working, compared to 72.4% of those without disabilities.<sup>1</sup>

This low workforce participation combines with other factors such as the poverty rate for people with disabilities compared to those without disabilities (27.1% vs. 12.3%) and the low rate of employer-based health insurance coverage to relegate people with disabilities to a life of poverty, reliance on public benefits, and isolation.<sup>2</sup>

Our organizations will work with Congress and the Administration to support policies that promote competitive integrated employment for people with disabilities. Our members are working within their states and territories to support implementation of the Workforce Innovation and Opportunity Act (WIOA). We will also assist Congress in implementing the recommendations put forward by the WIOA Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (ACICIEID).<sup>3</sup>

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1 <http://www.bls.gov/news.release/empsit.t06.htm>

2 Erickson, W. Lee, C., & von Schrader, S. (2016s). 2014 Disability Status Report: United States. Ithaca, NY: Cornell University Yang Tan Institute on Employment and Disability (YTI).

3 [https://www.dol.gov/odep/topics/pdf/ACICIEID\\_Final\\_Report\\_9-8-16.pdf](https://www.dol.gov/odep/topics/pdf/ACICIEID_Final_Report_9-8-16.pdf)



*Priorities:*

- 1. Address barriers to employment by creating incentives for states and territories to expand opportunities for competitive integrated employment, including the need for individualized transportation options for individuals and access to higher education and career and technical education. We urge Congress to pay attention to the unique barriers facing people with disabilities who are also members of other underserved communities.*
- 2. Build capacity of the service system to provide competitive integrated employment and allow for a multi-year, well-planned phase out of subminimum wages.*



## Long Term Services and Supports (LTSS) in the Community

Long-term services and supports enable almost 60 million people with disabilities and seniors to live in their homes among their neighbors. Many people with disabilities receive their LTSS through Medicaid. LTSS can provide personal care, home living, employment, health and safety, transportation, and community living services. People with intellectual and other developmental disabilities (IDD) who receive LTSS live in their own homes (11%), with family members (57%), in staffed group settings of various sizes and types (25%), and in other facilities (7%). However, over one million people with other disabilities continue to go unsupported because of waiting lists, limiting their ability to work and contribute to their communities.

Most people with IDD (75%) do not receive LTSS.<sup>4</sup> Of those who do, the overwhelming majority of them (approximately 89%) do so while living in their own home or the home of a family member. Our organizations strongly support the Medicaid Home and Community-Based Services (HCBS) program. Any changes to the structure and financing of the current Medicaid program need to be implemented in a very



<sup>4</sup> Braddock, D., Hemp, R., Rizzolo, M.C., Tanis, E.S., Haffer, L., & Wu, J. (2015). The State of the States in Intellectual and Developmental Disabilities: Emerging from the Great Recession. Washington, DC: American Association on Intellectual and Developmental Disabilities (AAIDD).

careful and cautious manner to ensure that people with disabilities and their families do not receive any reduction in eligibility, services, or protections. Home and community-based services should not be considered “optional.”

Finally, while many people with disabilities receive Medicaid services and other governmental supports, the vast majority of people with disabilities are supported by family members and friends (over 85%). To sustain the contribution of families across the life course, we need to support family members, including parents with disabilities.



*Priorities:*

- 1. Oppose Medicaid block grants and per capita caps.*
- 2. Support the HCBS programs, reverse the Medicaid bias toward institutional settings, and make community living the first and preferred option for people with disabilities.*
- 3. Support families with members with a disability, including parents with disabilities, by separately and significantly increasing funding for family support programs authorized under the Developmental Disabilities Act and reauthorizing and fully funding the Lifespan Respite Care Act.*
- 4. Support direct support professionals (DSP) who enable individuals with disabilities to be more independent, able to work, and be contributing members of society.*
- 5. Create a national public LTSS insurance program based on functional need. Supporting the functional needs of people with disabilities will increase their ability work, live independently, and continue contributing to society.*

## Health Care

People with disabilities and other underserved populations (based on race, ethnicity, gender, low-income, and other factors) experience health disparities in access to care and their outcomes. Many people with disabilities also have other secondary health conditions. Early identification of disability, timely and person-centered care, and evidence-based interventions and supports are all essential for sustained, positive health outcomes. Our organizations support comprehensive, quality, affordable, portable, nondiscriminatory, and accessible health insurance through Medicare, Medicaid (including the 2010 expansion), private insurance, and the Health Insurance Marketplaces. Each of these programs can be strengthened to better serve people with disabilities. People with disabilities need access to specialty providers and services designed for adults with disabilities as they age. In the Marketplaces, people with disabilities and their families need accurate information, strong provider networks, and full coverage of essential health benefits.

### *Priorities:*

- 1. Preserve, protect, and strengthen the current health insurance programs. Any health care reforms must ensure comprehensive, affordable, and accessible health insurance with protections against discrimination. States should continue to have the option to expand Medicaid.*
- 2. Support federal legislation or individual state requests to designate populations with disabilities as a "Medically Underserved Population." Support for National Health Service Corporation efforts to serve people with disabilities should be developed.*



## Social Security

The non-retirement components of Social Security were created almost fifty years ago to address the needs of people with disabilities and their families. These programs were developed at a time when it was thought that individuals with disabilities could neither work nor live independently. It is time to make improvements to the Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) programs by modernizing the definition of disability and making it easier for



beneficiaries to work and move on and off of benefits without fear of losing their eligibility. Our organizations urge Congress to both address the long-term solvency for up to 75 years, and permanently authorize SSA's authority to conduct demonstration programs, such as having states and territories pilot new models of providing long-term services and supports, including income supports to people with disabilities that do not result in loss of eligibility or benefits.

### *Priorities:*

- 1. Modernize the SSI and SSDI programs in a manner that promotes and does not punish labor force participation and savings, and reject proposals that lead to the loss of benefits, supports, and services for persons with disabilities.*
- 2. Address aspects of the SSI and SSDI programs that inhibit financial stability and access to the middle class for*

- people with disabilities. Since it has not been raised since 1989, Congress should substantially increase the \$2,000 asset limit for SSI and index it to the level it would have been at if indexed for inflation since its inception.<sup>5</sup>*
- 3. Eliminate marriage penalties in SSI by maintaining the individual asset limit regardless of marital status.*
  - 4. Raise the substantial gainful activity limit in the SSDI program for people with all types of disabilities to at least the level used for people who are blind and continue the annual adjustment according to wage growth.*
  - 5. Protect the current structure of the children's SSI program.*

## Education

Educational attainment is directly linked to better employment outcomes, higher wages, and lower unemployment. In 2013, the Bureau of Labor Statistics reported that someone without a high school diploma earned, over their lifetime, 27% less than a person with a diploma and 57% less than a person with a bachelor's degree. In the 2014-2015 school year, the graduation rate for all students reached an all-time high of 83.2% nationally, but the graduation rate for students with disabilities was 64.6%. Graduation from high school should be the goal for all students with disabilities. The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act in 2015, was designed to create high expectations for students with disabilities and to provide the educational support for those students to meet those expectations. To do so, Congress must ensure that the Administration fully includes students with disabilities

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<sup>5</sup> U.S. Social Security Administration Office of Retirement and Disability Policy. Annual Statistical Supplement, 2012. Supplemental Security Income Program Description and Legislative History. (<http://www.ssa.gov/policy/docs/statcomps/supplement/2012/ssi.html>)



in all aspects of education, including the assessment and state accountability systems.

Our organizations support proposals to increase access to postsecondary education for students with disabilities through the Higher Education Act and the Perkins Career and Technical Education Act. We also urge Congress to reauthorize and continue to expand transition programs in higher education that include students with intellectual and developmental disabilities.

The Individuals with Disabilities

Education Act (IDEA) guarantees children and youth with disabilities the right to a free and appropriate public education (FAPE) in the least restrictive environment, typically in general education classrooms. When IDEA was passed 42 years ago, the federal government pledged to pay 40% of the “excess cost” of educating a student with a disability. We urge Congress to provide full funding of IDEA. In addition we urge full support of the Department of Education’s Office of Civil Rights.

IDEA also serves over 1 million infants, toddlers, and preschool children with disabilities and their families through Part C (the infant, toddlers, and families program) and Part B Section 619 (the 3-5 preschool program). Over the past 20 years, these programs have increased the number of children served by



over 50%. These programs provide an unparalleled level of essential support to students with disabilities, enhancing their academic performance and improving their prospects for employment and independence when they attain adulthood.

Finally, students cannot learn in environments where they feel unsafe. Our organizations support legislation that provides schools and educators with the tools to use positive behavior interventions and supports, prohibit the use of seclusion and restraints, prohibit bullying, and create positive learning environments.

*Priorities:*

- 1. Provide funding, enforcement, monitoring, guidance, and technical assistance to states to implement the Every Student Succeeds Act (ESSA) with additional attention to ensuring students with disabilities are fully included in all aspects of school.*
- 2. Fully fund IDEA and expand support for Part C of IDEA.*
- 3. Continue the activities of the Department of Education's Office of Civil Rights to ensure the civil rights of all children with disabilities are protected.*
- 4. Closely monitor the use of discipline, including restraints and seclusion, with all students, including those with disabilities.*
- 5. Reauthorize and fully fund transition programs in higher education that include students with intellectual and developmental disabilities.*





## About AUCD, NACDD, and NDRN

The Association of University Centers on Disabilities (AUCD) is a membership organization that supports and promotes a national network of university-based interdisciplinary programs. The network consists of 67 University Centers for Excellence in Developmental Disabilities (UCEDD), 52 Leadership Education in Neurodevelopmental Disabilities (LEND) Programs, and 14 Intellectual and Developmental Disability Research Centers (IDDRC). In every US state and territory, our centers serve as a bridge between the university and the community to ensure full participation, independent living, and economic opportunity for all people with disabilities.



The National Association of Councils on Developmental Disabilities (NACDD) is the national membership association for the State Councils on Developmental Disabilities (DD Councils) located in every state and territory. The DD Councils are catalysts that create effective solutions and fulfill the mandate of the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) to improve service systems with and for people with developmental disabilities (DD). The DD Council members are appointed by Governors, and consist of people with DD, their families, representatives of other programs funded under the DD Act, other stakeholders in the disability community, and representatives of state agencies. As mandated by the DD Act, DD Councils work with policymakers and community partners to achieve long-term policy changes that promote the self-determination, independence, economic self-sufficiency, integration, and inclusion of people with DD in all aspects of community life.





The National Disability Rights Network (NDRN) is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&A and CAP systems were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.



AUCD, NDRN, and NACDD look forward to partnering with the 115th Congress, the Administration, states, and local governments to achieve these outcomes.

