

Federal Legislative Update

Members of Congress returned to work May 2, 2011 after the Easter Recess. The House of Representatives and US Senate are expected to take up several pieces of legislation impacting people with disabilities. The following is a summary of key legislative proposals currently being reviewed by Congress.

Federal Budget

Deficit Reduction Plan Expected

A deficit reduction plan is expected to be released soon from the “Gang of Six” senators - Democrats Dick Durbin of Illinois, Kent Conrad of North Dakota, and Mark Warner of Virginia and Republicans Tom Coburn of Oklahoma, Saxby Chambliss of Georgia, and Mike Crapo of Idaho. Their proposal is expected to slash the nation's deficit by \$4 trillion over the next decade. Members of the group have suggested their plan will be released in time for a part of it to be linked to a vote to raise the federal debt ceiling. This and all other deficit reduction efforts are extremely important to people with disabilities since they are expected to propose cuts to federal spending on both mandatory and discretionary programs on which people with disabilities rely. Mandatory programs are those whose funding is required by federal legislation and include Medicaid, Medicare and Social Security Disability Insurance (SSDI); discretionary programs are those that Congress chooses to fund annually and include IDEA (special education), supported employment, DD Act programs, and Section 811 supportive housing for persons with disabilities.

House FY 2012 Budget Proposal

Congressman Paul Ryan (R-WI), Chairman of the House Budget Committee, has proposed a FY 2012 budget resolution entitled *The Path to Prosperity, Restoring America's Promise*; see <http://budget.house.gov/fy2012budget/>.

In addition to repealing the Affordable Care Act, the proposal would convert Medicaid to a block-grant to the states which would mean that Medicaid would no longer be an entitlement. Under the proposal, Medicare would not be available to those not yet 55 years old. Instead, when they become senior citizens they would receive a payment to subsidize the purchase of health care coverage with a choice of guaranteed coverage options. In addition, there would be unspecified “increased assistance for lower-income beneficiaries and those with greater health risks.” The proposal does not indicate what would happen to the many people with disabilities under age 65 who depend on Medicare for health care.

Education

Keeping All Students Safe Act Is Re-introduced (HR 1381)

On April 6, U.S. Rep. George Miller (D-CA), the senior Democrat on the House Education and the Workforce Committee, introduced The Keeping All Students Safe Act; visit <http://democrats.edworkforce.house.gov/blog/2011/04/keeping-all-students-safe-act.shtml>. This bipartisan legislation is intended to prevent schoolchildren from being abused as a result of inappropriate uses of restraint and seclusion, often involving untrained staff. According to government investigations, these abusive practices were used disproportionately on children with disabilities. The legislation first passed the House a year ago with bipartisan support. In addition, TASH released a media

May 3, 2011

report highlighting dozens of instances across the country of inappropriate restraint and seclusion abuses in schools since the bill passed the House in March of 2010. <http://tash.org/the-cost-of-waiting/>.

IDEA Fairness Restoration Act (S 613 HR 1208) Introduced

Sen. Tom Harkin (IA) and Rep. Chris Van Hollen (MD) introduced the IDEA Fairness Restoration Act which would allow parents to recover expert witness fees when they prevail in due process hearings. Rep. Pete Sessions from Texas is one of the co-sponsors of the House legislation.

Reauthorization of the Elementary and Secondary Education Act (ESEA) expected soon

The Obama Administration unveiled its Blueprint for reauthorization of the Elementary and Secondary Education Act (ESEA) which was formerly known as No Child Left Behind. The members of the Senate Health, Education, Labor and Pensions Committee have been working on a draft that they hope to introduce before the end of spring. The Administration's Blue Print (<http://www2.ed.gov/policy/elsec/leg/blueprint/blueprint.pdf>) would remove the "2% rule" which exempts from accountability measures the performance of some students with disabilities.

Transitioning towards Excellence and Achievement in Mobility (TEAM) Education Act (HR 602)

The TEAM-Education Act would streamline the transition process at the high-school level and require coordination and collaboration between the state education agency (TEA) and the state I/DD authority (DADS). It amends IDEA to encourage and empower schools districts, state educational authorities, students with significant disabilities, their families and transition teams to plan for and achieve employment in an integrated setting at minimum wage or higher after high school. The bill requires Individualized Education Plans (IEPs) to begin including transition planning at age 14 (currently, transition planning must begin no later than age 16).

Employment

Transitioning towards Excellence and Achievement in Mobility (TEAM) Employment Act (HR 604)

The TEAM-Employment Act amends the Rehabilitation Act by requiring the Vocational Rehabilitation (DARS) systems to actively engage with other state entities. The bill institutes the attainment of integrated employment or post-secondary education as the preferred outcome for all individuals including those with significant disabilities, directing VR programs to strive toward ensuring that all individuals with disabilities can be employed in integrated settings at the greater of minimum or competitive wages with commensurate benefits, and can pursue independent living and community participation.

Transitioning towards Excellence and Achievement in Mobility (TEAM) Empowerment Act (HR 603)

The TEAM-Empowerment Act seeks to increase the accountability of the I/DD service delivery system of publicly-financed supports by developing an interconnectivity between state educational agencies and state I/DD authorities to successfully transition youth with significant disabilities from high school into meaningful employment and post-secondary education opportunities.

The bill amends the Developmental Disabilities Bill of Rights Act of 2000 (DD Act) to establish an optional Transition Planning and Services Division within each State I/DD agency to provide the capacity and expertise required to successfully transition youth with significant disabilities from high school into meaningful community engagement and integrated employment.