

(Continued from reverse flap)

- Oppose Medicaid block grants, global or per capita caps, or any other mechanisms that lead to reductions in eligibility, supports and services, and protections for individuals with disabilities.

Employment, Training, and Wages

Most people with disabilities of working age remain unemployed or underemployed. Thus, the First Session of the 110th Congress should take the following actions:

- Reauthorize the Rehabilitation Act, taking the following actions to strengthen the collaboration of state and federal programs involving the employment of individuals with disabilities.
 - Revise the PAIR Earned Income standards.
 - Establish a CAP for the Native American Consortium.
 - Strengthen the due process rights of individuals applying for or receiving VR services under Title I.
 - Ensure physical and programmatic accessibility to the workforce development system.
 - Adjust performance measures to accurately reflect and measure the provision of services to individuals with disabilities.
 - Maintain – and ensure oversight and enforcement of – the existing civil rights protections of Section 504 of the Rehabilitation Act as they relate to workforce development services.
 - Expand transition authority for students age 16 and above to better prepare them for meaningful and productive lives as adults.
 - Establish the authority for CAP to advocate on behalf of veterans in the Veterans Administration's Vocational Rehabilitation program.
- Eliminate segregated sheltered work environments.
- Give CAP authority to advocate on behalf of individuals with disabilities in all congregate work settings, such as sheltered workshops and Javits-Wagner-O'Day (JWOD) programs.
- Require that JWOD facilities promote the advancement of individuals with disabilities, including advancement toward integrated competitive positions outside a JWOD employer. Allow the minimum percentage of individuals with disabilities to include management-level positions.
- Strengthen coordination of Ticket to Work program provisions within the Rehabilitation Act and other federal programs with Section 14© of the Fair Labor Standards Act.
- Maintain and increase funding for the Supported Employment State Grants program.
- Eliminate remaining work disincentives for people who depend on Social Security disability programs
- Equalize the Substantial Gainful Activity (SGA) level for all individuals with disabilities with that used for people who are blind.

ADDITIONAL KEY PUBLIC POLICY ISSUES

While NDRN has given the issues in this brochure priority status, each of the following issues is also part of the overall NDRN legislative agenda. Specific information on legislative efforts in these areas is available in the full version of this document which can be found at www.ndrn.org

- Assistive Technology
- Criminal and Juvenile Justice
- Education
- Emergency Preparedness and Response
- Family and Individual Supports
- Health and Mental Health
- Housing
- Immigration and Naturalization
- Medicare
- Quality of Supports and Services
- Social Security and Income Maintenance
- Temporary Assistance for Needy Families (TANF)
- Transportation
- Voting

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2008 Legislative Agenda In Brief



Second Session 110th Congress

Through training and technical assistance, legal support, and legislative advocacy, the National Disability Rights Network strives to create a society in which people with disabilities are afforded equality of opportunity and are able to fully participate by exercising choice and self-determination.

THE NATIONAL DISABILITY RIGHTS NETWORK (NDRN) AND THE PROTECTION & ADVOCACY SYSTEM (P&A) / CLIENT ASSISTANCE PROGRAM (CAP)

The National Disability Rights Network (NDRN) is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and Client Assistance Programs (CAP). In addition to the P&A/CAP network operating in every state, the District of Columbia, and territory – American Samoa; Guam; Northern Marianas Islands; Puerto Rico; and the U.S. Virgin Islands – there also is a Native American P&A System. Collectively, the P&A/CAP network is the largest provider of legally based advocacy services to people with disabilities in the United States.

NDRN members serve individuals with a wide range of disabilities – including, but not limited to, those with cognitive, mental, sensory, and physical disabilities – by guarding against abuse; advocating for basic rights; and ensuring accountability in health care, education, employment, housing, transportation, and within the juvenile and criminal justice systems.

Shaping Public Policy

NDRN bases its public policy views on the belief that people with disabilities have the constitutional right to fully participate in our democratic society.

The foundation of the 2008 legislative agenda – the second session of the 110th Congress -- is built on the NDRN mission statement, principles, strategic plan, and current policies; guidance from the NDRN Legislative Committee; and input from P&A/CAP leaders across the country. These goals take into consideration political and policy trends, existing and expected proposals from the White House and Congress, as well as appropriation and authorizing legislation that should be addressed in the coming year. There will be times when NDRN will be required to address unexpected issues in a time-sensitive manner.

FEDERAL FISCAL POLICY GOALS

Appropriations

NDRN believes that the Second Session of the 110th Congress must address the significant — and growing — unmet needs of people with disabilities and their families by increasing existing federal funding, including funding for the P&A/CAP network. This may not be an easy task but it is a critically important task. Federally funded programs that provide supports and services to people with disabilities have suffered major cuts in the past few years. For example, as the demand for P&A/CAP services increases, the programs' ability to respond decreases. Therefore, it is critical that these programs receive funding increases for FY 2009:

- Protection and Advocacy for Traumatic Brain Injury (PATBI) to \$6 million;
- Client Assistance Program (CAP) to \$16 million;
- Protection and Advocacy for Assistive Technology (PAAT) to \$6 million;
- Protection and Advocacy for People with Developmental Disabilities (PADD) to \$43.5 million;
- Protection and Advocacy for Individuals with Mental Illness (PAIMI) to \$40 million;
- Protection and Advocacy for Individual Rights (PAIR) to \$22 million;
- Protection and Advocacy for Voting Access (PAVA) to \$10 million/

Revenue Policy

NDRN believes the Second Session of the 110th Congress must:

- Address the unmet needs of children and adults with disabilities and their families before making further tax cuts or revising the tax code.
- Roll back certain tax cuts that have added to the deficit and placed existing disability and low-income assistance programs at risk.
- Assure that tax and other policies, such as Social Security reforms, represent a sound investment for all in the nation and do not have a negative impact on people with disabilities and their families by shifting long-term costs to the future.
- Ensure that critical disability programs are not the target of deficit reduction measures.

PROGRAMMATIC GOALS

Constitutional and Civil Rights

The Second Session of the 110th Congress should:

- Protect and expand existing civil rights laws for people with disabilities, particularly the Americans with Disabilities Act (ADA); the Individuals with Disabilities Education Improvement Act (commonly abbreviated as IDEA); the Fair Housing Act (FHA); the Civil Rights of Institutionalized Persons Act (CRIPA); Title V of the Rehabilitation Act; the Help America Vote Act (HAVA); and the Air Carriers Access Act.
- Promote and fund stronger enforcement of these important laws, assuring equal opportunity and protection for people with disabilities.
- Support the ADA Restoration Act of 2007 (H.R. 3195/S. 1881).
- Restore IDEA, ADA, and Medicaid protections eroded by recent court decisions.
- Implement and monitor HAVA provisions and fully fund the PAVA program.
- Pass hate crimes legislation that includes individuals with disabilities as a protected class.
- Implement electoral reform to remedy systemic problems in the administration of elections and eliminate obstacles to full and equal political participation.
- Prohibit abuse, neglect, and inappropriate use of physical and chemical restraint and seclusion in all settings, including schools.
- Prohibit genetic discrimination.

Maintaining and Improving the P&A/CAP Network

The Second Session of the 110th Congress should take the following actions to enhance and expand P&A/CAP programs:

- Reauthorize the Rehabilitation Act, which includes the PAIR and CAP programs.
- Reauthorize the Substance Abuse and Mental Health Services Administration (SAMHSA) Act, including amendments in the PAIMI program to enhance the authority of P&As to investigate abuse and neglect of people with mental illness in more settings.
- Reauthorize the Developmental Disabilities Act.
- Establish and authorize funding for a P&A program specific to IDEA, to be administered through the Department of Education.

- Authorize funding for P&A services specific to the housing rights of individuals with disabilities
- Grant P&As the authority to conduct abuse and neglect investigations and monitoring activities in federally operated facilities,
- Ensure that the investigative authority embodied in all P&A/CAP authorizing legislation supersedes federal privacy laws.
- Require federal, state, and private providers of services and supports to individuals with disabilities to notify their clients (or their legal guardians) of services available through the P&A/CAP System, as well as their general rights under federal and state laws.
- Enact legislation to provide loan forgiveness for attorney working in the P&A/CAP system (H.R.4137/S.1642).
- Provide funding through the Department of Defense budget to the P&A/CAP network for disability-related advocacy services to returning veterans, as well as military families of active duty, National Guard, or Reserve personnel.

Medicaid

The Second Session of the 110th Congress must take the following actions to restore protections and funding for Medicaid beneficiaries:

- Statutorily roll back changes made to the Medicaid program in the Deficit Reduction Act.
- Maintain the individual entitlement to a full range of Medicaid health and long-term supports and services for all children and adults with disabilities by ensuring they are not limited to services in "benchmark" plans. This includes continued access to needed mandatory and optional Medicaid benefits.
- Restore the entitlement to seamless delivery of the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program, and reject the bifurcated system established by the 2005 budget reconciliation process.
- Repeal federal policy that increases recipient cost-sharing through co-payments and premiums.
- Repeal legislative language that prohibits individuals with disabilities who live in provider -owned or -operated housing from participating in "Cash and Counseling" and other consumer-directed programs.
- Repeal federal policy that gives states the option of putting a capped program within a Medicaid State Plan, and pass legislation – such as the Medicaid Community-based Attendant Services and Support Act – to reduce institutionalization and increase home- and community-based long-term services and supports.
- Statutorily direct the Centers for Medicare and Medicaid Services (CMS) to cease making regulatory and policy changes detrimental to individuals with disabilities, such as reduced access to habilitation, targeted case management, and school-based services.
- Strengthen the Medicaid Waiver and Medicaid State Plan processes by requiring states to establish public notification, opportunity for comment, and reporting mechanisms for applications for proposed waivers and state plan changes.
- Monitor implementation of recent federal policy changes to assure that individuals with disabilities are not negatively affected.

(Continued on reverse flap)