

# Legislative Priorities

For the 112<sup>th</sup> Congress



**AUCD**

ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES

RESEARCH, EDUCATION, SERVICE

AUCD envisions a nation whose high expectations for our citizens with disabilities make possible the fulfillment of academic potential, productive employment in the community, active engagement in civic life, and full inclusion in society. The Americans with Disabilities Act (1990) and the U.S. Supreme Court in the 1999 Olmstead decision affirmed the right of people with disabilities to a life in the community.

For decades, Congress has been taking important steps to secure that right and achieve that vision. Now—even under daunting fiscal constraints—is not the time to halt that forward movement. The vision is not only just, but in a real sense it is affordable. People with disabilities would rather work, pay taxes, and stay off of Social Security than spend their lives in expensive segregated workshops. People would rather live in their own homes with the help of personal attendants than in a nursing home or institution for people with intellectual disabilities. Children with mental health issues would rather stay in school and with their families than end up in the juvenile justice system for want of timely referral to services.

We can accomplish these goals. AUCD members are working hard with state and local partners to redirect taxpayer dollars within redesigned systems and policies realigned to achieve the outcomes all Americans want: dignity, meaningful choice, and the opportunity to contribute and to succeed.

We want to partner with Congress to achieve these goals.



# Federal Funding and Fiscal Policy

AUCD urges Congress to address the significant unmet needs of people with disabilities and families by ensuring federal support necessary to meet the vital human needs of people with disabilities and by increasing and expanding the federal investment in research, education, training, and support and service programs that enable them to live and work as independently as possible in the community. These programs include:

- University Centers for Excellence in Developmental Disabilities (UCEDDs) funded by the Administration on Developmental Disabilities (ADD)
- Leadership Education in Neurodevelopmental and Related Disabilities (LEND) programs funded through the Combating Autism Act of 2006 and administered by the Health Resources Services Administration (HRSA) under the Maternal and Child Health Bureau (MCHB)
- Intellectual and Developmental Disabilities Research Centers (IDDRCs), funded through the National Institutes of Health (NIH) Eunice Kennedy Shriver National Institute for Child Health and Human Development (NICHD)
- The National Center on Birth Defects and Developmental Disabilities (NCBDDD) of the Centers for Disease Control and Prevention (CDC), including the State Disability and Health Programs
- Interdisciplinary training, services, and research for individuals with Autism Spectrum Disorders and other Developmental Disabilities authorized through the Combating Autism Act of 2006
- Disability provisions within Title VII of the Higher Education Opportunity Act
- Individuals with Disabilities Education Act (IDEA), including the Early Intervention and Early Childhood Programs and Part D national programs that support the Part B state grant programs
- Assistive Technology Act of 1998, as amended

# Autism

The U.S. Centers for Disease Control and Prevention report staggering increases in the prevalence of Autism Spectrum Disorders. Since the enactment of the Combating Autism Act in 2006, significant advances have been made in understanding this complex developmental disability, now estimated to affect about one percent of the American population. This law must be reauthorized before September 2011 or it will expire. AUCD urges Congress to:

- Reauthorize and fully fund the Combating Autism Act
- Support legislation that addresses the direct service and interdisciplinary training needs associated with the increasing number of individuals with Autism Spectrum Disorders



# Developmental Disabilities Act

The Developmental Disabilities Assistance and Bill of Rights Act (DD Act) is the fundamental law supporting and enhancing the lives of people with developmental disabilities and their families. For over 30 years, the DD Act has enjoyed strong bipartisan support. It was last authorized in 2000. AUCD urges Congress to:

- Prioritize reauthorization of the Developmental Disabilities Act to extend the mission of UCEDDs to address the needs of persons with a broad range of lifelong disabilities
- Reauthorize and fully fund Title II, the Family Support program, and provide a formula grant to every state and territory so that families can support their children with disabilities and avoid costly out-of-home placements
- Support federal funding for self-advocacy leadership activities directed by self-advocates with appropriate organizational and infrastructure supports
- Fully fund the Projects of National Significance, including the Data Collection Projects and other efforts focused on emerging critical issues
- Continue and enhance Title III: preparation of Direct Care Professionals



## Community Services and Supports

Being part of the community and living as independently as possible are among the most important values and goals shared by people with disabilities, their families, and advocates. Community-based services and supports allow people with disabilities to achieve these goals and are more cost-effective than institutional services. AUCD urges Congress to continue to work toward elimination of Medicaid's institutional bias by increasing fiscally responsible choices of community- and family-based alternatives available to individuals with disabilities by:

- Fully implementing the Affordable Care Act's long-term services and supports provisions, including the Community First Choice Option and other options to rebalance the system and provide home and community-based services
- Fully funding the Lifespan Respite Care Act, National Family Caregiver Support Program, and the Family Support Program authorized by the Developmental Disabilities Act, in order to preserve family stability while allowing family members to remain in the workforce
- Ensuring full implementation of the Community Living Assistance Services and Supports (CLASS) Act, which assists eligible individuals and their families in meeting long-term support and service needs and takes pressure off of Medicaid
- Ensuring a well-trained direct support workforce that receives wages and benefits comparable to staff working in state-operated programs



# Education

All students deserve to learn and thrive in school and be career- and college-ready. In order to do so, students with disabilities must have access to the general education curriculum and be included in the student achievement system. Students must also be protected from the inappropriate use of restraint, seclusion, and aversive interventions which are used disproportionately on students with disabilities and frequently result in trauma, injury, and even death. The Elementary and Secondary Education Act (“No Child Left Behind”) emphasizes equal access to education, establishes high standards and accountability, and requires the inclusion of all students with disabilities in the student achievement system. AUCD urges Congress to:



- Reauthorize the Elementary and Secondary Education Act (ESEA) to ensure access to the general education curriculum and accountability of all students
- Ensure appropriate assessments for all students with disabilities by developing a variety of universally designed assessments that accurately measure the progress of students with disabilities
- Support training and research initiatives and expand the use of transition planning to enhance effective transition services to assist students with disabilities to enter postsecondary education programs or integrated employment
- Expand and improve in-service and pre-service personnel preparation under Part D of the Individuals with Disabilities Education Act (IDEA), ESEA, and the Higher Education Act so that all special education teachers are highly qualified
- Establish protections against abuse, aversive interventions, and the inappropriate use of physical, mechanical, and chemical restraint and seclusion for all students in schools

# Employment

Working age people with disabilities are among the most unemployed and underemployed segments of our society. Far too many people with intellectual and developmental disabilities are underemployed, work in segregated settings, and earn very little money. Even given the current economic downturn, with the declining birth rate as well as the aging of the current workforce, there will be a shortage of workers to meet employer demands in the coming decade. We must ensure that all people who want to work have the training and support they need to be employed.

AUCD urges Congress to:



- Reauthorize the Workforce Investment Act to better support people with disabilities and their families
- Increase resources for supported employment, workforce development programs, transition programs, and model program development
- Support Employment First strategies, policies, and practices that target integrated employment at minimum wages or above for all individuals with developmental and other significant disabilities
- Support the utilization of national and community service opportunities in transition and vocational planning for individuals with disabilities as a gateway to integrated employment
- Exempt the AmeriCorps State and AmeriCorps National Civilian Community Corps program payments for purposes of determining Social Security Disability Insurance eligibility and benefits

# Health Care Reform

The Patient Protection and Affordable Care Act of 2010 will provide access to affordable health insurance for 32 million Americans who are currently uninsured and is important to the health and well-being of individuals with disabilities. According to the non-partisan Congressional Budget Office, the law will reduce the federal deficit by \$130 billion over the first ten years and \$1.2 trillion over the second ten years. The law represents a sea change in expanding access to affordable, quality health care and long-term services and supports for persons with disabilities. AUCD urges Congress to:

- Ensure that the Affordable Care Act is fully funded so that it can accomplish the goal of quality, accessible, appropriate, comprehensive, affordable, portable, and non-discriminatory coverage
- Protect the Prevention and Public Health Fund to pay for transformational prevention programs and ensure that resources and activities paid for by the Fund include and benefit people with disabilities
- Revise the criteria for determination of Medically Underserved Populations to allow the inclusion of people with developmental and other disabilities as required by the Affordable Care Act



## Research and Data Collection

The collection of accurate data on the incidence, prevalence, and well-being of individuals with disabilities and families is essential to informing public policy. AUCD believes the federal government should invest in a broad range of research and evaluation across federal agencies to improve the lives of individuals with disabilities. AUCD urges Congress to:

- Provide additional funding to the Eunice Kennedy Shriver Intellectual and Developmental Disabilities Research Centers (IDDRCs), which have provided outstanding contributions to understanding why child development goes awry, discovering ways to prevent developmental disabilities, and discovering treatments and interventions to improve the lives of people with developmental disabilities and their families. Additional resources are needed for research infrastructure and expansion of cores, so that IDDRCs can conduct basic and translational research to develop effective prevention, treatment, and intervention strategies for children and adults with developmental disabilities.
- Ensure continued funding for the National Children's Study to examine the effects of the environment on children's health and development. Ultimately, the National Children's Study will be one of the richest research efforts geared toward studying children's health and development and will form the basis of child health guidance, interventions, and policy for generations to come.



# Social Security

Social Security is not only a retirement program, it is an insurance program to protect against poverty in retirement or as a result of disability or death of a family wage earner. More than one-third of all Social Security checks go to non-retirees, including nearly nine million people with disabilities. These beneficiaries include workers with disabilities and people with disabilities who are dependents and survivors of disabled workers, retirees, and deceased workers. Any changes in Social Security will affect everyone who receives benefits. AUCD urges Congress to:



- Protect and expand the effectiveness of income support programs and their related health coverage programs in the Social Security Act
- Support proposals to ensure the long-term solvency of the Social Security Trust Funds through adjustments that spread the costs and are as minimal as possible
- Support development of interdisciplinary teams of clinicians to assist adjudicators with eligibility determinations for disability benefits

AUCD  
1010 Wayne Avenue, Suite 920, Silver Spring, MD 20910  
301-588-8252  
www.aucd.org

George S. Jesien, PhD, Executive Director  
Kim Musheno, Legislative Director



AUCD advocates for legislation that is critical to individuals with disabilities and their families. Legislative priorities are developed biannually by the AUCD Legislative Affairs Committee and the Board of Directors based on the Association's vision and mission, as well as input from the entire AUCD network, including individuals with disabilities and their families. In addition to developing its own priorities, AUCD partnered with The Arc, UCP, AAIDD, ANCOR, and NACDD to develop joint legislative goals for the 112<sup>th</sup> Congress.



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