



# National Association of Councils on Developmental Disabilities

## Washington Update

January 31, 2012

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### **President's FY 2013 Budget Expected February 13**

While the President's Budget for the following fiscal year is normally released on the first Monday in February, the Obama Administration has announced that it will come out instead on February 13. Until it is published, it is unknown what the figures will be for discretionary programs such as the DD Councils and their DD Act counterparts, University Centers for Excellence in Developmental Disabilities and the Protection & Advocacy system for people with DD, and for Projects of National Significance and Voting at the Administration on Developmental Disabilities (ADD). While it remains to be seen what the President is requesting, Congress is expected to continue to look for ways to save money in this tough fiscal environment. Congress is expected to pass legislation by February 29, to address the expiration of the two-month extension of the payroll tax cut, unemployment benefits and Medicare physician payments ("Medicare Doc Fix").

### **House Expected to Vote for CLASS Repeal this Week**

Both the House Committee on Energy and Commerce and the House Committee on Ways & Means passed HR 1173, a bill sponsored by Representative Charles Boustany (R-LA-7<sup>th</sup>) to repeal the Community Living Assistance Services and Supports (CLASS) provisions of the Affordable Care Act (ACA). CLASS is intended to be a voluntary insurance program with premiums to be deducted from payroll checks; after paying premiums for at least five years,

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people may use the benefits to pay for self-directed services and supports to assist with activities of daily living. The full House is expected to vote to repeal CLASS this week. While Senator John Thune of South Dakota has a similar bill, S. 720, repeal of CLASS is not expected to pass the Senate in this 112<sup>th</sup> Congress.

### **Senator Harkin Introduces the Keeping All Students Safe Act**

Senate Health, Education, Labor and Pensions Committee (HELP) Chairman Tom Harkin (D-IA) recently introduced the Keeping All Students Safe Act, S. 2020. The bill is a companion to the House bill, HR 1381, that was introduced last year by Rep. George Miller (D-CA). Both bills would prohibit use of mechanical restraints, chemical restraints, or physical restraints that restrict breathing. The use of seclusion or restraint could not be included in a student's IEP. Physical restraint would be allowed only in emergency situations and would require debriefing sessions with parents and staff. HR 1381 has 28 co-sponsors, including Congressman Gregg Harper (R-MS). Senator Harkin is seeking bipartisan support.

### **House Education Chairman Announces Controversial New House Elementary and Secondary Education Act Proposals**

Congressman John Kline, (R-MN-2d), Chairman of the House Education and the Workforce Committee, recently released information about new draft legislation to amend the Elementary & Secondary Education Act (ESEA), also known as No Child Left Behind, to mixed reviews.

Chairman Kline's Press Release describes the *Student Success Act* as, among other things, "offering a better way forward for education reform by retuning responsibility for student achievement to states, school districts and parents and providing greater flexibility to meet students' unique needs while maintaining high expectations." It describes the *Encouraging Innovation and Effective Teachers Act* as offering education reform by "providing information to parents on teacher effectiveness, increasing school choice, increasing state and local innovation, eliminating unnecessary and ineffective federal programs." Visit <http://edworkforce.house.gov/News/DocumentSingle.aspx?DocumentID=273999>

On the other hand, 38 civil rights, disability, business and education organizations strongly criticized the proposal in a letter to Chairman Kline dated January 24, 2012; visit [http://www.nclد.org/images/stories/AboutUs/PressRoom/ESEA\\_Accountability\\_House\\_Letter\\_1\\_25\\_12\\_2.pdf](http://www.nclد.org/images/stories/AboutUs/PressRoom/ESEA_Accountability_House_Letter_1_25_12_2.pdf) The letter states that "Among other things, the letter abandons accountability for the achievement and learning gains of subgroups of disadvantaged students who for generations have been harmed by low academic expectations. The draft also eliminates performance targets, removes parameters regarding the use of federal funds to help improve struggling schools, does not address key disparities in opportunity such as access to high-quality college preparatory curricula, restricts the federal government from protecting underprivileged

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students, and fails to advance the current movement toward college-and career-ready standards.”

### **US Department of Education Issues Guidance on Broad Definition of Disability under ADA Amendments Act**

Education Secretary Duncan announced a Dear Colleague Letter and Frequently Asked Question from the Department’s Office of Civil Rights that provide schools with guidance about requirements in light of the ADA Amendments Act of 2008 and Section 504 of the Rehabilitation Act in elementary and secondary schools. The letter and FAQ’s may be found at <http://www.ed.gov/news/press-releases/department-education-issues-ada-amendments-act-dear-colleague-letter-provide-gui>.

The new guidance

- addresses the broadened definition of disability and the changes made by the Amendments Act;
- discusses how the Amendments Act affects Section 504;
- explains various obligations of school districts under Section 504 and Title II; and
- addresses how the Office of Civil Rights evaluates compliance with Title II and Section 504 in light of the Amendments Act.

### **TSA Establishes Helpline for Travelers with Disabilities**

The Transportation Security Administration (TSA) recently announced the launch of TSA Cares today, a new helpline number designed to assist travelers with disabilities and medical conditions, prior to getting to the airport. Travelers may call TSA Cares toll free at 1-855-787 2227 prior to traveling with questions about screening policies, procedures and what to expect at the security checkpoint.

When a passenger with a disability or medical condition calls TSA Cares, a representative will provide assistance, either with information about screening that is relevant to the passenger’s specific disability or medical condition, or the passenger may be referred to disability experts at TSA. TSA recommends that passengers call approximately 72 hours ahead of travel so that TSA Cares has the opportunity to coordinate checkpoint support with a TSA Customer Service Manager located at the airport when necessary.

TSA cautions that every person and item must be screened before entering the secure area of an airport and the manner in which the screening is conducted will depend on the passenger’s abilities and any specific equipment brought to the security checkpoint.

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All travelers may ask to speak to a TSA supervisor if questions about screening procedures arise while at the security checkpoint. The hours of operation for the TSA Cares helpline are Monday through Friday 9 a.m. – 9 p.m. EST, excluding federal holidays. After hours, travelers can find information about traveling with disabilities and medical needs on TSA’s website.

All travelers may contact TSA using Talk To TSA, a web-based tool that allows passengers to reach out to an airport Customer Service Manager directly, and the TSA Contact Center, 1 866-289-9673 and [TSA-ContactCenter@dhs.gov](mailto:TSA-ContactCenter@dhs.gov), where travelers can ask questions, provide suggestions and file complaints. Travelers who are deaf or hard of hearing can use a relay service to contact TSA Cares.

### **White House Announces Disability Conferences**

The White House has announced it will hold a series of regional, multi-agency disability conferences in the following cities on the following dates:

- Columbus, OH - March 14
- Austin, TX - March 28
- Los Angeles, CA - April 12
- Denver, CO - April 25
- Atlanta, GA - May 11
- Boston, MA - May 23
- Minneapolis, MN - June 6
- Orlando, FL - June 15
- Kansas City, MO - July 11

NACDD will let you know when specifics are available about location, times, and opportunities for participation.

***For more information, contact Peggy Hathaway, NACDD Public Policy Manager, [phathaway@nacdd.org](mailto:phathaway@nacdd.org)***

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