

# The Legislative Lookout

## Issue 4 August 2009

Published and distributed by the Catskill Center for Independence, “The Legislative Lookout” is a newsletter devoted to improving the quality of life for individuals with disabilities by taking action to achieve a barrier free, fully inclusive society.

The vehicle used to accomplish this goal is the Statewide Systems Advocacy Network (SSAN). This newsletter is designed to keep you informed about the goals, actions and accomplishments of the SSAN. It also provides ideas and avenues for interested citizens like you to get involved.

### A Message from Your Systems Advocate



Welcome to the fourth issue of “The Legislative Lookout,” where an open invitation is always extended to anyone interested in becoming involved in the Statewide Systems Advocacy Network (SSAN). This newsletter is designed to introduce readers to the numerous barriers confronting persons with disabilities and point out the variety of ways individuals can participate in order to bring about positive change in their community, their family, and even improve their own quality of life.

The difference our advocacy network makes is that people don’t work alone, but work in concert with many others. To this end, we as advocates at CCFI have developed a blog to complement this newsletter and promote discussion and inform everyone about the goals, actions and accomplishments of the SSAN.

Although it is the NYAIL Disability Priority Agenda which drives the overall direction the blog will take, we also encourage participants to post disability related information as an FYI to all interested readers.

The blog is a work in progress, so feel free to make comment directly to me here at CCFI at: [creichardt@ccfi.us](mailto:creichardt@ccfi.us) or better yet by posting to the blog at: <http://www.ssan-network.blogspot.com>

Charlie Reichardt  
Systems Advocate  
Catskill Center for Independence

### **Now and Later...**

2009 is already being acknowledged as a year of dramatic and sweeping change in so many areas of our lives and of society as we know it, but what change is in store for people with disabilities?

Now that the Presidential election and inauguration are behind us and President Obama has gone well past his first 100 days in office, it's time to really get to know just who it is that has been elected. Where does our current administration stand on issues that pertain to you as a person with a disability? Is positive change to the disability community being planned? To help answer these questions we are devoting the lead article of this issue of the Lookout to examining just what President Obama and the current administration have promised for people with disabilities.

In subsequent articles the Lookout will present the latest information on voter accessibility and illustrate the successes of the Statewide Systems Advocacy network as they relate to the items on the NYAIL Disability Priority Agenda.

As you read on though, remember, the Center is always on the “lookout” for new advocates interested in getting involved in the community by becoming an SSAN volunteer. No previous experience is necessary, just a desire to be part of an exciting team working together to create a barrier free environment for all New Yorkers.

So if you haven't already done so, join today. Tell your family and friends about the SSAN and then get ready and let your voice be heard!  
You'll be glad you did!

### **In the News**



“In the News” is a regular section of “The Legislative Lookout” and will provide information about hot disability related topics. An “In the News” companion section on the Center’s web site ([www.ccfi.us](http://www.ccfi.us)) has several recent news articles, letters to the editor, and other documents dealing with a variety of disability related issues.

### **Is Change In The Wind For People With Disabilities?**

Just as he promised, President Obama and his administration have very ambitiously gotten down to the business of running the country by introducing sweeping and unprecedented change, but what could these and other proposed changes mean for people

with disabilities? The following is a compilation of a few important issues that President Obama discussed over the course of his campaign.

### **Research Funding**

The National Institute for Health's (NIH) budget has been under-funded since 2003. President Obama has stated he intends to increase funding for NIH so that the United States can adequately conduct research that will lead to medical breakthroughs in all fields.

### **Increasing Employment Rates**

Employment rates among people with disabilities are substantially lower than those without disabilities. The same holds true regarding compensation, with people having disabilities making significantly less money than people without a disability. President Obama plans to increase employment rates of people with disabilities by issuing an executive order that mandates the hiring of an additional 100,000 federal employees with disabilities over the next five years. He also plans to enforce Section 503 of the Rehabilitation Act that requires employers who are federal contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.

President Obama also plans to expand business opportunity for people with disabilities by amending regulations under the Small Business Act that provide preference in federal contracting to small businesses owned by members of socially and economically disadvantaged groups to include individuals with disabilities.

### **Federal Disability Laws**

Recent court rulings restricted the definition of "disability" and impacted many people with chronic conditions, including diabetes. Such rulings ran counter to the goals of the Americans with Disabilities Act (ADA) and in September 2008 Congress passed the ADA Restoration Act which expanded the definition of workplace accommodations and the definition of "disability". As a Senator, President Obama voted in favor of this act and has said that he will be in favor of similar methods that strengthen and protect the rights of people with disabilities.

### **Voting rights for people with disabilities**

The Help America Vote Act (HAVA) was designed to expand voting accessibility, but unfortunately as we New Yorker's well know, that it has not been fully implemented. President Obama intends to fully fund this act that will allow voters with disabilities the opportunity to cast their vote privately and independently.

### **Pending Legislation**

The following are two important, pending pieces of legislation in the Senate supported by President Obama that impact people with a disability:

### **Community Choice Act**

President Obama and Vice President Biden are both co-sponsors of the Community Choice Act, which allows people with significant disabilities the choice of living in their community, rather than having to live in a nursing home or other institution. This legislation seeks to expand direct care services and would provide people with disabilities greater access to quality in-home care.

### **Individuals with Disabilities Education Act**

As a candidate, President Obama supported the Individuals with Disabilities Education Act (IDEA) as it provides important federal funding to states for the education of children with disabilities. The federal government has long provided each state with 40% of the states' "excess cost" of educating children with disabilities. Recent federal funding levels have been less than the required 40% and have left the education of children with disabilities insufficiently funded. This additional funding will provide every student with a disability access to a public education and allow parents to focus on their children, rather than arguing with school districts to make sure that their child is getting the education they are entitled.

President Obama has also vowed to invest \$10 billion per year in early intervention programs for children between zero and five. Increasing funding will provide greater access to important programs for children with disabilities to ensure that they do not fall behind their peers.

These are just a few of the important policy proposals and legislation supported by President Obama. Current economic conditions and other factors will certainly determine both the speed at which the aforementioned policies are implemented and, ultimately, whether pursued at all. Only time will tell...

For a more detailed account on any of these proposals, you can visit President Obama's website, at:

<http://origin.barackobama.com/issues/disabilities/>

### **Advocates Converge on State Capitol**

On Tuesday March 17th 2009, approximately 100 advocates from independent living centers all across the state converged on the Capitol Building in Albany, New York, to participate in letting the legislature and governor become more aware of us as individuals with disabilities. We also reminded them to make long term care and community integration priorities in the 2009-10 state budget and state disability policies.



Our message was to make sure state funding and disability policy supports living and/ or receiving services in the most integrated setting. Here are our main points:

1. As consumer directed care saves the state money, there should be no cuts to personal or home care. The long term care related proposals in the governor's budget are unacceptable.
2. As ILCs save the state dollars, funding cuts should be restored to ILCs.
3. No cuts to SSI benefits – period!

We donned our highly visible T- shirts, carried our signs and chanted several meaningful slogans while key members of our group met with government officials. Apparently we were quite effective, for we were soon addressed by an official from the Governor's office and a state Senator, and were told that our message was heard loud and clear. As one might expect, we were given no guarantees then, but if you keep reading you will see that our message did get out and proved to be effective.

### **Talking Voter Access in Albany**

*By Helen Benlisa, Project HAVA Coordinator*

In February, a small band of intrepid voter access advocates visited lawmakers in Albany to discuss needed improvements in overall access to the electoral process for voters with disabilities. Among the points discussed were the need for stronger statewide oversight for polling site accessibility compliance, stepped up training for poll workers to include disability awareness and basic accessibility standards, and some ways for voters to request alternative accessible formats and accommodations at their polling sites with an updated voter registration form.



The group, comprised of Rima McCoy, Voting Rights Coordinator from the Center for Independence of the Disabled – New York (CIDNY), Frank Pennisi, ADA Specialist and Accessibility Services Director from Southern Tier Independence Center (STIC), and Helen Benlisa, Project HAVA Coordinator from the Catskill Center for Independence (CCFI). The first stop for all three advocates was Senator Addabbo's office to meet with key staff. As the newly-minted Senator has been appointed chair of the Election Law Committee, it is imperative the Senator's office be educated about the voting access needs of nearly 3 million New Yorkers.

The next stop was Assemblyman Cahill's office, where the group met with one of the Assemblyman's Legislative Aides. Although Assemblyman Cahill is not currently on the Assembly Election Law Committee, he has long been a proponent of voter access issues for the disability community; the meeting was a chance to thank him for his support and ask him to encourage other legislators in making true voter accesses a reality.

Unfortunately, the group did not get a chance to meet with the chair of the Assembly Election Law Committee, Reuben Diaz, Jr. As he is new to his post as Chair of the committee, the advocates hope to have an opportunity in the future to educate him about New York's voter access needs.



### Good News

Recently, the Senate passed over 200 bills, including two from our 2009 Disability Priority Agenda!

**S.5396 (Huntley) Incorporating Title II of ADA into NYS Human Rights Law** Title II provides protections against discrimination on the basis of disability in services provided by public entities, including state and local governments. This bill clarifies the scope of protections against discrimination on the basis of disability by these entities, including in the provision of services, programs and activities. The Assembly version of this bill, A.781-B (Paulin) passed the Assembly on May 11th as part of the Disability Awareness Day package.

**S.1058 (Addabbo) – Polling Site Access Bill** This will require all polling sites to comply with the accessibility guidelines of the ADA. It also eliminates the practice of granting waivers for inaccessible sites. The Assembly version of this bill, A. 584 (Cahill), also passed the Assembly on May 11th as part of the Disability Awareness Day package.

Also of importance to you and the SSAN network is the legislation to make **Timothy's Law permanent. S.5672/ A.8611** passed the Senate on July 10<sup>th</sup> and was signed into law by Governor Paterson. Timothy's Law mandates private insurance parity for mental health services and is a major victory for the mental health community!

Special thanks goes to the NYAIL Subcommittees the SSAN and you for your hard work and your endless calls, letters, faxes and emails which helped to pass these bills.

If you would like any additional information regarding the content of this newsletter or about the Statewide Systems Advocacy Network contact:

Charles Reichardt

Systems Advocate

Catskill Center for Independence

607.432.8000 or [ccfi@ccfi.us](mailto:ccfi@ccfi.us) or visit our website at: [www.ccfi.us](http://www.ccfi.us)

© Catskill Center for Independence 2009