

NEW FREEDOM INITIATIVE

A PROGRESS REPORT

MARCH 2004



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Executive Summary

The President's New Freedom Initiative for People with Disabilities: The 2004 Progress Report

Introduction

Announced in February 2001, the New Freedom Initiative is President George W. Bush's bold plan to tear down the remaining barriers to full integration into American life that many of this Nation's 54 million citizens with disabilities still face. This Progress Report highlights accomplishments under the New Freedom Initiative since the issuance of the May 2002 Progress Report.

Increasing Access Through Technology

Assistive and universally designed technology offers people with disabilities better access than ever before to education, the workplace, and community life. To promote the development and dissemination of technology for individuals with disabilities, the President has:

- Secured \$120 million over three fiscal years (FY 2002 through FY 2004) to promote the development of assistive and universally designed technology and to fund alternative financing programs, such as low-interest, long-term loans to put technology into the hands of more people with disabilities;
- Created a working group of Federal agencies that developed strategies for improving access to assistive technology mobility devices (i.e., wheelchairs and scooters);
- Established DisabilityInfo.gov, a web portal providing information about the array of Federal programs that affect people with disabilities; and
- Promoted full implementation of Section 508 of the Rehabilitation Act, which requires that electronic and information technology purchased, maintained, and used by the Federal government be readily accessible to and usable by individuals with disabilities.

Inspired by the vision of the New Freedom Initiative, agencies did the following to further promote access to technology for people with disabilities:

- Secretary of Commerce Donald Evans announced an eight-point plan to promote the development of assistive and universally designed technology nationally and internationally.
- The Department of Defense significantly expanded its Computer/Electronic Accommodations Program (CAP), which now provides assistive technology for employees with disabilities in 58 agencies.

Expanding Educational Opportunities for Youth with Disabilities

A quality education is critical to ensure that individuals with disabilities can work and fully participate in their communities. The President has done the following to ensure that no child with a disability is left behind by our Nation's education system:

- Secured more than \$3.7 billion in additional annual funding for the Individuals with Disabilities Education Act Part B State Grants program since FY 2001 (for a total of nearly \$10.1 billion in FY 2004), and proposed an increase of \$1 billion in FY 2005; and
- Established the President's Commission on Excellence in Special Education, which issued a report in July 2002 emphasizing, among other things, the importance of accountability under the No Child Left Behind Act for the educational outcomes of students with disabilities.

Additionally, agencies are advancing the New Freedom Initiative's goal of ensuring a quality education for youth with disabilities.

- The Department of Education, alone and in collaboration with other agencies, has recently funded a number of grants and studies to determine what strategies best enable students with disabilities to access the general education curriculum and what kinds of early interventions promote the best results for students with disabilities.
- Several agencies have supported activities that reach out to youth with disabilities who are making the transition from high school education to other life goals, including post-secondary education and work.

Integrating Americans with Disabilities Into the Workforce

More than a decade after passage of the Americans with Disabilities Act, the unemployment rate of people with severe disabilities remains stubbornly high. To bring more people with disabilities into the workplace, the President has:

- Secured \$20 million for a fund to help individuals with disabilities purchase technology needed to telework;
- Continued to support a proposal that would exclude from an employee's taxable income the value of computers, software, and other equipment provided for telecommuting;
- Ensured implementation of the landmark "Ticket to Work" program, so that Social Security and Supplemental Security Income (SSI) disability beneficiaries who want to work can choose their own employment related services;
- Promoted vigorous enforcement of the ADA and challenged Federal agencies to do innovative outreach to employers, particularly small businesses; and
- Secured funding for a number of demonstration projects aimed at removing disincentives to work that currently exist in the Social Security and SSI disability benefit system.

Federal agencies have also undertaken the following activities to promote increased employment opportunities for people with disabilities:

- The Department of Labor and other agencies have worked to improve the capacity of community One-Stop Career Centers to provide employment-related services to people with disabilities.
- The Department of Labor and the Equal Employment Opportunity Commission are each working to promote employer best practices for the hiring and retention of qualified individuals with disabilities.
- The Office of Personnel Management and other Federal agencies have worked to promote the Federal government as a model employer of people with disabilities.
- Several agencies have complemented outreach efforts to employers with outreach to people with disabilities, educating them about their rights and responsibilities under the ADA as future employees.

Promoting Full Access to Community Life

The Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), said that, wherever possible, people with disabilities should be provided services in the community, rather than in institutions. For the promise of full integration into the community to become a reality, people with disabilities need safe and affordable housing, access to transportation, access to the political process, and the right to enjoy whatever services, programs, and activities are offered to all members of the community at both public and private facilities. The President has done the following to promote full integration of individuals with disabilities into the community:

- Issued an Executive Order calling for swift implementation of *Olmstead*, which resulted in a report identifying barriers to full integration that exist in Federal programs and proposing more than 400 solutions for removal of these barriers;
- Proposed a budget increase of \$2.2 billion over the next five years for the Department of Health and Human Services to fund demonstration projects that promote community-based services for people with disabilities;
- Proposed \$918 million over six years to remove transportation barriers still faced by individuals with disabilities;
- Established the New Freedom Commission on Mental Health, which issued a report recommending ways to improve America's mental health care delivery system; and
- Secured \$15 million under the Help America Vote Act to improve access to voting for people with disabilities.

Agencies have also done or are doing the following to advance the goal of full integration of people with disabilities into the community:

Implementation of Olmstead

- Health and Human Services Secretary Tommy Thompson established the Office on Disability to coordinate disability programs across HHS agencies.
- The Department of Health and Human Services has awarded nearly \$160 million in Real Systems Change Grants since 2001 to support community-based services for people with disabilities.
- In FY 2003, the Department of Health and Human Services' Centers for Medicare and Medicaid Services funded a \$6 million demonstration grant that enables state and

community-based providers to test new strategies for recruiting, training, and retaining direct service workers.

- The Departments of Justice and Health and Human Services have entered into an agreement under which HHS refers *Olmstead*-related complaints to DOJ's ADA mediation program. To date, several complaints have been successfully mediated.

Housing

- Thirty percent of the families participating in the Department of Housing and Urban Development's home ownership voucher program include family members with disabilities.
- During FY 2003, the Department of Housing and Urban Development trained more than 1,500 housing professionals under its Fair Housing Accessibility FIRST initiative, which helps architects and builders to design and construct apartments and condominiums with legally required accessibility features.
- The Department of Housing and Urban Development has funded grants to enable older individuals and individuals with disabilities to remain in their homes and live independently in their communities.
- The Department of Justice has vigorously enforced the Fair Housing Act, filing fifteen lawsuits during the past two years against developers, architects, and civil engineers who designed inaccessible multi-family housing, and resolving another fifteen cases through consent decrees.

Transportation

- The Department of Transportation's Bureau of Transportation Statistics issued a report, entitled "Freedom to Travel," based on the first national survey of the views of people with disabilities about transportation.
- The National Highway Traffic Safety Administration (NHTSA) recently issued a Final Rule regulating platform lifts and their installation in new motor vehicles.
- Since the inception of its Job Access and Reverse Commute Program, the Department of Transportation has funded over 200 state and local grantees in 44 states to provide new employment transportation services for low-income persons, including persons with disabilities.
- The Departments of Transportation, Education, Labor, and Health and Human Services are sponsoring "United We Ride," a five-part initiative to assist states and communities in coordinating human service transportation.

Improving Access

- The Solicitor General intervened in the Supreme Court case of *Tennessee v. Lane* to defend the constitutionality of Title II of the Americans with Disabilities Act as applied to state governments.
- The Department of Justice has reached 36 agreements with towns and cities under "Project Civic Access," an effort to ensure that towns and cities across America are fully accessible to people with disabilities.
- In 2003, the Department of Justice has achieved favorable action for persons with disabilities in well over 350 matters.

Background

On February 1, 2001, fewer than two weeks after his administration began, President George W. Bush announced the New Freedom Initiative. The New Freedom Initiative is a comprehensive strategy for the full integration of people with disabilities into all aspects of American life.

In 2001, more than a decade after passage of the Americans with Disabilities Act (ADA), the unemployment rate for people with severe disabilities remained unacceptably high – as high as seventy percent according to some estimates. Too many people with disabilities who could be living in the community with family and friends were still in institutions. People with disabilities had less access to transportation and education than the population at large. And technology, which holds such tremendous promise for people with disabilities, was still inaccessible to many of them.

While recognizing the critical role that the ADA has played in removing barriers – both architectural and attitudinal – faced by this Nation's 54 million people with disabilities, the New Freedom Initiative recognizes that more work needs to be done. For example, while the ADA makes it unlawful for employers to discriminate against qualified applicants and employees because of disability, reliable transportation, a quality education, and access to technology are equally important to reducing the unemployment rate of people with disabilities. The Supreme Court's landmark decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), stated that people with disabilities should be provided services in the community rather than in institutions, whenever appropriate. *Olmstead* was an important step toward achieving the promise of full integration of people with disabilities into the community. But this promise can only be realized if biases in our Medicaid system that favor institutional treatment change and only if safe and affordable housing options are available.

Much progress toward breaking down the barriers that still confront individuals with disabilities has been made since the announcement of the New Freedom Initiative. This Report summarizes significant activities that have occurred since publication of the first New Freedom Initiative Progress Report in May 2002.

Some of this progress builds on efforts undertaken during the first year of the New Freedom Initiative. For example, on March 21, 2002, nine agencies released a report entitled *Delivering on the Promise* in response to Executive Order 13217, which called for swift implementation of the *Olmstead* decision. Progress is being made on implementing many of the report's more than 400 solutions to remove barriers to full integration that exist in Federal programs affecting people with disabilities. Presidential commissions established by Executive Orders – the Commission on Excellence in Special Education and the New Freedom Commission on Mental Health – have now completed their work and have issued reports and recommendations that will inform future policy development.

The President has secured \$120 million since the beginning of his administration to promote research and development of assistive and universally designed technology and to put technology into the hands of more people with disabilities. Promoting full implementation of Section 508 of the Rehabilitation Act, which requires the accessibility of electronic and information technology

purchased, maintained, and used by the Federal government, also remains a priority for the President.

President Bush has continued to follow through on his promise to provide more funding for the Individuals with Disabilities Education Act (IDEA). Since Fiscal Year (FY) 2001, the President has secured more than \$3.7 billion in additional annual funding for the IDEA Part B State Grants program. He has proposed a further increase of \$1 billion in FY 2005.

Since 2001, the Social Security Administration has been answering the President's call for implementation of the Ticket to Work program. The program allows Social Security and Supplemental Security Income (SSI) disability beneficiaries to receive a "ticket" that they can take to a provider of their choice in order to obtain employment-related training and services. Thus far, approximately 4.9 million people in 33 states and the District of Columbia now have tickets, and an additional 3.5 million people will be issued tickets in the remaining 17 states and the U.S. territories this year.

The President continues to push for increases for the Department of Transportation to promote innovative solutions to transportation barriers that people with disabilities still confront. The Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) are advancing the President's commitment to full enforcement of the ADA. For example, the Solicitor General intervened in the Supreme Court case of *Tennessee v. Lane* to defend the constitutionality of ADA provisions that require state and local governments to make their programs and activities accessible to people with disabilities. DOJ, EEOC, and other agencies have also engaged in creative outreach efforts – to educate businesses about the advantages of seeing people with disabilities as potential employees and customers, and to inform people with disabilities about their rights and responsibilities under the ADA. The Department of Housing and Urban Development has promoted homeownership for people with disabilities through its voucher homeownership program and has provided technical assistance nationwide to architects, engineers, and developers on how to build accessible housing.

Several new initiatives have also been undertaken since May 2002. An August 2002 Executive Memorandum called for the development of a web portal containing links to government-wide resources on disability. Fewer than sixty days after issuance of the Memorandum, DisabilityInfo.gov was launched, and the site had more than 1.5 million visitors (with 30 million "hits") during 2003. A second Executive Memorandum, issued in February 2003, required agencies to better coordinate the availability of assistive technology mobility devices for people with disabilities. The working group that was created has detailed 34 agency actions that will be taken to make these devices more available.

In order to further implementation of *Olmstead*, the President has proposed \$2.2 billion in the budget over the next five years for the Department of Health and Human Services to conduct demonstration projects that promote community-based services for people with disabilities. The President is also supporting a number of demonstrations aimed at removing disincentives to work that exist in the Social Security and SSI disability benefit programs.

Agencies have also undertaken new activities on their own to further the New Freedom Initiative's goals of full integration of people with disabilities. Last July, Secretary of Commerce Donald Evans announced an eight-point plan for getting assistive and universally designed technology to the marketplace more quickly. Secretary of Labor Elaine Chao established the New Freedom Initiative Awards, which annually recognize employers and individuals who promote the employment of people with disabilities. Secretary of Health and Human Services Tommy Thompson established the Office on Disability to coordinate HHS activities that support the New Freedom Initiative. And the Department of Education has undertaken a number of new funding projects that support the recommendations in the report of the President's Commission on Excellence in Special Education. More than ever before, agencies are working together on initiatives that affect people with disabilities. They are also forging new partnerships with state and local governments, the business community, and organizations of and for individuals with disabilities.

Under the leadership of President Bush, and with the New Freedom Initiative serving as a set of guiding principles for change, the Administration will continue its efforts to break down the remaining barriers to the full integration of people with disabilities into everyday American life.

The President's New Freedom Initiative for People with Disabilities: The 2004 Progress Report

Chapter 1. Increasing Access Through Technology

Providing Access to Technology

New technologies are providing individuals with greater access to school, work, and community life. In addition to promoting the development of new assistive and universally designed technologies, the New Freedom Initiative helps to put assistive technology into the hands of more individuals with disabilities through policies that reduce barriers associated with cost.

Accomplishments

- The President secured \$37 million in FY 2002 funding for loan programs for individuals with disabilities to purchase assistive technologies under Title III of the Assistive Technology Act of 1998. The program matches state dollars with Federal dollars to create alternative financing mechanisms, such as low interest, long-term loans. The National Institute on Disability and Rehabilitation Research made 26 new awards in September 2003 totaling nearly \$36 million. A project to assess the performance and impact of the program was also funded.
- The President secured \$20 million in FY 2002, \$19 million in FY 2003, and \$20 million in FY 2004 to fund Rehabilitation Engineering Research Centers to promote research on assistive and universally designed technology.
- The President secured \$5 million in FY 2002, FY 2003, and FY 2004 for the Assistive Technology Development Fund to assist small businesses in the development and transfer of technologies.
- The President secured \$3 million in FY 2002, FY 2003, and FY 2004 for the Interagency Committee on Disability Research (ICDR) to improve coordination of the Federal Assistive Technology Research and Development Program. Several new agencies have been added to the ICDR.

Next Steps

- The President's FY 2005 budget includes the following:
 - \$20 million for the Rehabilitation Engineering Research Centers;
 - \$15 million for the Assistive Technology Alternative Financing Program;
 - \$5 million for the Assistive Technology Development Fund; and
 - \$3 million for the ICDR.

Assistive Technology Mobility Devices

In February 2003, the President signed an Executive Memorandum establishing the Interagency Working Group on Assistive Technology Mobility Devices. The Executive Memorandum directed the Working Group to: improve coordination between programs that fund or finance

assistive technology mobility devices (i.e., wheelchairs and scooters); train vocational rehabilitation counselors, other service providers, and individuals with disabilities on strategies to maximize access to assistive technology mobility devices; and inform individuals with disabilities about opportunities to access assistive technology mobility devices.

The Working Group submitted its report to the President in August 2003. It identifies 34 specific recommendations for Federal agencies to take in response to the President's Executive Memorandum. The report also identifies major Federal programs that provide financial support to eligible individuals with disabilities and describes how individuals with disabilities can pool funding from existing resources to obtain the assistive technology they need.

DisabilityInfo.gov

In August 2002, President Bush signed an Executive Memorandum requiring the creation of a cross-agency portal to make disability information easily accessible to all Americans. Fewer than sixty days later, Disabilityinfo.gov was launched. Operated by the Department of Labor, DisabilityInfo.gov streamlines access to information about Federally-sponsored employment, housing, job accommodations, transportation, income support, health care, state and regional assistance programs, technology, emergency preparedness, and other programs relevant to the daily lives of people with disabilities. DisabilityInfo.gov had more than 1.5 million visitors (more than 30 million hits) during 2003. More importantly, DisabilityInfo.gov averages over 2,000 referrals a day to partnering websites. Beginning in February 2004, DisabilityInfo.gov will be hosted on FirstGov.gov, the official one-stop portal for the United States government.

Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act requires that all electronic and information technology purchased, maintained, or used by the Federal government be readily accessible to and usable by individuals with disabilities. Section 508 seeks to harness the purchasing power of the Federal government to promote greater accessibility of all electronic and information technology. President Bush strongly supports implementation of Section 508, and views compliance with Section 508 as integral to meeting the requirements of the E-Government Act which he signed into law in December 2002. The Administration has taken a number of steps to ensure compliance with Section 508, and although the law's requirements apply only to the Federal government, initiatives are also being undertaken to promote better accessibility in the private sector and throughout state and local governments.

Accomplishments

- The Department of Justice operates a web page, www.usdoj.gov/crt/508/508home.html, and the General Services Administration hosts an interagency website, www.section508.gov, both of which provide extensive technical assistance on Section 508. In addition, the Department of Justice and the Access Board have provided technical assistance materials for web and software developers at the Access Board's website, www.access-board.gov. These websites also serve as useful sources of information for private businesses, state and local governments, manufacturers of equipment and software, vendors, and individuals with disabilities who want to learn

about accessible technology.

- The Department of Justice has issued a new technical assistance publication on making state and local government websites accessible.
- The Department of Justice worked closely with the Office of Management and Budget, the General Services Administration, the National Security Agency, and the interagency working group on Section 508 to develop the 2003 survey of all Federal agencies regarding compliance with Section 508. Federal agencies are currently responding to this survey, which will be completed in 2004.

Next Steps

- In 2004, the Department of Justice will issue a Section 508 report containing baseline data on the accessibility of the Federal government's websites.
- The Department of Justice will prepare a new comprehensive Section 508 report on procurement information, website compliance, and general implementation issues, based on the results of the 2003 survey.
- The Department of Justice will develop a document on website accessibility for public accommodations similar to the one it produced for state and local governments.

Creating a Robust Assistive Technology Industry Domestically and Internationally

Department of Commerce Secretary Donald Evans has developed an eight-point initiative to support the development of assistive technologies and to promote the U.S. assistive technology industry. The initiative is based on recommendations from a two-year survey of the assistive technology industry. The Secretary announced the initiative at a July 2003 special exhibition, featuring 31 assistive technology exhibitors, held to commemorate the 13th anniversary of the Americans with Disabilities Act (ADA). The initiative seeks to speed new technologies to individuals with disabilities, expand the U.S. assistive technology industry, and boost exports of our products and services. The development of a robust U.S. assistive technology industry will lead to greater assistive technology development and advancement.

Accomplishments

- The Department of Commerce is working with the Assistive Technology Industry Association (ATIA), industry trade associations, and disability organizations to provide data analysis to increase export promotion opportunities, provide technical manufacturing guidance, and catalog trade barriers.

Next Steps

- The Department of Commerce will reach out to industry via both technical forums and roundtables to engage representatives from industry and trade associations to share manufacturing information, discuss regulatory and trade impacts, and gain a greater understanding of new methods to improve the capabilities and success of U.S. assistive technology providers.
- The Department of Commerce will facilitate measurement and private sector standards development for assistive technology devices, in coordination with standards organizations, government agencies, industry, and user groups, so that new technologies

can be faster commercialized into the marketplace.

- The Department of Commerce will work with public and private research organizations to catalog and raise awareness of sources of technical assistance, product ideas, and patented inventions that could lead to the development of new assistive technology devices or services.

Other Activities

Taking their lead from the New Freedom Initiative, agencies have undertaken a variety of new projects to provide individuals with disabilities greater access to technology and greater access to information through technology. In other instances, agencies have built on already existing programs in significant and innovative ways. Following are some of the most significant agency activities that further the New Freedom Initiative's goal of promoting greater access through technology.

Accomplishments

- The Department of Labor's Employment and Training Administration provided a third year of funding to four grantees who are providing innovative strategies to address the extremely high rate of unemployment and underemployment of persons with disabilities by focusing on training in the high-skill, high-demand information technology sector. More than 625 individuals with disabilities have been training with the majority entering employment at average wages of \$14.75 per hour.
- The Department of Defense Computer/Electronic Accommodations Program (CAP) is a centrally funded program that provides assistive technology to allow Department of Defense and other Federal employees with disabilities to access electronic and information technology. While this program existed prior to the announcement of the New Freedom Initiative, it has expanded significantly since then. From 2001 through 2003, the program has entered into partnerships to provide accommodations for 58 Federal agencies.
- In support of the President's E-Government initiative, CAP unveiled a revised website, at <http://www.tricare.osd.mil/cap/>, that makes it easier for customers, people with disabilities, and supervisors to locate information and resources. The site enables visitors to conduct an on-line assessment of job duties to determine accommodation solutions, and enables individuals to complete an on-line accommodation request form. The site received over 3.5 million visitors in 2003.
- In 2003, CAP released a new totally accessible CD-Rom, "Real Solutions for Real Needs," describing its services and program goals.
- CAP's proactive approach to disability management offers employers assistance in addressing the problem of increasing workers' compensation claims resulting from manual dexterity problems. In FY 2003, CAP filled 346 requests for injured workers to support their abilities to return to work quickly as outlined in the President's Management Agenda.
- The Department of Education's National Institute on Disability and Rehabilitation Research increased by seven the number of Rehabilitation Engineering Research Centers since the announcement of the New Freedom Initiative. Rehabilitation Engineering Research Centers continue to develop assistive technologies, transfer assistive

technologies to the marketplace, and identify immediate assistive technology needs of the disability community. The Rehabilitation Engineering Research Centers represent the largest Federally-supported program responsible for advancing rehabilitation engineering research.

- Training in rehabilitation technology, including assistive technology mobility devices, is a current priority of training programs for state vocational rehabilitation agencies funded by the Department of Education's Rehabilitation Services Administration.
- The Department of Education's Rehabilitation Services Administration established and is receiving information from a workgroup tasked with improving procurement policies for assistive technology within state vocational rehabilitation agencies. Focused on procedural flexibility for state workers and choice for consumers, the workgroup will generate a list of possible improvements to the procurement process.
- The Department of Transportation's Volpe Center posted and promoted industry-tested transit website usability guidelines on a Federal Transit Administration website for the use of state and local transit agency webmasters. The guidelines include user-tested recommendations for Section 508 compliance for essential transit-specific graphical information, such as system and route maps.
- The Department of Transportation is a major source of funding and supporter of the Transportation Research Board (TRB). Transportation is often a barrier for people with impaired vision, and a significant challenge to employment. A TRB Transit Innovations Deserving Exploratory Analysis project has developed a cost-effective system that helps clarify (for all riders) the surprisingly complex process of purchasing a ticket from transit fare vending machines. This system requires few modifications to existing equipment.
- The National Highway Traffic Safety Administration's research program is focused on further developing and validating a safety test procedure for electronic steering and brake controllers that are used by persons with disabilities.

Chapter 2. Expanding Educational Opportunities for Youth with Disabilities

Increasing Funding for the Individuals with Disabilities Education Act

The President has delivered on his promise in the New Freedom Initiative to increase funding for the Individuals with Disabilities Education Act (IDEA), which requires that eligible students with disabilities be provided a free appropriate public education.

Accomplishments

- Since FY 2001, the President has obtained more than \$3.7 billion in additional annual funding for the IDEA Part B State Grants program. In FY 2004, nearly \$10.1 billion are available for this program, which represents an increase of 59% since 2001.

Next Steps

- The President's FY 2005 budget proposal includes another \$1 billion increase for the IDEA Part B State Grants program.

President's Commission on Excellence in Special Education

Executive Order 13227, issued on October 2, 2001, created the President's Commission on Excellence in Special Education and charged the Commission with collecting information, studying issues related to Federal, state and local programs, and recommending policies for improving the educational performance of students with disabilities. The Commission, which was chaired by former Iowa Governor Terry Branstad, held thirteen public hearings in cities nationwide and considered the views of hundreds of experts in the field of education, parents of children with disabilities, and individuals with disabilities themselves.

The Commission submitted its final report to the President on July 1, 2002. The report, entitled *A New Era: Revitalizing Special Education for Children and Their Families*, <http://www.ed.gov/inits/commissionsboards/whspecialeducation/reports/index.html>, presents the following broad recommendations:

1. Focus on results -- not on process. While IDEA must retain the legal and procedural safeguards necessary to guarantee a "free appropriate public education" for children with disabilities, it will only fulfill its intended purpose by raising expectations for students and becoming more results-oriented, rather than driven by process, litigation, regulation, and confrontation.
2. Embrace a model of prevention, not a model of failure. Reforms must move the system toward early identification and swift intervention, using scientifically based instruction and teaching methods. This will require changes in the Nation's elementary and secondary schools, as well as reforms in teacher preparation, recruitment, and support.
3. Consider children with disabilities as general education children first. Special education should not be treated as a separate cost system, and evaluations of spending must be

based on all child expenditures, including funds from general education. Funding arrangements should not create an incentive for special education identification or become an option for isolating children with learning and behavior problems. Flexibility in the use of all educational funds, including those provided through IDEA, is essential.

Improving Educational Opportunities for Youth with Disabilities

The Department of Education, sometimes in collaboration with other Federal agencies, funds numerous studies aimed at improving educational outcomes for individuals with disabilities. The New Freedom Initiative and the recommendations of the President's Commission on Excellence in Special Education have shaped recent funding priorities, as the following notable projects demonstrate.

Accomplishments

- In September 2003, the Department of Education and the Department of Health and Human Services funded eight research projects to explore the effectiveness of curriculum interventions or programs in preparing at-risk children for school. The projects have an emphasis on early reading intervention curriculum research and evaluation.
- In September 2002, the Office of Special Education Programs at the Department of Education supplemented the National Center on Accessing the General Curriculum at the Center for Applied Special Technology, Inc. (CAST), to define voluntary accessibility standards that would increase the quality and timely availability of accessible versions of print textbooks to PreK-12 students with disabilities (e.g., Braille textbooks for students who are blind). A forty-member National File Format (NFF) Technical Panel, representing educators, publishers, technology specialists, and advocacy groups, achieved consensus on a set of standards. It is anticipated that the Panel's finding and recommendations will be made public in the very near future. The NFF Panel work is documented at <http://www.cast.org/nff>.
- Newly funded in FY 2003 by the Department of Education, the National Drop-Out Prevention Center for Youth with Disabilities at Clemson University aims to increase rates of school completion by students with disabilities, emphasizing drop-out prevention for enrolled students and re-entry into education by students who have dropped out of school.
- In July 2003, the Department of Education's Rehabilitation Services Administration announced a funding priority to focus attention on the adult literacy needs of individuals with learning disabilities pursuing employment under the state vocational rehabilitation services program. Projects supported under this priority will demonstrate whether certain specific literacy services may raise the literacy levels and earnings of individuals with disabilities.
- The Department of Education and the Department of Health and Human Services have formed a partnership to support research to enhance literacy and employment skills of young American adults. Three research grants were awarded in FY 2003.
- The Department of Education's Office of Special Education Programs recently funded two centers related to student progress monitoring, an underutilized, scientifically-based practice that helps teachers better target instruction to enhance student learning.

- The Department of Education's Office of Special Education Programs funds a set of directed projects that pursue a systematic program of research designed to increase our understanding of access to the general education curriculum for students with significant cognitive disabilities.

Youth Transition

As the New Freedom Initiative results in better educational opportunities and outcomes for more people with disabilities, it is critical that efforts are undertaken to promote the successful transition of youth to post-secondary school, work, and other goals. The Administration supports this transition in a number of ways, including through programs that promote mentoring.

Accomplishments

- As a result of a collaborative effort between the Department of Labor and the Department of Education, over \$880,000 was awarded in 2003 to six faith-based and community intermediary organizations to help build the capacity and knowledge of faith-based and community organizations to provide mentoring services to young people with disabilities.
- In March 2003, the Department of Education's Office of Special Education and Rehabilitative Services began an initiative with the Mitsubishi Electric America Foundation. The purpose of the partnership was to convene Federal agencies and foundations active in funding programs for youth with disabilities to explore working cooperatively, leveraging resources and expertise, jointly identifying priority goals, and cultivating projects to improve outcomes for youth with disabilities.
- A set of model projects being funded by the Department of Education's Office of Special Education and Rehabilitative Services demonstrate new or improved approaches to participation and successful interagency collaboration in planning for the transition of youth with disabilities from school to post-school goals and objectives like post-secondary education or training, employment, independent living, and community participation.
- In September 2003, the Department of Education's Office of Special Education and Rehabilitative Services partnered with the National Center on Secondary Education and Transition (NCSET), to sponsor a National Leadership Summit in collaboration with fifteen Federal agencies and national organizations. The purpose of the national summit was to provide a forum for states to increase their capacity to work collaboratively on the issues of improved outcomes for youth with disabilities. A coordinated technical assistance plan based on the work of the summit is being developed to help guide technical assistance strategies targeted to state needs.
- The Partnerships for Effective Youth Transitions is a set of model projects that demonstrates the development of comprehensive services systems designed to meet unique developmental needs of transitioning youth with a serious emotional disturbance and/or emerging mental illness and their families. Model projects are currently being funded in Pennsylvania, Maine, Minnesota, Utah, and Washington. This is a collaborative effort between the Department of Health and Human Services' Center for Mental Health Services and the Department of Education's Office of Special Education and Rehabilitative Services.

- In November 2003, the Department of Health and Human Services' Family and Youth Services Bureau hosted the Second National Youth Summit, which included sessions on transition issues for youth with disabilities. This Summit drew approximately 1,200 participants, including 300 youth leaders. Sessions included information on youth with disabilities making a successful transition to employment and lifelong learning, and highlighted particular youth development projects.
- Since 2001, the Department of Labor's Office of Disability Employment Policy has hosted Disability Mentoring Day, in collaboration with the American Association of People with Disabilities and corporate sponsors. On October 15, 2003, almost 7,000 young people from all 50 states, Washington, D.C., the Virgin Islands, and Puerto Rico spent the day in hundreds of businesses, nonprofit organizations, and government institutions. In addition, Disability Mentoring Day expanded its international reach with celebrations in Belgium, Bulgaria, Canada, France, Germany, Italy, Ireland, Kenya, Kosovo, New Zealand, Nigeria, Spain, and the United Kingdom.
- In 2003, the Department of Labor's Office of Disability Employment Policy provided approximately \$6.3 million in new grant monies to support workforce development systems change projects geared toward improving transition results for youth with disabilities through the incorporation of evidence-based design features into the system of youth service delivery.
- In FY 2003, the Social Security Administration provided more than \$5 million in grants to selected states to improve the way services are provided for youth transitioning from high school into adult life. The project involves coordination of state and Federal resources and targets individuals ages 14 to 25 who receive Supplemental Security Income benefits. The President has secured \$10.2 million for this project in FY 2004 and has requested \$9.9 million for FY 2005.

Chapter 3. Integrating Americans with Disabilities into the Workplace

Expanding Telecommuting

Telework is continuing to gain in popularity in both the private and public sectors. President Bush believes that the ability to telework increases available employment options for individuals with disabilities, and his New Freedom Initiative directs that activities be undertaken to promote the expansion of telework options.

Accomplishments

- The President established the Access to Telework Fund program to allow individuals with disabilities to work from home or from other remote sites away from the office. Under this program, individuals with disabilities, their families, guardians, advocates, and other authorized representatives will have increased access to computers and other equipment, including adaptive equipment, through state programs that offer alternative financing mechanisms. The Department of Education's Rehabilitation Services Administration has funded 20 projects under this program.
- The Departments of Labor, Health and Human Services, and Veterans Affairs are conducting a two-year study to evaluate the extent and manner in which various home-based telework/telecommuting arrangements, including call center and medical transcription services, can enhance the employment of people with disabilities. The three pilots required by this research project were launched during 2003, and an interim report to Congress will be sent in early 2004.
- In February 2003, the Equal Employment Opportunity Commission released a fact sheet to help employers and employees determine whether working at home is an appropriate form of reasonable accommodation under the Americans with Disabilities Act. See <http://www.eeoc.gov/facts/telework.html>.
- The Office of Personnel Management has recently produced a videotape to promote the use of telework and is currently developing two e-Training modules to be posted on www.golearn.gov (the website for the Federal government online learning center) on the telework program.

Next Steps

- The President continues to support in his FY 2005 budget a proposal allowing individuals to exclude from taxable income the value of computers, software, and other equipment provided by their employers for telecommuting.
- The Department of Labor will conduct post-pilot follow-up from its telework project to prepare a final report to Congress on the feasibility of various home-based telework arrangements for promoting employment opportunities for people with disabilities.

Implementation of "Ticket to Work"

The Bush Administration vigorously promoted implementation of the landmark Ticket to Work and Work Incentives Improvement Act (Ticket Act). Under the Ticket to Work program, eligible individuals receiving Social Security and/or Supplemental Security Income benefits due

to disability or blindness receive a ticket that they may use to obtain vocational rehabilitation services, employment services, or other support services from an employment network or a State vocational rehabilitation agency of their choice. The Social Security Administration administers the Ticket to Work program.

Accomplishments

- The Ticket to Work program is being rolled out in three phases, the first two of which have already been completed. During the first two phases, approximately 4.9 million tickets were issued in 33 states and the District of Columbia. As of December 2003, the Social Security Administration had awarded 1,067 contracts to public and private entities wishing to serve as employment networks for ticket holders.
- In 2001, the Social Security Administration and the Department of Labor established Ticket to Hire, a free national employer referral service to help beneficiaries participating in the Ticket to Work program find work. Ticket to Hire links employment networks and state vocational rehabilitation agencies servicing job-ready Ticket beneficiaries to employers who are seeking qualified candidates for positions. To date, Ticket to Hire has enrolled over 800 employers and referred over 900 candidates. *See* <http://www.ssa.gov/work/Ticket/TicketHire.html>.

Next Steps

- The Social Security Administration will complete the third and final phase of the roll out of Ticket to Work. During this phase, 3.5 million tickets will be sent out in the remaining 17 states and the U.S. territories.

Full Enforcement of the Americans with Disabilities Act

The President supports full enforcement of the Americans with Disabilities Act (ADA), but recognizes that more work needs to be done. Federal agencies, including the Department of Justice and the Equal Employment Opportunity Commission, enforce the ADA through complaint investigations and litigation. The New Freedom Initiative also calls upon agencies to develop new, innovative strategies to educate covered employers about the ADA and about the benefits of hiring qualified individuals with disabilities.

Accomplishments

- The Department of Justice created the “ADA Business Connection,” a project to bring about increased compliance with the ADA by fostering a better understanding of ADA requirements among the business community and by increasing dialogue and cooperation between the business community and the disability community. Continuing work has resulted in productive discussions and promising collaborations between the business and disability communities.
- The Department of Justice created a new ADA Business Connection destination on its ADA website, www.ada.gov, that provides easy access to information of interest to businesses including a new series of ADA Business Briefs on specific compliance issues, such as assistance at gas stations, accommodation of individuals who use service animals, and restriping parking lots. These one-sheet flyers are designed to be easily printed for direct distribution to a business's employees or contractors.

- The Department of Justice released a new small business video, *Ten Small Business Excuses: Information on the Americans with Disabilities Act*, to educate small businesses about their ADA obligations. It provides practical information and dispels common misunderstandings that small businesses have about the ADA. The tape can be used for ADA training and for presentation to local civic associations.
- In October 2002, the Department of Education announced a partnership with the U.S. Chamber of Commerce to acquaint businesses with programs and resources available at the Department of Education and at the Chamber to help employers tap into the disability community for qualified workers. The two organizations held a Webcast entitled *Disability Employment 101: Learn to Tap Your HIRE Potential*, which featured government and private officials discussing current research, successful strategies, and initiatives of the Department of Education related to employing people with disabilities. In October 2003, the Department of Education and the Chamber of Commerce released a guidebook with the same title to acquaint business leaders with programs and resources available to assist them in hiring people with disabilities.
- In December 2003, the Department of Labor and the Small Business Administration entered into a Strategic Alliance Memorandum creating the New Freedom Small Business Initiative. The agencies will work together to assist adult workers with disabilities in acquiring skills and resources necessary to become small business owners and educate small business owners about the benefits of hiring people with disabilities. The memorandum also calls for creation of a new interagency working group to develop and implement a coordinated plan for the New Freedom Small Business Initiative.
- In October 2003, the Equal Employment Opportunity Commission released the first in a series of fact sheets on how the ADA applies to particular disabilities in the workplace. These fact sheets convey information about the ADA in a user-friendly format. The first fact sheet answers a series of frequently asked questions about diabetes. See <http://www.eeoc.gov/facts/diabetes.html>.
- In August 2002, the Equal Employment Opportunity Commission released *The Americans with Disabilities Act: A Primer for Small Business*. See <http://www.eeoc.gov/ada/adahandbook.html>. In addition to widespread Internet dissemination, 15,000 hard copies of the *Primer* have been distributed throughout the country, including through targeted distribution to local Chambers of Commerce in traditionally under-served areas.
- In April 2002, the Equal Employment Opportunity Commission initiated its New Freedom Initiative Small Business Workshop project, and thus far has delivered more than 50 free workshops for businesses with between 15 and 100 employees or businesses that expect to expand in the near future. The workshops include practical information about the ADA, as well as information about tax incentives for hiring and retaining qualified individuals with disabilities, resources that small employers can consult to find appropriate reasonable accommodations, and information about how to find qualified individuals with disabilities to fill jobs. A number of these workshops have been co-sponsored with local Chambers of Commerce, minority business associations, and workforce development centers in geographically under-served areas. Many of these workshops are presented in partnership with the Department of Justice, which provides information on the ADA's public accommodations provisions.

- During FY 2002, the Equal Employment Opportunity Commission successfully resolved over 4,000 complaints of disability discrimination and recovered almost \$50 million in monetary benefits for ADA claimants. Most of these complaints were resolved administratively or with the help of the agency's highly successful mediation program.

Next Steps

- The Department of Justice will expand the ADA Business Connection by reaching out to small businesses nationwide, together with the Chamber of Commerce and the Small Business Administration, to help small businesses focus on persons with disabilities as customers and potential employees.
- The Department of Justice will establish a strategic partnership that takes advantage of the Small Business Administration's broad distribution network for the purpose of outreach to the business community on disability issues.
- The Department of Justice will develop new publications addressing important concerns of small businesses.
- The Department of Justice will focus more attention in litigation on cases that protect access to education, child care, and testing and licensing, all of which are gateways to employment and self-sufficiency for people with disabilities.
- The Equal Employment Opportunity Commission will release user-friendly fact sheets on how the ADA applies to other disabilities in the workplace.

Promoting Understanding and Use of Tax Incentives

Various tax incentives, including the Work Opportunity Tax Credit, seek to promote the hiring and advancement of qualified individuals with disabilities. Unfortunately, many businesses are not fully aware of them. The New Freedom Initiative calls for increased outreach to business about these tax incentives.

Accomplishments

- In 2002 and 2003, the Department of Justice sent newsletters to over seven million businesses containing articles about ADA-related tax incentives and other advantages of complying with the ADA. Readers were directed to the Department's ADA Information Line and the ADA Website for compliance assistance and a free ADA Tax Incentives packet.
- The Department of Labor's Office of Disability Employment Policy developed and disseminated a fact sheet, *Tax Incentives for Business*.
- The Department of Labor joined the Department of Housing and Urban Development in Community Renewal Workshops to educate participants in disability related tax matters and to disseminate the *Tax Incentives for Business* fact sheet. Participants of the workshops included economic development organizations and managers and operators of One-Stop Career Centers.
- The Equal Employment Opportunity Commission regularly includes information about tax incentives as part of its New Freedom Initiative Small Business Workshops.

Enhancing the Workforce Investment System

The Workforce Investment Act (WIA) of 1998 requires the establishment of One-Stop Employment Centers throughout the country. Governed by Local Workforce Investment Boards comprised of business and community leaders, the One-Stop Centers provide a single source of information about a variety of Federal programs that provide employment and training services. The One-Stop Centers must be accessible and offer their services in a non-discriminatory way to individuals with disabilities.

Accomplishments

- The Department of Labor and the Social Security Administration collaborated to provide \$18 million over two years for a pilot and evaluation of a new position within the One-Stop Centers, the Disability Program Navigator. The Disability Program Navigator provides expertise on the many programs and services that impact the successful employment of people with disabilities. A primary objective of the Navigator is to increase employment and self-sufficiency for persons with disabilities by linking them to employers and by facilitating access to programs and services that will enable their entry or re-entry into the workforce.
- The Department of Labor developed a comprehensive checklist for use by One-Stop Career Centers to aid in their compliance with WIA's disability non-discrimination requirements, and conducted a series of training sessions and on-site evaluation reviews for specific One-Stop Centers.
- The Department of Labor's Office of Disability Employment Policy's eighteen Customized Employment grants served 1,292 persons with significant disabilities with customized employment strategies through the One-Stop Career Center programs. Of that group, 595 have secured employment, earning an average hourly wage of \$8.99.
- The Department of Labor's Office of Disability Employment Policy awarded thirteen additional Customized Employment grants at the end of FY 2003, including five new grants extending customized employment services to persons with disabilities who are chronically homeless. These five collaborative grants are part of an unprecedented partnership between the Departments of Labor and Housing and Urban Development, with the assistance of the United States Interagency Council on Homelessness. They are designed to demonstrate the effectiveness of a coordinated effort to eradicate chronic homelessness by combining the efforts of local workforce development systems with their community's permanent housing service providers.
- The Department of Labor's Employment and Training Administration awarded 42 Work Incentive Grants totaling \$17 million during FY 2003. The Work Incentive Grant program addresses infrastructure inadequacies and programmatic access of the One-Stop system for people with disabilities.

Removing Disincentives to Work

Last year, approximately 5.85 million disabled workers received Social Security Disability Insurance (SSDI) benefits, and nearly four million working-age persons with disabilities received Supplemental Security Income (SSI) benefits. Fewer than one half of one percent of these individuals ever join or re-enter the workforce. While SSDI and SSI benefits are essential for

some individuals who, because of their disabilities, are unable to obtain gainful employment, the President is committed to removing disincentives to work that have long existed in the Social Security system and providing adequate supports for those wishing to move from the benefit rolls to work.

Accomplishments

- The President has supported increases to the Social Security Administration's budget to fund several demonstration projects aimed at removing disincentives and providing appropriate employment supports for those who want to work.
 - The President has committed \$7 million in FY 2004 and has requested \$25.5 million for FY 2005 for a project that would allow individuals to face a gradual reduction in benefits when they earn more than a certain amount, rather than a complete loss of benefits. Certain employment supports would also be provided, and individuals would be allowed to remain eligible for other benefits available under Title II of the Social Security Act, including health coverage.
 - The President has committed \$8.6 million in FY 2004 and has requested \$18.7 million in FY 2005 for another project that would provide a number of interventions to enable applicants for SSDI benefits to find and maintain gainful employment. Interventions would include access to a wide range of necessary employment services, a one-year cash stipend equal to the applicant's estimated SSDI benefit, and Medicare for three years to locate and maintain gainful employment.
 - The President committed \$5.4 million for FY 2004 and has requested \$12.6 million in FY 2005 for a demonstration project that studies the effects of the availability of treatment funding on the health care and job seeking of individuals with mental disabilities. Social Security would pay the costs of outpatient treatment and vocational rehabilitation services not covered by other insurance for individuals with mental disabilities participating in the study.

Promoting Best Practices

Promoting public and private sector best practices that work to enhance employment opportunities for people with disabilities works hand-in-hand with technical assistance efforts to foster integration of people with disabilities into the workplace.

Accomplishments

- In October 2002, Secretary of Labor Elaine L. Chao established the New Freedom Initiative Awards to recognize organizations and individuals that demonstrated exemplary and innovative efforts in furthering the New Freedom Initiative's employment objectives. For information about the program and the 2003 recipients, see <http://www.dol.gov/odep/newfreedom/nfi03.htm>. For information about the 2002 recipients, see <http://www.dol.gov/odep/newfreedom/recipients.htm>.
- The Equal Employment Opportunity Commission has initiated a project in which the agency, in partnership with the governors from several states, will conduct a study of state best practices for promoting the hiring, retention, and advancement of individuals

with disabilities. Thus far, the governors of Maryland, Vermont, Washington, and Florida have agreed to participate in the project.

Next Steps

- The Equal Employment Opportunity Commission expects that additional states will participate in its review of best practices. EEOC will release a report on state best practices, disseminate it to all states, and post it on the agency's website, www.eeoc.gov.

Promoting the Federal Government as a Model Employer

The Administration takes seriously the Rehabilitation Act's call for the Federal government to be a model employer of individuals with disabilities. In addition to efforts to promote compliance with Section 508 of the Rehabilitation Act, agencies have done or will do the following to further the hiring, retention, and advancement of qualified individuals with disabilities:

Accomplishments

- Seeking to substantially increase the number of individuals with disabilities employed by Federal agencies, the Office of Personnel Management is currently analyzing the excepted service Schedule A appointment authority for possible restructuring. This appointing authority is used when competitive examining is not practicable. After a period of satisfactory performance, individuals hired under Schedule A can be converted to competitive service appointments.
- The Department of Labor's Office of Disability Employment Policy hosted *Emergency Preparedness for People with Disabilities: An Interagency Seminar of Exchange for Federal Managers*. The seminar provided an opportunity for Federal managers in the fields of emergency preparedness, office safety, and disability programs to exchange effective practices that involve employees with disabilities in agency planning activities.
- In October 2002, the Office of Personnel Management provided a briefing for more than sixty agencies' Selective Placement Program Coordinators and other Federal human resources professionals regarding hiring flexibilities and the appointing authorities that permit agencies to hire persons with disabilities.
- The Department of Education's Office of Special Education and Rehabilitative Services is providing technical assistance to the Department of Homeland Security's Office of Civil Rights and Civil Liberties to assist in the recruitment and hiring of people with disabilities. Working with state vocational rehabilitation agencies and Centers for Independent Living, DHS hopes to attract qualified candidates with disabilities for opportunities at headquarters and in field offices.

Reaching out to Individuals with Disabilities

Efforts to educate individuals with disabilities complement outreach efforts to businesses. A number of initiatives aimed at individuals who have either never worked before or who are seeking to return to work, help to inform potential employees of their rights and responsibilities as they seek employment with better informed employers.

Accomplishments

- In FY 2003, through the Workforce Recruitment Program, the Department of Labor's Office of Disability Employment Policy helped 329 college students with disabilities obtain summer work experience in nineteen Federal agencies.
- In October 2003, the Equal Employment Opportunity Commission released a fact sheet for individuals with disabilities seeking employment entitled *Job Applicants and the Americans with Disabilities Act*. See <http://www.eeoc.gov/facts/jobapplicant.html>.
- The Equal Employment Opportunity Commission has begun providing free ADA workshops for individuals with disabilities seeking to enter the workforce. These workshops will be cosponsored by Centers for Independent Living and other organizations that provide employment-related services to people with disabilities.
- The Office of Personnel Management has launched a nationwide recruitment initiative at high schools that have a high concentration of people with disabilities.

Other Employment Related Activities

There are a number of other Administration activities that are expected to contribute to reducing the unacceptably high unemployment rate among individuals with disabilities.

Accomplishments

- On September 3, 2003, the Federal Motor Carrier Safety Administration (FMCSA) announced that it will exempt certain insulin-treated diabetic truck and bus drivers from the diabetes prohibitions in the Federal Motor Carrier Safety Regulations. The new program for these exemptions will apply to drivers of commercial motor vehicles in interstate commerce. The FMCSA is not amending its diabetes standard.
- As the result of a January 2003 meeting with individuals with psychiatric disabilities and professionals who serve this population, the Rehabilitation Services Administration is developing a publication containing the most innovative practices currently used by vocational rehabilitation professionals in assisting individuals with psychiatric disabilities to become employed. RSA is consulting with representatives from the state vocational rehabilitation agencies, consumers, mental health advocates, community-based rehabilitation providers, and university personnel. A draft of the report will be available in May 2004. The final publication will be used in training rehabilitation professionals and as a technical assistance resource for other individuals interested in this topic.
- In March 2003, the Rehabilitation Services Administration held the first in a series of meetings to highlight the vocational rehabilitation needs of individuals with traumatic brain injury. The one-day meeting facilitated discussion with advocates, researchers, partner program administrators, consumers, and providers of services and resulted in a list of recommendations designed to improve the services provided to this population.
- In November 2003, the Department of Labor joined the Department of Education, university personnel, and representatives from the state vocational rehabilitation agencies in forming a new study group on the topic of "Developing a New Paradigm for Vocational Evaluation." This group, which will release its draft report in May 2004, will make recommendations on how vocational evaluations can be provided more efficiently and effectively to improve the employment of individuals with disabilities.

Chapter 4. Promoting Full Access to Community Life

Swift Implementation of the *Olmstead* Decision

The Supreme Court's landmark decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), affirmed the right of individuals with disabilities to live in the community rather than in institutions whenever possible. The President recognizes, however, that making the promise of full integration a reality for people with disabilities means not only changing existing practices that favor institutionalization over community-based treatment, but also providing the affordable housing, transportation, and access to state and local government programs and activities that make community life possible.

As part of his promise in the New Freedom Initiative to swiftly implement the *Olmstead* decision, the President issued Executive Order 13217, which requires coordination among numerous Federal agencies that administer programs affecting access to the community for people with disabilities. On March 25, 2002, nine Federal agencies submitted to the President a report entitled *Delivering on the Promise*. The report summarizes agency activities that support *Olmstead's* goal of integration, identifies barriers that exist within programs to full implementation of *Olmstead*, and proposes more than 400 solutions aimed at removing these barriers. Many of the accomplishments that follow are direct consequences of Executive Order 13217 and the recommendations made in *Delivering on the Promise*.

Accomplishments

- In October 2002, Health and Human Services Secretary Tommy Thompson established the Office on Disability to address the coordination of disability policies and programs across HHS agencies. It also oversees the implementation of the New Freedom Initiative within HHS, enhances Federal initiatives among individuals with disabilities, and coordinates interagency and interdepartmental actions.
- The Department of Health and Human Services' Centers for Medicare and Medicaid Services has awarded approximately \$160 million since 2001 to states and other eligible entities under the Real Choice Systems Change Grants for Community Living to enable individuals with disabilities to reside in their homes and participate fully in community life. The President secured an additional \$40 million for this program in FY 2004.
- In FY 2003, the Department of Health and Human Services' Centers for Medicare and Medicaid Services funded a \$6 million demonstration grant to improve the direct service community workforce, which enables state and community-based providers to test new strategies for recruiting, training, and retaining direct service workers. In FY 2004, \$6 million will be provided for this program.
- The Department of Health and Human Services Administration on Aging continues to support family caregivers through the National Family Caregiver Support Project. Established in 2001, this program has provided over \$400 million to states and tribes to develop multi-faceted systems of support to extend the caregiving efforts of families, friends, and neighbors.

- The Departments of Justice and Health and Human Services have entered into an agreement under which HHS refers *Olmstead*-related complaints to DOJ's ADA mediation program. To date, several complaints have been successfully mediated.
- The Department of Justice evaluates residential placements in each new investigation under the Civil Rights of Institutionalized Persons Act (CRIPA) of healthcare facilities in light of the ADA's requirement that services be provided to residents in the most integrated setting appropriate to their needs. The Department has issued letters of findings citing violations of *Olmstead* involving four facilities for persons with developmental disabilities, six nursing homes, and the children's unit of a psychiatric hospital.
- The Department of Justice has worked with officials in several states to help states and other jurisdictions provide community-based services to persons who are currently residing in publicly-operated institutions.
- In September 2003, the Department of Labor's Office of Disability Employment Policy and Center for Faith-Based and Community Initiatives awarded \$500,000 to eight recipients to provide home modifications as a means of expanding the community integration of individuals with disabilities, particularly those seeking employment. The grant addresses a frequently cited barrier to participation in work and community -- the lack of affordable home modifications, such as ramps, widened doorways, lowered countertops, and cabinetry accessible to those who use wheelchairs.

Next Steps

- In the FY 2005 budget, the President has proposed the following to establish demonstration projects aimed at removing barriers to community-based treatment and services for individuals with disabilities
 - \$1.75 billion through FY 2009 for the "Money Follows the Individual Rebalancing Demonstration," with \$350 million targeted for FY 2005. This demonstration would assist states in re-balancing long-term care systems to support cost-effective choices between institutional and community options, including financing Medicaid services for individuals who move from institutions to the community.
 - \$327 million through FY 2009, with \$18 million for FY 2005, to fund three demonstrations that promote home and community-based care alternatives. Two of the demonstrations provide respite care services for caregivers of adults with disabilities or long-term illness and children with substantial disabilities. Another demonstration provides community-based care alternatives for children who are currently residing in psychiatric residential treatment facilities.
 - \$102 million through FY 2009, with \$17 million in FY 2005, to continue Medicaid eligibility for spouses of individuals with disabilities who return to work. Under current law, individuals with disabilities might be discouraged from returning to work because the income they earn could jeopardize their spouse's Medicaid eligibility. This proposal would extend to the spouse the same Medicaid coverage protection now offered to the worker with a disability.
 - \$40 million to continue the Real Systems Change Grants Program administered by the Department of Health and Human Services' Centers for Medicare and Medicaid Services.

- Nearly \$3 million to continue the demonstration program being administered by the Department of Health and Human Services' Centers for Medicare and Medicaid Services to promote the recruiting, training, and retention of direct service workers.

Promoting Homeownership for People with Disabilities

For many, homeownership is an important part of what it means to achieve the “American Dream.” The New Freedom Initiative is committed to making the American Dream of homeownership a reality for more people with disabilities.

Accomplishments

- The Department of Housing and Urban Development is advancing homeownership for persons with disabilities with its voucher homeownership program. Currently, thirty percent of families on the voucher homeownership program include a person with disabilities.
- On November 5, 2003, the Office on Disability within the Department of Health and Human Services co-sponsored with the Department of Housing and Urban Development, Fannie Mae, the Center for Medicare and Medicaid Services, and the National Institutes on Health, the Symposium on Homeownership for Persons with Disabilities. The Symposium provided best practices and lessons learned from states that have effectively provided homeownership to individuals with disabilities. Presented as a live webcast, the symposium can be accessed for one year from the Office on Disability website, www.hhs.gov/od/. The Office on Disability, along with the homeownership co-sponsors, is continuing to provide information forums and “think tank” meetings targeted to national constituent organizations to help increase the availability of affordable housing for individuals with disabilities.

Next Steps

- Building on recent success, the Office on Disability, the Department of Housing and Urban Development, the Centers for Medicare and Medicaid Services, and the National Institutes on Health will sponsor a second webcast on homeownership in June 2004, as part of Homeownership Month.

Expanding Rental Housing Options

Individuals with disabilities seeking access to rental housing face a number of challenges – from physically inaccessible units and common areas to attitudinal barriers. The New Freedom Initiative is committed to removing these barriers, and much has been accomplished through a combination of outreach, technical assistance, and enforcement of the Fair Housing Act.

Accomplishments

- The Department of Housing and Urban Development will complete a study in the fall of 2004, on the nature and extent of discrimination that persons with disabilities face when they seek to rent housing. It will help the Department address such discrimination.
- The Departments of Housing and Urban Development, Health and Human Services, Veterans Affairs, and Labor have sponsored “Policy Academies,” a collaborative initiative that provides assistance to help state and local governments access mainstream supportive services for homeless people. The Policy Academy panels provide broad representation from many organizations, including advocates for persons with disabilities. Five academies have been conducted and two more are planned.
- The Department of Housing and Urban Development’s Fair Housing Accessibility FIRST (FIRST) initiative is a major education and outreach program providing training and technical guidance on a national scale to assist architects and builders design and construct apartments and condominiums with legally required accessibility features. In FY 2003, FIRST trained over 1,500 housing professionals in 26 training events nationwide and responded to over 800 inquiries for technical guidance. In FY 2004, FIRST will continue to provide education and outreach through trainings, the FIRST website (www.fairhousingfirst.org), and a toll free technical guidance number (1-888-341-7781 V/TTY).
- In FY 2003, the Department of Housing and Urban Development provided \$30 million in grants to provide Service Coordinators in Federally supported housing for low income elderly and people with disabilities. Service Coordinators work with residents to locate and access health care, meals, and other critical support services. These grants help residents to obtain supportive services that enable the elderly and people with disabilities to remain in community based housing, rather than be forced to move to nursing homes, segregated housing for persons with disabilities, or institutions.
- In collaboration with the Departments of Health and Human Services and Veterans Affairs, the Department of Housing and Urban Development has developed a \$35 million initiative to jointly fund eleven grants for three years to provide services and permanent housing to people with disabilities who are chronically homeless.
- The Department of Justice and the Department of Housing and Urban Development collaborated to provide training on the accessibility requirements of section 504 of the Rehabilitation Act of 1973 to public housing authorities across the country.
- During the past two years, the Department of Justice filed fifteen lawsuits under the Fair Housing Act against developers, architects, and civil engineers who designed and constructed inaccessible multi-family housing. Also during this time, the Department entered into fifteen consent decrees resolving FHA enforcement actions filed to require recently constructed apartments and condominiums to be made accessible to persons with disabilities.

Access to Transportation

Access to transportation is absolutely critical for achieving full integration of individuals with disabilities into the community. People with disabilities need reliable transportation so that they can get and keep jobs, access medical care, and participate in all of the activities a community has to offer.

President Bush requested \$145 million in new funding for the Department of Transportation in FY 2002 and FY 2003 to promote innovative programs that would remove transportation barriers that individuals with disabilities continue to face. Congress did not appropriate these funds. In May 2003, the Administration proposed a six-year reauthorization of surface transportation programs in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act (SAFETEA), which included \$918 million from FY 2004 through FY 2009 to fund a New Freedom Initiative formula grants program. Under the program, states would allocate their Federal funding competitively to state or local public authorities, non-profits, or private operators of public transportation service to provide new transportation services and transportation alternatives beyond those required by the ADA for individuals with disabilities. Congress did not appropriate the \$145 million requested under SAFETEA for FY 2004.

Even without this requested funding, the Department of Transportation, often with Federal and non-governmental partners, has undertaken a number of activities that support the New Freedom Initiative's goal of providing better transportation options for people with disabilities.

Accomplishments

- The National Highway Traffic Safety Administration (NHTSA) recently issued a Final Rule, effective December 2005, regulating platform lifts and their installation in new motor vehicles. These lifts are designed to carry standing passengers, who may be aided by canes or walkers, as well as persons seated in wheelchairs, scooters, and other mobility aids, into and out of motor vehicles.
- In June 2003, the Department of Transportation's Federal Railroad Administration (FRA) and the Access Board participated in a workshop on research needs related to rail crossings that can pose dangers for individuals with disabilities, particularly those who use mobility devices.
- The Department of Transportation's Bureau of Transportation Statistics has prepared a report, entitled "Freedom to Travel," based on a survey of the views of people with disabilities about transportation. This is the first instance of such a specific national survey. The data compiled in this report will assist communities across the nation in designing paratransit and other services for transportation of people with disabilities and people who are homebound. The report can be viewed at http://www.bts.gov/publications/freedom_to_travel/.
- Since the inception of its Job Access and Reverse Commute Program, the Department of Transportation has funded over 200 state and local grantees in 44 states to provide new employment transportation services for low-income persons, including persons with disabilities. This program funds additional transportation services to jobs and job training sites and addresses unmet transportation needs of persons with disabilities.

- During FY 2003, the Federal Transit Administration's Office of Civil Rights conducted paratransit assessments at seven transit agencies, as well as compliance assessments of 80 key stations and new stations at fourteen rail transit systems nationwide. In addition, FTA conducted four pilot assessments to determine how to best integrate the construction requirements under the ADA Accessibility Guidelines into the Project Management Oversight (PMO) process for major transit investments, to ensure that elements that affect the design and construction of rail transit stations are identified as early in the project development process as possible. These pilot assessments took place in Baltimore, Chicago, Minneapolis, and San Francisco.
- The "United We Ride" program is a five-part initiative to assist states and communities in coordinating human service transportation. The Departments of Transportation, Health and Human Services, Labor, and Education are working together to remove barriers at the Federal level, and to provide assessment tools, technical assistance, peer-to-peer sharing opportunities, and modest grants to help states and communities deliver appropriate and cost-effective transportation services for all human service recipients.
- The Federal Transit Administration, the Center for Independent Living, Inc., the Disability Rights Education and Defense Fund (DREDF), and Easter Seals Project ACTION held a series of six Regional Dialogues on Accessible Transportation throughout 2003. These Regional Dialogues are a follow-up to last year's two highly successful National Dialogues on Accessible Transportation.
- The Community-Based Transportation Planning Grant program, a coordinated effort between the Federal Transit Administration, the Community Transportation Association of America, and Easter Seals Project ACTION, will help selected communities create a partnership of community stakeholders who will develop community-based plans to expand transportation services for persons with disabilities.
- The Federal Aviation Administration will issue to primary airports an ADA self-assessment package, which will provide a checklist and other documentation to allow these entities to assess their compliance with the ADA Accessibility Guidelines.
- In September 2003, the Department of Transportation awarded a two-year contract to the Key Bridge Foundation to support the Department's mission of ensuring nondiscrimination in air transportation. The Key Bridge Foundation will develop materials outlining Federal requirements that prohibit discrimination in air transportation, including an easy-to-understand technical assistance manual and model training program describing the Air Carrier Access Act and related rules.

President's New Freedom Commission on Mental Health

On April 29, 2002, the President issued Executive Order 13263 establishing the New Freedom Commission on Mental Health. Composed of fifteen members representing providers, payers, administrators, and consumers of mental health services, as well as family members of consumers, and seven ex officio members, the Commission was charged with conducting "a comprehensive study of the United States mental health service delivery system, including public and private sector providers," and was directed to advise the President on methods of improving the system. In July 2003, the Commission issued its recommendations in a final report entitled *Achieving the Promise, Transforming Mental Health Care in America*. See <http://www.mentalhealthcommission.gov/reports/reports.htm>.

The report identifies barriers to care within the mental health system and examples of community-based care models that have proven successful in coordinating and providing treatment services.

The Commission concluded that the mental health service delivery system in the United States must be substantively transformed. In the transformed system: 1) Americans understand that mental health is essential to overall health; 2) mental health care is consumer and family-driven; 3) disparities in mental health services are eliminated; 4) early mental health screening, assessment, and referral to services are common practice; 5) excellent mental health services are delivered and research is accelerated; and 6) technology is used to access mental health care and information.

The Commission also concluded that the roles played by states must be central to the transformation process, but states must rely heavily upon the involvement of consumers in research, planning, and evaluation activities. At the same time, the coordinated efforts of more than 25 Federal agencies must undergird and reinforce the states' processes. Every adult with a serious mental illness or child with a serious emotional disturbance must have an individualized plan of care coordinating services among programs and across agencies. Every state must have a comprehensive mental health plan, the ownership of which is shared by all state agencies impacting the care of persons with serious mental illnesses.

Next Steps

- The Substance Abuse and Mental Health Services Administration (SAMHSA), is working with other Federal partners and outside stakeholders to develop a National Action Agenda designed to respond to the recommendations in *Achieving the Promise*. SAMHSA also plans to make technical assistance grants available to states to help them implement recommendations from the Commission.
- The Department of Health and Human Services' Centers for Medicare and Medicaid Services will release a technical assistance guide on six evidence-based practices (family psycho-education, integrated care of co-occurring disorders, personal illness management, supported employment, assertive community treatment, and medication management). The guide will clarify what services are billable under Medicaid.
- The Centers for Medicare and Medicaid Services are working with the Substance Abuse and Mental Health Services Administration and constituent representatives to configure how a consumer self-direction initiative can address persons with mental disorders, as part of a series of planning meetings resulting in action steps.
- In 2004, the Office of the Assistant Secretary for Planning and Evaluation within the Department of Health and Human Services will complete a handbook that describes and clarifies Medicaid rules and regulations governing application of Medicaid options for people with mental illness.

Improving Access

Full access to community life means access to the political process, to civic organizations, to the range of programs and activities offered by state and local governments, and to places of public accommodation. The President fully supports efforts to achieve voluntary compliance with and,

where necessary, to enforce laws such as Titles II and III of the Americans with Disabilities Act. The President also signed the Help America Vote Act (HAVA) into law on October 29, 2002 to improve access to voting process for all Americans, including individuals with disabilities.

Accomplishments

- The Solicitor General intervened in the Supreme Court case of *Tennessee v. Lane*, to defend the constitutionality of Title II of the Americans with Disabilities Act, which prohibits state and local government entities from discriminating against qualified individuals with disabilities. The Solicitor General argued that Congress acted properly when it made states subject to private suits for monetary relief for violations of Title II. A decision in the case is expected in the spring or early summer of 2004.
- The Department of Justice has continued to carry out “Project Civic Access” with great success and is now expanding its efforts. Project Civic Access is a national effort to ensure that towns and cities across America are fully accessible to people with disabilities. So far, the Department of Justice has reached 36 agreements with cities and towns across the country, requiring them to ensure that their public facilities, such as convention halls, arenas, municipal facilities, courthouses, libraries, polling places, and parks, are accessible to people with disabilities.
- In 2003, the Department of Justice achieved favorable action for persons with disabilities in well over 350 cases and matters, through formal settlements, informal resolutions of complaints, successful mediations, consent decrees, and favorable ADA court decisions.
- The Department of Health and Human Services awarded \$13 million under the Help America Vote Act to states to make polling places accessible for individuals with disabilities, to ensure privacy and independence of voting, to train poll workers to meet the needs of individuals with disabilities, and to provide information to individuals with disabilities about their rights of accessibility. The Department also awarded \$2 million to provide advocacy services to individuals with disabilities on issues related to registering to vote, casting a vote, and accessing voting places.

Next Steps

- The Department of Justice will continue to carry out phase two of Project Civic Access, which involves additional communities in all 50 States and focuses on an expanded range of issues, including accessibility of sidewalks, voting technology, disaster response planning, and government websites.
- In addition to the employment priorities identified in Chapter 3, the Department of Justice will focus litigation on matters that are fundamental to people with disabilities, including transportation and travel, consumer access to the free market, polling place access, access to core activities of community living, and *Olmstead* implementation.

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