



**Equity, Opportunity and Inclusion for People  
with Disabilities since 1975.**

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**TO:** Obama-Biden Transition Project

**FROM:** Barb Trader, Executive Director  
TASH

**DATE:** November 25, 2008

**RE:** Policy Recommendations for People with Significant Disabilities

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TASH, an organization that stands for the inclusion and human rights of people with the most significant disabilities, applauds President-Elect Obama's *Plan to Empower Americans with Disabilities* for its vision and comprehensiveness, and looks forward to the fulfillment of overdue promises.

To augment the excellent strategies already outlined in the "Plan," TASH respectfully submits a series of policy recommendations included in the attached recommendation sheets on the topics of **Education and Human Rights Protections** and **Employment and Community Living**. TASH members, and those we serve, strongly believe that these additions to your Plan will end the marginalization of individuals with significant disabilities now, and in the future. We welcome the opportunity to work with the Administration to move these recommendations forward.

For more information please contact:

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*TASH ([www.tash.org](http://www.tash.org)) is the international leader in advancing inclusive communities through research, education and advocacy. TASH members are people with disabilities, family members, fellow citizens, advocates and professionals working together to create change and build capacity so that all people, no matter their perceived level of disability, are included and involved in all aspects of society.*



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## **Equal Educational Opportunities for People with Significant Disabilities Policy Recommendations**

*TASH urges the Obama-Biden Administration to follow through on the education elements of the Plan to Empower Americans with Disabilities to ensure that students with the most significant disabilities benefit from a great education.*

### **Educate Students in Inclusive Classrooms**

Uphold the intent of IDEA's requirement to educate students with disabilities in the Least Restrictive Environment (LRE) by educating all students in inclusive classrooms, preferably in their home schools. Students of all abilities learn best when they are educated in inclusive classrooms, where special education is provided as a service instead of operated as a separate place. Collaborative teaching, positive behavior supports, universal design for learning and appropriate supports and accommodations make inclusive education possible and highly effective. These are strategies that are both evidence-based and time-tested, and schools should be expected to implement them and held accountable to a plan to discontinue the segregation of groups of students.

### **Hold Schools Accountable for Educating All Students**

Ensure that all children are included in State accountability systems. Growth models must include all children, including children with severe disabilities.

### **Build Capacity for Effective Teaching**

Provide substantial training for all teachers, especially general education teachers, on collaborative teaching models, positive behavior supports, and universal design strategies for the benefit of all students.

### **Raise Expectations for Schools and Students**

Expect employment as an outcome of the educational process for students with significant disabilities of both high school and college settings.

### **Create Effective Learning Environments**

Educational settings should provide information, supports and experiences to all students, including students with significant disabilities, on employment and the importance of a working life.

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## **Protect Human Rights, End Aversive Interventions Policy Recommendations**

*TASH urges the new Administration to end harmful, inhumane and deadly practices in the name of controlling “challenging behaviors” in schools. In the name of treatment, children and adults are brought to the ground and straddled, strapped or tied in chairs and beds. They are blindfolded, slapped and pinched, sprayed in the face with cold water, deprived of food, secluded in locked rooms, and more. No one should be treated this way. Yet, these horrific actions occur despite the fact that research and practice shows that these techniques exacerbate challenging behavior and do nothing to teach the individual appropriate behaviors.*

### **End Uses of Aversive Interventions and Immobilization**

Support and advance laws and policies that protect students and adults for all non-emergency use of restraints and seclusion and aversive interventions across all educational settings; including residential and non-residential public and private schools, recreation, health services, mental health services, correctional services, residential or foster care. End the deliberate use of pain, humiliation, exclusion, and immobilization which are commonly employed among special education and service delivery systems. These practices (restraint and seclusion) to change behavior are state-sanctioned — allowed under a patchwork of outdated and poorly written laws and regulations.

### **Increase Professional Skills and Eliminate Harmful Discipline**

Direct the Department of Education to develop grant programs that provide funding for training and technical assistance of school professionals on reducing and eliminating the use of aversives, restraints, and seclusion.

Support federal legislation, such as the *Positive Behavior for Effective Schools Act (S. 2111)* that creates incentives for schools across the country to implement Positive Behavioral Intervention and Supports (PBIS) programs that reduce and help eliminate the inappropriate use of restraints, seclusion, and aversives.

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## **Increase Employment for Individuals with Significant Disabilities Policy Recommendations**

*Despite the fact that individuals with significant disabilities have much to contribute to community workplaces, the vast majority (more than 90%) do not have access to integrated jobs due to a variety of factors. Most individuals with significant disabilities continue to be isolated and segregated in day activity centers and sheltered workshops or are unemployed and unserved on waiting lists. Employment should be an expected life activity for individuals with significant disabilities.*

### **End the Federal Sanctioning of Paying Workers with Disabilities Sub-Minimum Wage**

Employment must result in paid compensation of at least the minimum wage, up to prevailing wage, for work performed and should include benefits comparable to co-workers performing similar work.

### **Eliminate Employment through Community Providers**

Federal funds should only be used to support integrated employment where the individual has a direct relationship with the employer (Javits-Wagner-O'Day Act).

### **Provide Sufficient Funding for Vocational Rehabilitation Services**

Funding should be provided through vocational rehabilitation for a customized and individualized process that allows for a negotiated relationship with the employer, which serves to avoid strict competitive employment by focusing on the discrete contributions of the individual in relation to specific needs of the employer.

### **Ensure Access to Services and Supports in Employment**

Access to funding should be provided for services and supports to people who choose to own their own business in a manner similar to that of those who seek wage employment.

This can be accomplished through two distinct policy changes:

1. Allow people with disabilities and those they choose to support them the option of controlling and directing the funding and resources allocated on their behalf for employment; and
2. Change the definition of "closed" cases for vocational rehabilitation and other job-seeking support, and provide services and funding as needed over the course of a person's career.

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## **Support Community Living for Individuals with Significant Disabilities Policy Recommendations**

*Community living for people with intellectual and complex disabilities must be viewed through the same lens as for other Americans – in a home, in a community they choose, on their own or with people they choose to live with. Hope for quality of life is much less promising when people are forced to live far away from their families and loved ones, surrounded by strangers. Models for integrated community living exist in states that have used Medicaid funding in flexible, creative ways. These innovative strategies should be encouraged and replicated to help individuals with significant disabilities achieve their potential..*

### **End Institutional Discrimination and Support Passage of the Community Choice Act**

Our long term care system has a strong institutional bias. Every state that receives Medicaid has to provide nursing home services, however community-based services are optional. Sixty-seven percent of Medicaid long term care dollars pay for institutional services, while the remaining thirty three must cover all the community-based waivers and optional programs. The preference for institutional services must be eliminated. The Community Choice Act establishes a national program of community-based services and supports for people with disabilities, regardless of age or disability. The Act would allow funding to follow the person, and allow eligible individuals to choose where they would receive services and supports.

### **Provide Funding and Incentives for Transition Services**

Provide transition funding and incentives for states to close institutions, including “Intermediate Care Facilities for the Mentally Retarded” (ICFs/MR) and disallow the use of federal funds for their construction.

### **Provide Access to Affordable Housing**

Expand the availability of affordable, safe and accessible housing to meet the documented unmet need, and provide financial incentives for states to implement integrated community living models.

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