



ACCSES 2017 Public Policy Priorities

ACCSES is a national disability policy organization that represents community-based disability service providers and the individuals with disabilities and their families whom we serve. Guided by federal policy, including the Americans with Disabilities Act, the Olmstead Decision, the Workforce Innovation and Opportunity Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, and other federal and state laws, ACCSES operates to ensure that public policy provides a full array of service options and opportunities that enable individuals and their loved ones to choose the services that best meets their needs and goals in order to live and work within their diverse communities across the nation.

ACCSES stands with over three million people with disabilities and over 1,200 disability service providers for a full array of options and opportunities for ALL people with disabilities. ACCSES fights to rescind, amend, or introduce laws, regulations, and guidance to protect the civil rights and freedom to choose that belongs to all people with disabilities. To learn more, visit www.accses.org. ACCSES aggressively advocates for the following public policy priority outcomes:

Medicaid/Long-Term Services and Supports/Residential

- Block federal and state proposals that would seek to reduce the federal commitment to Medicaid services for people with disabilities including decoupling the federal entitlement, capping the federal share of Medicaid costs, forging block-grant programs, repealing the Medicaid expansion, and other mechanisms that would be to the detriment of people with disabilities.
- Change the settings rules and presumptions made by the Centers for Medicare and Medicaid Services as well as the sub-regulatory guidelines for the Medicaid HCBS program to ensure authorization of and choice of the full array of support options consistent with informed choice and person-centered planning.
- Preserve funding for an appropriate array of long-term services, supports, and settings to meet the needs and choices of individuals, including those who require intensive levels of care.
- Fight for funding for and recognition of intentional communities for people with disabilities as an appropriate setting based on individual choice.
- Protect Medicaid by fighting attempts to reduce services through purely cost control methods like Medicaid Managed Care.

Employment

- Rescind, amend, or obtain corrective guidance to implementing regulations to the Workforce Investment and Opportunity Act.
- Modify the definition of or understanding of Competitive Integrated Employment as defined in the WIOA regulations to provide greater employment choice and halt the tide of State VR offices limiting referrals based on faulty presumptions; minimally, return to an understanding that jobs falling under AbilityOne, State Use, and other ratio-based programs are to be determined on a case-by-case basis; maximally, recognize a clear presumption that jobs through community service providers, AbilityOne, State Use, and other ratio-based programs are within the definition of Competitive Integrated Employment, unless it is determined otherwise on a case-by-case basis.
- Expand the role of community service providers and AbilityOne Nonprofit Agencies, as that term is defined, as legitimate employers.
- Rescind the Wage and Hour guidance that was issued on July 27, 2016 making community rehabilitation providers subject to penalty if the State fails to provide required counseling to people working for subminimum wage.

- Obtain guidance recognizing the portability of counseling documentation to allow workers to change jobs (and employers to hire workers) without obtaining new counseling, including guidance that will permit a person under the age of 25 working under a subminimum wage certificate to change jobs without a need to go through the Section 511 steps.
- Preserve worker protections by stopping the phase out of Section 14(c) at the federal level, and assist members within states with strategies, connections, and ideas to beat back state laws that will limit choice.
- Ensure the Department of Justice recognizes the need to maintain a range of choices and opportunities that reflect the needs and desires of the individual.
- Push for the withdrawal of the Department of Labor’s January 2017 Seneca Re-Ad administrative decision to hold employers responsible for compliance with 14(c) citing absence of methods to determine job appropriateness in the absence of any rules that define how to comply.

Education and School-to-Career Transition

- Make changes to Section 511 of the Rehabilitation Act of 1973, as amended through the Workforce Innovation and Opportunity Act, to eliminate the gap between the end of high school and the age of 25 through an opt-out provision or guidance directing State VR offices to make every effort to direct young adults who want to work to appropriate jobs.
- Obtain recognition for the fact that Section 511 infantilizes people with disabilities by not recognizing them as adults until the age 25; this is the only population in the U.S. that is not given the right to make an adult choice of employment before the age of 25.
- Advocate for amending language to Section 511 and its implementing regulations to permit schools to contract with community rehabilitation providers more broadly than currently allowed (and to eliminate references suggesting that community rehabilitation providers are unable to be engaged in certain activities because of their financial interest).
- Expand federal funding for school-to-career transition programs.
- Advocate for a review of what has happened to school systems and individuals transitioning from school to work since the Section 511 went into effect.
- Advocate independently and with coalition members against limitations on the IDEA and the Every Child Succeeds Act that would be contrary to the goal of ensuring the needs of children with disabilities are met.
- Increase funding of early intervention services, retain the family-centered approach, and expand the role of disability service providers.
- Monitor and respond to Department of Education proposals for changes to IDEA, ESSA, charter schools, or other programs that would affect students with disabilities.
- Monitor, brief, and share legal decisions that could have a wide-ranging impact on people with disabilities.

AbilityOne/State Use

- Protect AbilityOne jobs and comparable State Use jobs by working to change regulations that limit choice.
- Work to improve job opportunities, wages, and working conditions.
- Oppose efforts to curtail protections and priorities for procurement contracts awarded through the AbilityOne program and oppose any related efforts to curtail state preferred source programs.

Take Back Community

- Advocate always with community in mind and recognition that people and organizations providing services to people with disabilities and their families, and the people they serve, are “in the community.”
- Expose the artificial construct of being outside the “community” that supports many of the laws, regulations, and guidance having such a deleterious effect on people with disabilities, their families, and the people and organizations providing them services.