



Washington Update

October 12, 2010

Rosa's Law Signed by President Obama

On October 8, 2010 President Obama signed Rosa's Law (S. 2781) which changes references in federal health, education and labor laws from "mental retardation" to "intellectual disabilities." It makes the language in federal law consistent with that used by the Centers for Disease Control, the health arm of the United Nations, and the White House through the President's Committee for People with Intellectual Disabilities.

Senator Barbara Mikulski (D-MD) sponsored the bill with bi-partisan support including that of Senator Mike Enzi (R-WY), Ranking Member of the Senate Health, Education, Labor & Pensions Committee. Senator Mikulski was inspired to sponsor this bill by Rosa Marcellino, a Maryland constituent who has Down Syndrome, and her family who do not allow the R-word to be used in their home or in reference to Rosa.

At a hearing for a similar bill in the Maryland legislature, Rosa's 11-year-old brother, Nick, was quoted as saying: "What you call people is how you treat them... What you call my sister is how you will treat her. If you believe she's 'retarded,' it invites taunting, stigma. It invites bullying and it also invites the slammed doors of being treated with respect and dignity."

New Bill on Restraints and Seclusion in Schools

Senator Chris Dodd (D-CT) introduced the Keeping All Kids Safe Act, S. 3895, with bi-partisan co-sponsorship of Senator Richard Burr (R-NC). Under the new bill, if enacted, regulations must be published within a year that prohibit school personnel from imposing any mechanical restraint, chemical restraint, physical restraint or escort that restricts breathing, or any behavioral intervention that compromises health and safety. In addition, no physical restraints or seclusion may be imposed unless (a) the student's behavior poses an imminent danger of serious bodily injury to the student, school personnel or others and (b) less restrictive interventions would be ineffective in stopping such imminent danger of serious bodily injury. Individualized Education Plans may provide for restraint and seclusion for students only under certain conditions including a two-year history of dangerous behaviors that could result in serious bodily injury and a functional behavioral assessment and behavioral intervention plan.

Accessible Technology Bill Enacted

The 21st Century Communications and Video Accessibility Act, S. 3304 was signed in to law by President Obama on October 8, 2010. It provides for the Federal Communication Commission (FCC) to require many types of communications, including telecommunications services and internet access services, to enable people with disabilities to engage in communications with other individuals in a manner that is functionally equivalent to the ability of individuals without disabilities. It also provides for the FCC to establish an Emergency Access Advisory Committee to include people with disabilities.

Continuing Resolution to Fund the Federal Government

Congress recessed without enacting a single appropriations bill to fund the federal government for FY 2011 that began on October 1. Instead, it passed a Continuing Resolution (CR) on September 29, 2010 to allow federal agencies to function at FY 2010 funding levels until December 3 when the lame duck Congress will have to come up with a solution. The solution may be an Omnibus Appropriations bill that includes Labor/HHS/Education funding (including Council funding). An attempt to cut most agencies' funding by 5% was defeated.

Employment of People with Disabilities

Momentum is building in Washington for proposals to increase competitive employment of people with disabilities. NACDD has participated in deliberations on employment proposals in several venues including:

- Disability Employment Retreat. This was a two-day retreat that Senator Tom Harkin (D-IA) hosted in September of leaders from the disability advocacy community, including NACDD Executive Director Mike Brogioli, and staff of the Senate Health, Education, Labor & Pensions (HELP) Committee. Senator Harkin, a long-time disabilities policy leader, is Chair of the Senate HELP Committee, which has jurisdiction over the DD Act, Workforce Investment Act and the Vocational Rehabilitation Act which are due for reauthorization. We hope to see action on these Acts in the next Congress.
- The Collaboration to Promote Self-Determination, (CPSD) which is expected to release a set of recommendations shortly.
- The Alliance for Full Participation <http://www.affpnet.org/public/>

We are also keeping abreast of additional initiatives, including:

- the Justice for All Action Network which recently sent to the White House (upon its request) a list of non-legislative recommendations to increase employment of people with disabilities ;
- the National Centers on Independent Living, which is circulating a draft employment proposal; <http://www.ncil.org/>.

Note: After a brief hiatus, *Washington Update* is back. With our new Public Policy Manager, Peggy Hathaway, on board, we will be able to keep you up to date on developments in Washington, D.C. that impact the Councils and people with developmental disabilities. If you have any questions about items in this issue of *Washington Update* or other federal public policy issues, please contact Peggy at phathaway@nacdd.org