

**VOR Weekly E-Mail Update Holiday Schedule:
Next Update, Monday, December 21, 2009, then no update until Friday, January 8, 2010.**

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HAPPY NEW YEAR!
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**MARK YOUR CALENDARS
VOR 2010 ANNUAL CONFERENCE and INITIATIVE
June 4 - 9, 2010
The Liaison Capitol Hill
Washington, D.C.
Sponsorship Opportunities are available!
<http://www.vor.net/events/>**

**VOR Weekly E-Mail Update
December 18, 2009**

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VOR and YOU

1. Year-End Individual Retirement Account (IRA) Gifts to VOR are Still Possible
2. Give the Gift of a VOR Membership this Season!

FEDERAL UPDATES

3. Fiscal Year 2010 Appropriations
4. DOJ Increases Olmstead Enforcement Efforts
5. Senate pushes ahead on long-term care program: The CLASS Act
6. House passes bill to protect integrity of Social Security
7. Federal Lawmakers Seek Halt To Abuses Of Disabled Kids In School

Next issue: Monday, December 21, 2009
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VOR and YOU

1. Year-End Individual Retirement Account (IRA) Gifts to VOR are Still Possible

A special thanks to VOR State Coordinator, George Mavridis, for this giving tip!

GuideStar Newsletter, December 2009

If you over 70½ years of age, you can make a tax-free gift to VOR from your traditional IRA.
You won't pay income tax on the amount of your gift

Tell your traditional IRA administrator that you want to make a "**qualified charitable distribution**" to VOR and give your IRA administrator VOR's federal tax ID, 36-3343981, and our legal name, Voice of the Retarded, Inc. The administrator will send your tax-free gift directly to VOR. It must be postmarked by December 31, 2009!

Thank you very much!

Note: We do not advise on personal income tax issues. Please consult your tax advisor for full information. Only your advisor can give you definitive advice based on your personal financial circumstances.

2. Give the Gift of a VOR Membership this Season!

The gift of advocacy: Priceless

A Membership in VOR makes a great Holiday Gift. Membership is only \$25 per year. See <http://vor.net/giving/join/online-membership-form> for details and a membership form.

VOR is the only national advocacy organization that expressly opposes efforts to eliminate the facility option while also supporting expansion of quality community programs.

VOR advocates that final determination of what is appropriate depends on the unique abilities, needs and desires of each individual, with the input of family guardians where necessary and appropriate.

Year End Giving: Thanks to the many members who have given!

If you have not already donated, please consider including VOR in your 2009 year-end tax deductible giving this year. Recently, all of you should have received a letter from Robin Sims, VOR's President. Year end contributions help VOR continue to achieve our collective Mission on behalf of your loved ones with mental retardation and developmental disabilities, regardless of where they live.

THANK YOU FOR YOUR SUPPORT!

FEDERAL UPDATES

3. Fiscal Year 2010 Appropriations

Source: Capitol Insider, December 14, 2009

The U. S. Senate yesterday passed the FY 2010 Omnibus Appropriations bill by a vote of 57-35. This action followed a vote of 60-34 on Saturday to end debate on the bill. The House of Representatives had passed the bill on December 10 by a vote of 221-202. The House and Senate votes clear the measure to be signed by President Obama.

The Omnibus bill is a package of six of the twelve appropriations bills. Five other FY 2010 appropriations bills had previously been enacted as separate bills. Passage of the Department of Defense bill is being held back so that last minute provisions such as an unemployment insurance extension and the raising of the federal debt ceiling can be added to that measure.

The Omnibus Appropriations bill contains virtually all federal spending for disability programs. Included in the Omnibus bill are all programs funded under the Departments of Labor, Health and Human Services, Education, Housing and Urban Development and Transportation. These departments are now funded for the remainder of the fiscal year which ends on September 30, 2010.

The Labor-HHS-ED bill contains a \$8.5 billion increase for discretionary programs, slightly less than a 5% increase, after the economic stimulus funds are disregarded. The Transportation-HUD bill gets a 16% increase over FY 2009 funding, also excluding stimulus funding. The following link <http://www.thearc.org/NetCommunity/Document.Doc?id=2094> contains a table that compares FY 2009 spending with the Obama Administration FY 2010 request and the FY 2010 appropriations.

4. DOJ Increases Olmstead Enforcement Efforts

The U.S. Department of Justice (DOJ) has filed amicus briefs in three separate cases involving Olmstead complaints. The "friend of the court" briefs were filed in Connecticut, Virginia and New York by the department's Civil Rights Division. The filings reflect increased activity on the part of the DOJ in Olmstead issues in concert with the Obama Administration's "Year of Community Living" initiative.

On November 25th, the department filed a "friend of the court" brief in support of plaintiffs in Connecticut Protection and Advocacy v. State of Connecticut, and opposing a pending motion to dismiss the lawsuit in federal court in Connecticut. In this case, plaintiffs filed suit on behalf of approximately 200 individuals with mental illness residing in three nursing facilities in Connecticut, as well as numerous other individuals who are at risk of entry into these facilities, claiming that individuals with mental illness reside in these facilities while equally affordable and more integrated community-based settings exist or could be made available that would better meet the needs of individuals with mental illness.

The Virginia case is ARC of Virginia v. Timothy Kaine in Richmond, Virginia, federal district court. That brief opposed Virginia's motion to dismiss a case that challenges the State's decision to construct a new facility for persons with intellectual disabilities in Chesapeake, Virginia, rather than serving them in the community in supported housing.

In New York, The DOJ's brief supports the plaintiff's proposed remedy to require 6,000 new community-based placements and against the State's proposal to provide approximately 1,000 new community spaces in the state-run system in Disability Advocates Inc. v. David A. Paterson, et al. in federal district court in Brooklyn, where the court has already ruled that placement of

persons with mental disabilities in "large adult homes" violates the Supreme Court decision in Olmstead. In the New York lawsuit the DOJ has been permitted by the court to intervene in the ongoing case.

FMI: The Connecticut brief is available at http://www.ada.gov/briefs/conn_olmsteadbr.pdf. The Virginia brief can be found at http://www.ada.gov/briefs/virginia_olmsteadbr.pdf. The New York brief is located at http://www.ada.gov/briefs/newyork_olmsteadbr.pdf.

5. Senate pushes ahead on long-term care program: The CLASS Act

By Lori Montgomery and Shailagh Murray

Washington Post

December 5, 2009

The Senate voted to keep provisions to establish the Community Living Assistance Services and Support Act, or Class Act, despite concerns among centrist Democrats that the program would quickly run out of cash.

A majority of senators -- including 11 Democrats -- actually voted against Class Act, warning that congressional budget analysts say it would become a drain on the federal budget less than 20 years after enactment. But while the amendment, by Sen. John Thune (R-S.D.), garnered 51 votes, it fell short of the 60 needed for passage under an agreement between party leaders.

Class Act supporters hailed the decision, saying the program would offer a badly needed lifeline to seniors and disabled people trying to stay in their own homes. Workers would pay a premium in exchange for the promise of cash benefits of around \$50 a day to be used for visiting nurses, medical equipment and home renovations, or to offset nursing home fees. A more expansive version of the program is included in the health-care bill approved last month by the House.

"The Class Act will offer hope to Americans with serious illnesses or injuries who can maintain their independence with the help of long-term care," said Sen. Christopher J. Dodd (D-Conn.), who ushered a version of the health package through the Senate health committee this summer in the absence of the committee's former chairman, Edward Kennedy (D-Mass.). Kennedy, who died of brain cancer, was a leading proponent of the Class Act.

Critics countered that the voluntary insurance program is poorly designed and would attract people who already need the benefits. The program would raise money in its first decade because it would begin collecting premiums immediately, but pay out no benefits for five years. However, payouts would quickly outrun premiums, according to the Congressional Budget Office, and the program would probably require infusions of cash in its second decade.

Among those voting against the program on Friday were Senate Finance Committee Chairman Max Baucus (D-Mont.), the chief architect of the health package, and Sen. Ben Nelson (D-Neb.). Nelson, who is being wooed aggressively by Majority Leader Harry M. Reid (D-Nev.) to support the health package, has said he will not do so if the Class Act is included.

The votes came as senators prepared to work through the weekend on health legislation, with a focus on resolving differences among Democrats over abortion and the creation of a new government-run insurance plan known as the public option. Liberals have insisted on a public plan, but at least four moderates have said they cannot support the provision as Reid wrote it.

6. House passes bill to protect integrity of Social Security

The Messenger
December 9, 2009

WASHINGTON (AP) - The U.S. House of Representatives passed legislation that takes a critical step to protect the integrity of the Social Security program.

The "No Social Security Benefits for Prisoners Act of 2009" was introduced by U.S. Reps. John Tanner (D-Tenn.), chairman of the Ways and Means Subcommittee on Social Security, and Sam Johnson (R-Texas), the ranking member. The bill would prevent retroactive Social Security and Supplemental Security Income benefit payments from being issued to individuals in prison, violating parole or probation or fleeing to avoid prosecution for a felony or crime punishable by more than a one-year sentence.

"As stewards of Social Security, we are obligated to ensure that benefits are not being paid to individuals in prison, those who are violating a condition of parole or probation, or those who are fleeing criminal prosecution or imprisonment," Tanner said in an e-mailed press release. "This legislation is important to preserve and protect the integrity of Social Security."

The Social Security Act already bars payment of current monthly benefits to such individuals. This bill ensures this prohibition applies to retroactive benefit payments as well. The bipartisan legislation was passed under suspension of the rules. The Senate would need to consider similar legislation, according to the press release.

7. Federal Lawmakers Seek Halt To Abuses Of Disabled Kids In School

December 9, 2009
By Joseph Shapiro
NPR

Reps. George Miller, D-CA, and Cathy McMorris Rodgers, R-WA, announced the legislation, flanked by parents of kids who've been subjected to such discipline.

The Preventing Harmful Restraint and Seclusion in Schools Act would set federal standards that say physical restraints and seclusion can be used only as a last resort when a child's behavior puts the child or others in immediate danger.

Rep. McMorris Rodgers, who is also the mother of a son with Down Syndrome, noted that this is already the federal standard for hospitals. Although some disability rights groups have called for

a total ban on restraints and seclusion, groups that represent educators say they are sometimes needed for safety reasons. That's why the proposed law would also require that staff be trained in how to use restraints and seclusion in a safe way. The law would outlaw some current practices, such as strapping kids to chairs or the use of restraints that restrict breathing.

Also, today, Sen. Chris Dodd, D-CT, introduced companion legislation in the Senate.

Last January, the National Disability Rights Network, a network of public attorneys who take on civil rights cases for the disabled, released a report that catalogued scores of cases where children had been injured, and sometimes even killed, by these methods of discipline.

Congressman Miller, the chairman of the House Education and Labor Committee, then asked the Government Accountability Office to do its own investigation. And the congressional investigatory arm released a report in May that found abuses to be widespread across the country.

The GAO report found that few records are kept at the state level. The proposed law would require states to collect data and report each year to the U.S. Secretary of Education. Secretary Arne Duncan said last spring that he wants to hear from states about possible alternatives to using restraints and seclusion.

But two states--Texas and California--do require schools to report when restraint and seclusion are used. In one school year in those two states alone, the GAO reported, there were more than 33,000 cases.

Editor: Tamie Hopp, VOR Director of Government Relations & Advocacy

THANK YOU FOR YOUR SUPPORT!

TO JOIN OR CONTRIBUTE: \$25 per individual, \$150 per family organization, or \$200 per provider/professional organization. Extra donations are welcome!

You may pay by check or credit card

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