**National Council on Disability**

***An Independent Federal Agency***

**Fiscal Year 2014 Congressional Budget Justification**

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# Proposed Appropriation Language

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability, as authorized by Title IV of the Rehabilitation Act of 1973, as amended, $3,345,000 (Additional authorizing legislation required).

# Analysis of Language Provisions and Changes

There are no proposed changes in the appropriations language.

# Report Purpose

The National Council on Disability (NCD) Fiscal Year (FY) 2014 budget justification provides the results of the agency’s program and financial performance and demonstrates to the Congress NCD’s commitment to its mission and accountability over the resources entrusted to it.

The Administration requests $3,345,000, which includes an increase of $87,169 to hire a full time Electronic and Information Technology staff person. In addition, the requested increase would cover a 1 percent increase in salaries for FY 2014, which increases the FY 2014 salaries and benefits to $1,794,699 for staff salaries and benefits $251,428 for Council member salaries, totaling **2,046,127** for salaries and benefits.

A brief summary of this request is presented below.

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| --- | --- | --- | --- |
| **Table 1: Budget Summary** | | | |
| **Category:** | **FY 2012**  **Enacted** | **FY 2014**  **Request** | **Percent**  **Change** |
| **Personnel** | $1,939,978 | $**2,046,127** | 5.5% |
| **Non-Personnel** | $1,236,407 | $1,298,873 | 5.% |
| **Total** | **$3,257,831** | **$3,345,000** | **5.4%** |

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Report Organization

# Management’s Discussion and Analysis - Provides an overview of NCD’s mission and organization, mission challenges, performance measurement methodology, key performance measures and efficiency measures, performance highlights, and alignment of NCD costs and goals.

# Performance Section – Explains NCD’s performance relative to its strategic goals and objectives, and includes an overview on how performance data are verified and validated.

# History

The National Council on Disability (NCD) is an independent, nonpartisan federal agency that provides the Administration and the U.S. Congress with thoughtful and timely analysis and recommendations to inform policy development, revision, and enforcement efforts. As a federal voice for 56 million Americans with disabilities, NCD is committed to advancing policy solutions that create a more inclusive country in which all Americans have equal opportunities to contribute to society. NCD was initially established in 1978 as an advisory board within the U.S. Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed NCD into an independent agency and required NCD to provide expert advice to Congress and the Administration. Changes were also made to NCD’s statutory mandate by the Rehabilitation Act Amendments of 1992 and 1998 and the Education of the Deaf Act Technical Amendments of 1993.

# Organization

**Governance**

NCD’s governing body is the Council, which is comprised of 15 Presidential appointees, including a Chair, whom the President appoints, and a Vice Chair, determined by the Chair (Note: As of October 10, 2012, NCD members are no longer confirmed by the Senate, per the Presidential Appointment Efficiency and Streamlining Act of 2011). Council Members live across the country and each brings a unique perspective informed by varied personal and professional experiences. Council Members are people with disabilities, disability service providers, parents or guardians of people with disabilities, or other people who have substantial knowledge of or experience with disability policies and programs. Council Members are appointed to represent people with disabilities, national organizations concerned with disabilities, providers and administrators of services to people with disabilities, people engaged in conducting medical or scientific research related to disabilities, business concerns, and labor organizations. A majority of Council Members are people with disabilities.

As the governing body, Council Members establish NCD’s priorities and budget, and monitor and provide oversight of NCD’s programs, operations, and finances. The Council is currently organized into four standing committees:

* Executive Committee
* Audit and Finance Committee
* Governance and Planning Committee
* Policy Development and Program Evaluation Committee

The Chair appoints an Executive Director and evaluates the Executive Director’s performance.

**Management**

NCD’s Executive Director serves as the chief executive of the agency and has full responsibility for managing the agency to accomplish the mission, and the goals and objectives established by legislation or Council members. When fully staffed, NCD has 12 full-time employees (13 in FY 2014), organized into three teams:

* **Policy & Legal Team -** The Policy & Legal Team analyzes federal laws, regulations, programs, policies, and case law precedent; and proposes and develops NCD policy positions that have a national, state and international impact on the lives of people with disabilities.
* **Legislative Affairs & Outreach Team -** The Legislative Affairs & Outreach Team closely monitors Congressional activity on issues critical to the disability community and cultivates and maintains effective working relationships with NCD stakeholders at the federal, state, and local levels.
* **Finance, Operations & Administration Team -** The Operations & Administration Team provides staff support and monitors the agency's finance and accounting, information technology, and human resources management.

# Mission, Vision, Goals & Objectives



NCD has a unique mission among federal agencies because it is charged with reviewing all programs and policies across the Federal Government, not merely one aspect of policy affecting people with disabilities. To do so most effectively, NCD’s has a long history and commitment to advancing models for systems change.

| **Table 2: Mission, Vision, Goals & Objectives** | |
| --- | --- |
| **Mission** | Promote the goals of the Americans with Disabilities Act (ADA) -- equality of opportunity, full participation, independent living and economic self-sufficiency -- for people with disabilities of all ages and backgrounds by providing advice, analysis, and recommendations on disability policy to the President, Congress and other federal agencies. |
| **Vision** | NCD works toward fulfillment of the goals of the ADA so that all Americans with disabilities can live free and full lives in communities of their choosing; can learn in ways that enrich their lives and enable them to reach their full potential; and can provide financially for themselves and their families. |
| **Strategic Goal** | Advance the goals of the Americans with Disabilities Act by promoting policies, programs, practices, and procedures that guarantee equal opportunity and provide for **economic self-sufficiency**, **independent living**, and **inclusion and integration** into all aspects of society for individuals with disabilities. |
| **Strategic Objectives** | 1. **Engagement** - Engage stakeholders in order to assess concerns and priorities and build a network of NCD partners. 2. **Policy Development & Collaboration** – Address stakeholder concerns and priorities by advancing specific, practical, policy solutions and encouraging collaboration. |
| **Stakeholders** | All Americans with disabilities – a population diversified by geography, age, race, gender, ethnicity, sexual orientation, income, education, political party, type of disability, and other affiliations and identities.  Policymakers and decision makers – including the President and all federal agencies, Congress, state, tribal, and local governments and communities – who create and implement federal policies and programs that affect people with disabilities.  Groups and organizations concerned with people with disabilities.  Families and support systems of people with disabilities, including parents and guardians.  Society at large – employers, educators, manufacturers, service providers, engineers, designers, entertainers, and other individuals and organizations who influence inclusion and participation of Americans with disabilities. |

# Performance Highlights

NCD has achieved meaningful accomplishments in advancing its mission, vision, strategic goals, and strategic objectives. This includes engaging stakeholders to learn about critical issues; conducting independent, objective, fact-based research and analysis of issues; publishing reports with policy recommendations and questions for consideration by policymakers; and finally reengaging stakeholders on the issues to monitor progress. One such example of this integrated engagement and policy-development process at work is NCD’s work on parenting rights of people with disabilities.

In 2010, at one of NCD’s quarterly meetings, NCD heard from the head of a national disability rights organization, who described a nationwide occurrence of parents with disabilities being denied custody of their children after their births or during custody battles in divorce, solely on the basis of their disabilities. Several months later, in 2011, as a part of NCD’s engagement activities, NCD hosted a regional policy forum in Portland, OR, and included a panel of parents and experts who discussed the topic at length, just months after the topic had been flagged at the NCD Quarterly Meeting. Equipped with the panel’s information, the Council voted to commission a report on the topic as well as policy areas tangential to parenting (including access to assisted reproductive technologies and to international adoption), and to focus its attention on legislative and policy solutions. The outcome of this policy-development endeavor, born out of NCD’s engagement activities, is NCD’s **“Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children”** report, which is a first of its kind: <http://www.ncd.gov/publications/2012/Sep272012/> and has been widely hailed across both the disability community and social services professional circles as an important and valuable report.

The purpose of this report is to comprehensively examine the barriers and facilitators people with disabilities experience in exercising their fundamental right to create and maintain families, and to highlight the persistent, systemic, and pervasive discrimination against parents with disabilities. In particular, the report analyzes how U.S. federal disability law and policy applies to parents with disabilities within the child welfare system and the family law system, and the systems’ disparate treatment of parents with disabilities and their children. The report examines the impediments prospective parents with disabilities encounter when they attempt to adopt children, either domestically or internationally, and when they attempt to access assisted reproductive technologies.

As a result of robust dissemination strategies employed following the report’s release, in early FY13, over six million Americans around the country heard about the key findings and recommendations in the report over a series of dozens of radio shows, and millions more read of the report through a full-length Associated Press article written on the topic featuring a number of the profiles of parents whose experiences were highlighted in the report.

State legislators have also taken notice of the issue since the report’s release and at least two state legislators have introduced state legislation based on the recommended legislation in the report. A Capitol Hill briefing is also in the works.

| **Table 3: Performance Highlights - Goals, Measures & Activities** | | | | |
| --- | --- | --- | --- | --- |
|  | **Strategic Goal Components** | **Key Measures** | **Program Activity Highlights for FY 2012** | **Potential and Planned Activities for FY 2013 and 2014** |
| Integrated Approach | Economic Self Sufficiency | Enhancing participation in employment, education, job training and benefit programs | Engagement  Radio tour on NCD’s *Rocking the Cradle* report, which reached more than 6 million listeners  Pursued media placements for NCD’s *Rocking the Cradle* report, which resulted in an Associated Press article, which reached millions of readers  Education Experts Symposium, March 2012  Subminimum Wage Site Visits, March–May 2012  Family Café Listening Session, May 2012  “Common Ground” Adapting, Educating, Employing and Integrating People with Acquired Disabilities Forum, June 2012  Town Halls and Public Comment, year round  Native American “Listening Circle,” June 2012  Conferences and Other Speaking Engagements; Congressional Engagement; Website, Social Media, and Media, year round  Reports  The Power of Digital Inclusion: Technology’s Impact on Employment and People with Disabilities  Exploring New Paradigms for the Developmental Disabilities and Bill of Rights Act  U.S. Marine Corps Exceptional Family Members:  Toward the Full Inclusion of People with Disabilities  Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children  Subminimum Wage and Supported Employment  Analysis and Recommendations for the Implementation of Managed Care in Medicaid and Medicare Programs for People with Disabilities  Deinstitutionalization: Unfinished Business  National Disability Policy: A Progress Report | Engagement  Consortia of Administrators for Native American Rehabilitation Forum Common Ground Forum Follow-Up  Conferences and Other Speaking Engagements; Congressional Engagement; Website, Social Media, and Media, year round  Reports/Papers  Reforming Social Security’s Disabilities Benefits System  Medicaid Managed Care: Policy and Implementation Considerations for State and Federal Policymakers  Help America Vote Act  Positive Steps and Paying Attention – Clearing the Backlog and Facilitating Benefits and Treatment for America’s Veterans  Oversight of Individuals with Disabilities Education Act’s State Performance Plan Indicators  Into and Around Town: Transportation Update  Vocational Rehabilitation  Reforming Private Health Insurance to be Consistent with Goals of ADA  Defining and Measuring Home and Community Based Services  The Case for Deinstitutionalization: Unfinished Business  Effective Communication for People with Disabilities Before, During, and After Emergencies  Accessible Coverage: Making the Affordable Care Act’s Health Insurance Exchanges Work for People with Disabilities  Safe at home: the Next Chapter Veterans Project  Home Engagement: A Comprehensive Plan for Successful Reintegration of Veterans with Disabilities  Education Reform Toolkit  Emerging Technology in Transportation (Autonomous Vehicles)  Accessible Coverage: Making the Affordable Care Act’s Health Insurance Exchanges Work for People with Disabilities |
| Independent Living | Improving access to long term services and support, health care, housing and transportation |
| Integration and Inclusion | Improving policies and practices to ensure that all children, youth, and adults with disabilities are valued by, and contribute to, their communities of choice and civil rights are protected |

NCD has been improving its measurement of outputs and outcomes. This includes more formal tracking of engagement activities at forums, website usage, social media, and collecting personal stories of how NCD’s work has impacted the lives of people with disabilities. NCD reached over 10,000 people in FY 2012 through Council meetings, lectures, panel discussions, forums, listening sessions and other events. NCD’s website received 206,869 visitors in FY 2012, and saw tens of thousands of downloads of its policy reports from domestic and international sources. NCD reaches several thousand people through its official agency list serve, its Facebook page, and Twitter accounts. In addition, NCD staff has appeared several times on national media programs to comment on disability-related news, reaching nearly 6 million viewers on one occasion on the topic of abuse of people with disabilities. Below are some testimonials from individuals who engaged with NCD in FY 2012 at an event or responded to one of the agency’s FY 2012 policy reports:

| **Table 4: Performance Highlights - Real Life Stories** | |
| --- | --- |
| **Program or Product** | **Program Outcome and Accomplishment** |
| “Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children” report | Quote in response to NCD’s paper: “Blind people often find their fitness as parents questioned solely on the basis of blindness, and in some cases misconceptions about their capabilities result in the children of blind parents being removed from their homes by the state. Situations like this are not only heart-wrenching for the parents, but also violate federal law and their constitutional rights” and “I am going through a custody battle right now. Because of me having MS (multiple sclerosis) and being in a wheel chair. My son is 15-years old. I feel that courts, states can be very opinionated against those of us who have disabilities.” |
| “Common Ground” Adapting, Educating, Employing and Integrating People with Acquired Disabilities Forum (Los Angeles, CA) | Quote from a conference participant who is a veteran with a disability: “I never would have believed that the government cared about me until he heard it from Kareem (Dale), Pat (Shiu) and the National Council on Disability.” |
| Education Experts Symposium (Orlando, FL) | Conference participants reported “I learned so much at the symposium. It gave me an opportunity to hear so many different perspectives, which will greatly assist me in my position” and “There was a human element underscoring the importance of the work. For example, [a staff member’s] story of her experiences in middle school serves as a reminder of the importance of insisting on high expectations for students with disabilities. The needs of the student are more important than the desires of the adults running the system.” |
| “National Disability Policy: A Progress Report” | Quote from a conference organizer in Plano, Texas regarding NCD’s progress report and participating in their meeting: “I want to thank you for connecting me with Clyde Terry. I was so impressed with your eagerness to be helpful for our goal and for sending such a wonderful panelist! I wish you guys had a closer office because I feel so much of what people with disabilities need are knowledge, viewpoints and plans! Thank you, it was so nice to hear your support and helpfulness over the phone.” |

The Performance Section presents the agency’s performance in Fiscal Year 2012, the first year of its five-year Strategic Plan, which can be read in its entirety at:

<http://www.ncd.gov/Accountability/strategicplan/>

This section also includes a discussion of strategies and factors affecting performance, the relationship of outputs to outcomes, a summary of methods used to verify and validate performance data, and performance results by strategic goal and strategic objectives.

# Performance Framework

NCD’s performance framework consists of a mission statement supported by a single, overarching strategic goal supported by two strategic objectives that advances NCD’s statutory mandate. The two supporting objectives and their corresponding strategies indicate how NCD will achieve its goal and provide an approach for measuring NCD’s progress and success. The strategic framework in the table below is followed by a detailed view of each objective and its corresponding strategies, key outcomes, means, and key activities. Performance measures follow the overview.

NCD has developed specific strategies and measurements of outcomes, means and key activities for its two strategic objectives.

| **Strategic Objective #1** | **Engagement –** Engage stakeholders in order to assess concerns and priorities and build a network of NCD partners. |
| --- | --- |

**Overview:** NCD cannot fulfill its mission without regular, meaningful engagement with its stakeholders. NCD’s authorizing statute mandates this valued interaction. More importantly, the value of policy evaluation and recommendations should be measured by whether they are consistent with the needs, challenges, and aspirations of NCD’s stakeholders. By facilitating meaningful communication with stakeholders, Objective 1 (Engagement) supports the agency’s strategic goal through identification of systems of success as well as shortfalls, toward which NCD can direct its attention in the formulation of policy solutions.

Over the last several years, NCD has closely consulted stakeholders as key advisors in shaping NCD’s policy endeavors. NCD gathers information through a variety of means: public testimony, national and regional forums, electronic mail or letters from the public, public consultations via the Internet, research reports, conferences and meetings of stakeholder groups, federal workgroups, and meetings with members of Congress or their staff. In addition, NCD has also pursued creation of public-private working groups and/or federal advisory committees on priority issues to ensure NCD is both in continual contact with stakeholders and to act nimbly and efficiently when responding to identified need for action.

| **Strategic Objective #2** | **Policy Development & Collaboration –** Address stakeholder concerns and priorities by advancing specific, practice policy solutions and encouraging collaboration. |
| --- | --- |

**Overview:** Using the information NCD has gained from its engagement activities with its stakeholders, as outlined in Objective 1 (Engagement) above, NCD must identify and prioritize opportunities to add value and make a difference in peoples’ lives. NCD does not have rulemaking or enforcement authority. Rather, NCD serves as an independent advisor on disability matters to the President and Congress. This role is essential to assure the Federal Government is well-informed and qualified to perform its duties and effectively serve the public, including individuals with disabilities. In addition to meeting with stakeholders, NCD advocates for equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities of all ages and backgrounds by continually reviewing disability programs and policies and providing analysis and recommendations on disability policy to the President, Congress, and other federal agencies.

NCD’s analysis and recommendations have led to enactment of important laws and other improvements to the programs and services provided by the many federal agencies that serve the disability community. Yet people with disabilities continue to face personal, social, and economic disadvantages and barriers that prevent access to the same opportunities as Americans without disabilities. Therefore, NCD will increase emphasis on providing recommendations and looking for opportunities for their implementation.

NCD optimizes opportunities to put to practical use its vast amount of acquired knowledge through years of intensive research activities. This research is reflected in NCD’s reports, papers, and briefs which each contain analysis and recommendations for actions at all levels of government. These reports and papers are available on NCD’s agency website at [www.ncd.gov](http://www.ncd.gov).

Objective 2 (Policy Development & Collaboration) supports the activities of identifying and formulating solutions to emerging and existing challenges; providing tools to facilitate effective implementation of policy solutions; and engaging and influencing current debates, all of which directly support the strategic goal. Further, Objective 2 supports the strategic goal by leveraging NCD’s resources through coordination and collaboration to amplify its impact relative to the agency’s size.

# Performance Measurement Challenges

NCD is a micro-agency that advises the President and Congress on disability policy by engaging with the community, setting policy priorities and working in such areas, developing policy recommendations and promoting progress and systems change on issues that affect the disability community. With a budget of only $3.26 million, 15 part-time Council Members, and 12 full-time staff when fully staffed (currently 10 FTEs), NCD has adopted a strategy of working in conjunction with a wide range of stakeholders – including people with disabilities, federal, state and local agencies, elected officials and their staff, universities, and a diverse group of non-profit organizations and individual disability policy experts and advocates – to advance our mission, goals and objectives.

NCD’s strategic objectives of engagement and policy development can be quantifiably measured by our raw data and by counting the number of people that attend our forums, regularly engage with us via social media, download and read our policy reports, and adopt or promote our recommendations. However, measuring NCD’s impact on its strategic goal of guaranteeing equal opportunity and providing for economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for individuals with disabilities is far more subjective since these are systemic endeavors in which NCD is part of a community of agencies, advocates, and others seeking to secure such outcomes.

Accordingly, NCD’s analysis of the relationships of program outputs (such as forums and reports) to tangible outcomes impacting our stakeholders requires a multi-year horizon. Measuring NCD’s impact on its strategic goal of guaranteeing equal opportunity and providing for economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for individuals with disabilities is challenging since these are large-scale, long-term endeavors.

NCD is continually working to identify better mechanisms for measuring outcomes and reporting achievements. This includes increased efforts to gather and report personal stories of where our engagement or policy initiatives provided a spark or tipping point toward improving the lives of people with disabilities. The Performance Highlights portion of the Management’s Discussion and Analysis section presents specific comments from impacted stakeholders and a case study of how engagement and policy converged into positive outcomes on the issue of parenting rights of people with disabilities.

# Program Activities and Performance Results by Strategic Objectives

As indicated above, NCD has one overarching strategic goal and two strategic objectives to advance the agencies mission, strategic goal and statutory responsibilities. Below is a description of key policy and program accomplishments in FY 2012 and planned future activities.

Objective 1: Engagement

NCD is an advisory agency that seeks to provide timely, valuable counsel to the President, Congress and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities. NCD views its diverse stakeholders – people with disabilities of all ages and types of disability; groups and organizations concerned with people with disabilities; policymakers; and families and support systems of people with disabilities – as key informants to the development of NCD’s policy recommendations. Accordingly, NCD prioritizes creating opportunities to hear from its stakeholders through a variety of means: regional policy forums; public testimony received at meetings in person or by telephone; letters of concern from the public; participation at conferences and meetings of stakeholder groups; congressional policy briefings; and listening sessions and town halls the agency hosts throughout the year.

In addition to these opportunities, NCD’s legislation mandates a minimum of four public meetings annually. Some of NCD’s most important activities occur during the quarterly meetings. Public comments, full-length presentations by stakeholders, and opportunities to meet with additional stakeholders in the disability community who attend the meetings afford NCD the opportunity to identify needs as well as promising practices in communities and regions across the country. NCD also has a history of playing a convening role, advancing policy discussions in the process, by bringing diverse stakeholders together that may not otherwise have policy discussions with one another. In FY 2012, NCD hosted several such gatherings:

**Education Reform Experts Symposium** – In March 2012, NCD hosted an Experts Symposium – “Raising Expectations: A Disability Framework for Education Reform” – in Orlando, FL, which brought together thirty-six experts from the general education and special education arenas. Education reform inspires debate, passion, and controversy, but there have been few discussions about how major shifts in public education are impacting students with disabilities. For this reason, NCD brought together leading thinkers in education (both general and special education) to talk about how some of today's most popular topics in education impact students with disabilities. Participants came from fifteen states and the District of Columbia and represented a variety of perspectives based on personal and professional experiences that greatly enriched the discussions that unfolded. Several participants were or are general education or special education teachers; principals; school superintendents; parents of students with disabilities; academics and researchers; assessment developers; think tank analysts; staff of state departments of education; and school board members. The Council of State Governments, the Parent Teacher Association, and the U.S. Department of Education were also represented. Each expert participant was part of one of three working groups: common core and access to the general curriculum; vouchers and charter schools; and graduation outcomes and assessment tools.

“**Common Ground” Regional Policy Forum** – In addition to the Experts Symposium on education reform, NCD also convened a regional forum in Los Angeles, California in June 2012 titled “Common Ground: Adapting, Educating, Employing, and Integrating People with Acquired Disabilities Back into the Civic, Social, and Economic Fabric of American Life.” As the name implies, the forum brought together a diverse team of policymakers, advocates, veterans, and other stakeholders, who began a dialogue focused on the experience of acquiring a disability, strategies and supports for finding success in education and employment when living with a disability, and ways in which policy can be used to support unmet needs. Intended in its design and affirmed in remarks of many of the participants, the forum was the first time many individuals from the veterans and general disability communities had spoken together about a commonality of disability experiences that lend themselves to shared policy solutions.

**Town Halls and Public Comment** – In FY 2012, NCD also continued hosting a series of listening sessions and town halls throughout the country in conjunction with Council travel. These sessions continued to enable NCD members to hear from as broad a variety of stakeholders as possible throughout the year on the topics impacting their lives in their communities.

In March 2012, NCD held a stakeholder town hall meeting in Orlando, Florida directly following its Experts Symposium. On this particular occasion, NCD Members heard from a number of parents of children and adults with disabilities, who reported a grave disconnect between nonprofits, school systems, and state government agencies that provide services to people with disabilities and their families, the result of which is needless difficulties for families trying to navigate systems and services and a sense of falling through the cracks. NCD returned to Orlando in June 2012 and held two more listening sessions at the Family Café conference, which is a statewide event attended each year by several thousand Floridians with disabilities and / or special health care needs and their families. During those sessions, NCD continued to hear about confusing and difficult to navigate state networks of services, long waiting lists to access many community-based services, and overall, the inadequacy of supports and services that did exist.

In addition to town hall sessions, NCD actively promotes and encourages public comment during its quarterly meetings and regularly receives full slates on its agenda with numerous written comments sent in in advance, in addition to the oral remarks made. Comments made during NCD’s four quarterly meeting in FY 2012 were focused on subminimum wage, chemical and electrical sensitivities, monitoring enforcement of the Americans with Disabilities Act, forced medication and institutionalization, the United Nations Convention on the Rights of Persons with Disabilities, and special education policy.

**Native American “Listening Circle”** – In June 2012, several NCD board members and staff attended the mid-year conference of the Consortia of Administrators for Native American Rehabilitation (CANAR) at the Seneca Nation in Niagara Falls, NY. Utilizing a traditional “listening circle,” this marked the first time that NCD met with CANAR at a national conference in a culturally-preferred format to hear first-hand the concerns of AI/AN people with disabilities. At the event, NCD heard first-hand about health care, independent living services, education, and vocational rehabilitation issues affecting tribal people with disabilities and their families. While NCD left with several success stories and many specific challenges in each of the topical areas, it became clear that many of the difficulties faced by all people with disabilities are often compounded for the American Indian and Alaska Native communities, who have complex and unique challenges. The agency will use the information gleaned from this event as it continues to collaborate with tribal populations through NCD’s Tribal Coordination Work Group.

**Conferences and Other Speaking Engagements** – NCD receives numerous invitations each year to speak at state, national, and international conferences and other events and makes good use of the opportunities it accepts by sharing its latest policy findings and recommendations with hundreds of attendees at each event. In FY 2012, NCD keynoted or participated on panels at numerous conferences and events across the country and abroad including: Council of State Administrators of Vocational Rehabilitation (October 2011); Association of University Centers on Disabilities (November 2011); American Bar Association Conference on the Employment of Lawyers with Disabilities (May 2012); National Association of Councils on Developmental Disabilities (November 2011); State of Indiana Governor's Council for People with Disabilities Conference (November 2011); U.S. Department of Transportation Air Carrier Access Act Anniversary event, Washington, DC (November 2011); Disability Policy Seminar, Washington, DC (April 2012); Television Academy, Los Angeles, CA (April 2012); International Law Section ABA (April 2012); Korean Jeju Forum for Peace and Prosperity (May 2012); Ecuador First Continental Encounter for Persons with Disabilities (June 2012); Brooklyn Parents Conference (June 2012); American Bar Association Annual Meeting (August 2012); Society for the Advancement of Behavioral Economics (SABE) 2013 Conference (August 2012).

NCD also participated in a small workgroup of the Council of State Governments (CSG) regarding “Deeper Learning” (21st Century Skills and Career-Readiness) that met regularly throughout FY12, and whose work culminated in a policy framework presented at the CSG national legislative summit in early FY13.

In addition to these speaking events, in June 2012, NCD also had the honor of laying a wreath on the Tomb of the Unknown Soldier in collaboration with the Arizona Disability Law Center and the Arizona Protection and Advocacy for Individuals with Mental Illness (PAIMI) Council. The solemnity of the site and event meant NCD’s actions, rather than words, spoke its honor of and commitment to American veterans. Following the wreath-laying ceremony, NCD posted a blog entry on www.disability.gov about its participation at the event, the cross-sections of disability and veteran history, and its reaffirmation of commitment to veterans with disabilities.

Through these engagements activities NCD reached over 10,000 people.

**Congressional and Federal Agency Engagement** – Throughout FY 2012, NCD continued to cultivate and deepen relationships with staff of congressional offices as a trusted advisor in both Member and committee offices and federal agencies. NCD responds to calls and letters from individual congressional offices throughout each year that request disability-related information regarding constituents’ needs. In addition to being a resource for Members’ district offices, NCD strives to provide timely policy information and recommendations to legislative offices and federal agencies. NCD staff provided electronic copies of its policy reports and papers to legislative directors in the House and Senate and appropriate federal agencies throughout the past fiscal year. In addition, NCD staff has offered policy briefings on its reports’ major findings and recommendations, as well, utilizing teleconferences and in-person Hill and agency briefing formats.

As referenced later in this narrative, NCD continued its dedicated focus on emergency management, closely collaborating with the Federal Emergency Management Agency (FEMA) within the U.S. Department of Homeland Security through weekly calls with the Director of the Office of Disability Integration and Coordination. NCD has provided regular updates to the House Homeland Security Committee’s Subcommittee on Emergency Preparedness, Response, and Communications on this collaboration, as well as other critical areas of emergency management, to help inform the oversight role of the Committee.

NCD also has a history of testifying before Congress. In FY 2011, NCD testified before the House Judiciary Committee Subcommittee on the Constitution, as well as the House Homeland Security Committee Subcommittee on Emergency Preparedness, Response, and Communications. Although NCD did not testify in person in FY 2012, the agency did submit written testimony for the record of the House Judiciary Committee Subcommittee on the Constitution’s hearing regarding the "ACCESS (ADA Compliance for Customer Entry to Stores and Services) Act," the Senate Armed Services Committee Subcommittee on Personnel regarding military families with special needs, and the Senate Foreign Relations Committee’s hearing on the Convention on the Rights of Persons with Disabilities.

**Website, Social Media, and Media** – NCD maximizes its distribution of information by leveraging its online presence via its website, as well as its social media sites. During the past fiscal year NCD’s website received 206,869 visitors, and recorded tens of thousands of downloads of its policy reports from domestic and international sources.

During the same period of time, NCD established itself via social media with Facebook and Twitter accounts with nearly daily posts to both and a healthy number of followers. NCD staff has utilized the agency’s social media presence in innovative ways over the last year, including hosting a virtual “job fair” in connection with the online release of NCD’s “The Power of Digital Inclusion” report and in observance of National Disability Employment Awareness Month in October 2011. NCD staff has also “live-tweeted” several NCD events to expand each event’s reach, including NCD’s “Common Ground” regional forum in California and most recently, the event surrounding the National Constitution Center’s acquisition of disability rights activist Justin Dart’s wheelchair into permanent exhibition. NCD continues to utilize its traditional email distribution listserv, as well, with approximately 3,000 subscribers receiving regular policy and activities updates from the agency.

Finally, in keeping with NCD’s strategic plan’s goal to leverage media more aggressively to help brand NCD and help frame national conversations on disability, NCD Members and staff made several national media appearances on a variety of topics, including appearances on the Dr. Oz show and on CNN Headline News, reaching 6 million viewers. In early FY13, the agency began to explore radio interviews as a way to expand its report dissemination, having reached over six million listeners on the “Rocking the Cradle” report alone.

These activities, in combination with regular and numerous in-office meetings, including with international delegations, demonstrate that NCD, despite its small size and budget, has maintained a large impact, relative to our size. This also means we have made strides in achieving our goal of being a national voice of the disability community, reflective of the geographic, age, cultural, and other diversity within the community.

**Fiscal Year 2013**

In FY 2013, NCD plans to continue its engagement activities by playing its important role as a convener to bring critical stakeholders together to foster collaboration and help inform policy development. Most of the potential activities below will feed into many of the policy initiatives outlined in Objective 2:

* **Education Reform** – Continue to work on recommendations related to popular education reforms, using the information collected from the Experts Symposium and additional follow-up and collaboration with state government partners to inform the development of a policy toolkit for use by State Departments of Education, legislatures, and local school districts to assist in the evaluation of how education reforms being considered by many states may positively or negatively impact students with disabilities.
* **“Common Ground” Forum Follow-Up** – NCD plans on building on the success of this meeting by conducting additional outreach and making recommendations to the appropriate federal agencies and to Congress.
* **Leverage Media** – Pursue message framing opportunities through the media by pursuing a regular schedule of proactive placements of op-eds throughout the fiscal year.
* **Forums, Listening Sessions and Town Halls** – Continue to schedule and host opportunities across the country to hear from a broad cross-section of the disability community.

**Fiscal Year 2014**

In FY 2014, NCD intends to continue its role as a convener, utilizing and refining successful convening models such as regional forums, experts’ symposiums, and town halls. NCD is hoping to pursue these important stakeholder meetings to continue to honor its outreach / policy development cycle of hearing from the community, pursuing policy research and developing policy recommendations, and then returning to the community with updates, to receive feedback, and continue gathering information for that informs future work.

Many of these convening models will inform the scope, findings, and targeted recommendations of proposed policy projects outlined in the next section, including work on Medicaid reform, private health insurance, vocational rehabilitation, quality of home- and community-based services and supports, and the ongoing implementation of recommendations from the “Rocking the Cradle” parenting report, and efforts to further collaborate with state government partners.

# Objective 2: Policy Development & Collaboration

NCD contributes to the promotion of successful disability policies in education, transportation, emergency preparedness, international disability rights, employment, foster youth with disabilities, vocational rehabilitation, livable communities, and crime victims with disabilities - to name a few. For FY 2014, NCD plans on building on past success such as our revamped annual progress report and completing several significant policy reports in areas of priority to the community and Congress. We also intend to begin several new policy projects of national concern for people with disabilities identified through our outreach and engagement efforts.

In FY 2012, NCD’s Annual Progress Report highlighted initiatives of federal partners that have made progress on implementing disability policy this year. The information in the FY 2012 Progress Report seeks to highlight the developments and trends that have affected the disability community since the summer of 2011. These highlights include federal agency enforcement and regulatory activities; implementation of disability laws; and other policy trends. The material was gathered from NCD stakeholders, federal agencies, and information gathered through NCD’s own recent policy work. NCD found that the nation’s long-term fiscal stability depends, in part, on providing people with disabilities with meaningful opportunities to contribute to our nation’s collective well-being and on eliminating outdated policies that trap people with disabilities in cycles of poverty and dependency. This necessitates the need to integrate and deliver necessary supports and services across silos to ensure effective coordination and collaboration which meet individual needs. NCD’s FY 2012 Annual Progress Report offers highlights of progress in realizing the goals and objectives of the Americans with Disabilities Act (ADA) combined with recommendations that promote independence and self-sufficiency of Americans with disabilities.

Since its inception, NCD has been viewed by the disability community, congressional leaders, various administrations, and organizations in the public as a trusted source and cutting edge leader in the disability arena. To that end, in FY 2012, NCD completed several reports, including:

***The Power of Digital Inclusion: Technology’s Impact on Employment and Opportunities for People with Disabilities***, which examined the importance of social media and other information technologies in connecting people to job opportunities. ***The Case for Deinstitutionalization: Unfinished Business,***which includes a series of toolkits designed to identify the most effective approaches and supports to assist people with ID/DD to transition from institutional settings of all sizes. ***Exploring New Paradigms for the Developmental Disabilities and Bill of Rights Act****,* which explores opportunities for expanding the DD infrastructure to fully realize the underlying goals of the Development Disabilities and Bill of Rights Act and establish a comprehensive policy framework of clear, consistent objectives across federal agencies and within other major legislative statutes*.*

NCD also released ***U.S. Marine Corps Exceptional Family Members: How to Improve Access to Health Care, Special Education, and Long-Term Supports and Services to Family Members with Disabilities***, where NCD systematically examined the challenges experienced by this segment of the U.S. Marine Corps (USMC) community and identified steps toward ameliorating these challenges. The objectives for this study were to (1) document the experiences of USMC families with members with disabilities in accessing appropriate and effective services in health care, special education and related services, and long-term supports and services; (2) identify barriers impeding access to appropriate resources; and (3) develop recommendations to improve access. ***Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children***analyzes how U.S. disability law and policy applies to parents with disabilities within the child welfare system and the family law system and the disparate treatment of parents with disabilities and their children; and ***Toward the Full Inclusion of People with Disabilities: Examining the Accessibility of Overseas Facilities and Programs Funded by the United States*** *(upcoming release),* advances inclusion of people with disabilities in all foreign assistance programs by the United States.

NCD will follow-up on the recommendations contained in each of those reports, provide direct and timely assistance to the Administration and Congress, and will continue to work with our stakeholders to identify new policy areas to study. NCD has a long and proud history of this kind of collaboration. For example, prior to the catastrophic hurricanes of 2005 (Katrina and Rita) NCD led a project related to emergency preparedness for people with disabilities - Saving *Lives: Including People with Disabilities in Emergency Planning.* Based on that work, NCD received additional appropriations through the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) to continue working on emergency preparedness efforts for people with disabilities. In FY 2010 and 2011 NCD worked with the Federal Emergency Management Agency (FEMA) Office of Disability Integration and Coordination on co-hosting two inclusive emergency preparedness conferences.

In FY 2011, NCD sent a letter to the Administrator of the United States Agency for International Development (USAID) related to the triple disasters of the earthquake, tsunami and nuclear plant breakdown in Japan offering our recommendations and assistance in addressing the needs of people with disabilities affected. The comprehensive information gleaned at 1) the joint NCD/FEMA conferences and meetings; 2) the aftermath of the triple disaster in Japan; and 3) the subsequent tsunami alerts in Hawaii and California led to identification of a significant need for the disability community – effective communications. For example, a number of people with disabilities were unaware of the potential threat caused by the triple disaster in Japan on the West Coast of the United States because emergency information was not made available to people with certain sensory disabilities. Thus, stakeholders called for a standardization of how select emergency information data is displayed on smartphones and other devices. In FY 2013, NCD will use the last of the PKEMRA funds in a cooperative agreement with Georgia Tech Research Corporation in a study titled **Effective Communication for People with Disabilities Before, During, and After Emergencies**. This study will research effective communication that is accessible to people with disabilities throughout all phases of emergency management (preparedness, response, recovery, and mitigation).

NCD’s examination will explore the current issues in effective communications before, during and after an emergency situation; seek to identify potential solutions; develop proposals intended to have a positive impact on the policy environment; and develop guidance summarizing promising practices intended to educate emergency planners, as well as state and local officials, about how to provide effective communication to all people with disabilities. NCD continues to receive such mandates for Congress. The FY 2012 Senate Labor-H Appropriation bill approved language for NCD and the Administration on Developmental Disabilities (ADD) regarding monitoring the implementation of the Help America Vote Act for voters with disabilities during the 2012 election cycle as part of the Help America Vote Act as well as the recently passed Food and Drug Administration Safety and Innovation Act (Pub.L. 112-144), which requires NCD to conduct an informational and educational campaign designed to inform individuals with disabilities, pharmacists, and the public about best practices for making drug labels accessible for people with disabilities. These two items are discussed in detail below.

NCD also strives to be deft in responding to timely opportunities to address the rights of people with disabilities. For example, in April 2012 NCD issued a letter to the Chief of the Disability Rights Section at the Department of Justice (DOJ) in regard to the DOJ investigation of the Judge Rotenberg Center (JRC) in Canton, Massachusetts. DOJ's investigation commenced over two years ago – NCD strongly urged DOJ to expedite their investigation and quickly move forward with their findings. The letter is available at: [www.ncd.gov/publications/2012/DOJApril132012/](http://www.ncd.gov/publications/2012/DOJApril132012/). Another example is when NCD wrote to the Office of Federal Contract Compliance Programs (OFCCP) in response to its Notice of Proposed Rulemaking, dated December 9, 2011, to request that OFCCP clarify that sub-contracts to sheltered workshop settings will not be counted towards a contractor’s affirmative action obligations under Section 503, regardless of whether or not said workshops are considered training programs. NCD believes it is particularly necessary to clarify that only hiring individuals with disabilities in integrated employment settings will satisfy affirmative action obligations under Section 503.

Activities such as these assist with NCD meeting performance measures highlighted in its strategic plan resulting in an immediate impact. For instance, because of our work NCD has been asked to participate on a number federal commissions and councils including the Transportation Security Administration’s (TSA) Disability Working Group, Federal Emergency Management Agency’s (FEMA) Long Term Disaster Recovery Initiative and National Response Framework as well as at the state level with our involvement in the Council of State Governments (CSG) Deeper Learning Focus Group (related to education reform).

Indeed, the Centers for Medicare and Medicaid Services (CMS) linked to NCD’s FY 12*Analysis and Recommendations for the Implementation of Managed Care in Medicaid Programs for People with Disabilities*document <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Delivery-Systems/Medicaid-Managed-Long-Term-Services-and-Supports-MLTSS.html> on the same website where CMS is highlighting their own initiatives.

**Fiscal Year 2013**

NCD’s FY 2013 initiatives capitalize on the agency’s ability to play a unique and valuable role in the policy process. NCD intends to be a driving force in the community and will continue to take on the role of convener to bring various stakeholders together, including our ffederal agency partners. NCD will continue to work on a number of policy areas but will also work to strengthen the linkage between the Administration, Congress, and the growing but often overlooked constituency of people with disabilities. Furthermore, NCD’s projects are intended to identify reforms, potential savings, and other ways to help reduce the national debt. In FY2013, these projects include:

***Reforming Social Security’s Disability Benefits System*** -- Current budget debates in Congress and with the President have highlighted that our nation faces fiscal challenges. According to the 2011 Social Security Trustees’ Report, the Social Security Disability Insurance Trust Fund is scheduled to become exhausted in 2016. Because of increasing numbers of claims due to the economic situation and concerns with potential work disincentives facing both Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) recipients, these programs have been highlighted as in need of reform by policymakers.

NCD wants to highlight the place of disability in our national fiscal policy and will initiate a project that analyzes options for SSI and SSDI reform, including what measures could increase work effort for people currently utilizing SSI/DI, what measures could decrease the likelihood of using such benefits, and what financing options exist for both programs. NCD will generate a platform for disseminating the findings which will include recommendations.

***Medicaid Managed Care --*** NCD is also continuing our work to strengthen access to and improve the quality of health care for people with disabilities. With the passage of the Patient Protection and Affordable Care Act, NCD must focus on health care reform implementation ensuring that areas such as disparities in health care that impact people with disabilities and others appropriately address the needs of this important segment of the population. To achieve these goals NCD developed a health care reform workgroup consisting of members, staff, and community stakeholders to study the Administration’s implementation of the Act to ensure that the needs of persons with disabilities are addressed consistently throughout the law. Additionally, Medicaid has become a target of federal and state lawmakers and policymakers for proposed funding cuts. Many states, for example, are moving people with disabilities into managed care for acute and long-term services.

The information gleaned from the workgroup and fiscal realities led NCD to kick off a new study on Medicaid managed care. The purpose of this project is to develop a paper for advocates, states, and CMS on the critical issues to be addressed when enrolling people with disabilities in Medicaid managed care. NCD issued a framing paper in the first quarter of 2012, linked here: <http://www.ncd.gov/publications/2012/CMSFebruary272012/NCD>, as well as a set of principles on same, linked here: <http://www.ncd.gov/publications/2012/Feb272012/>. Two additional papers will be released soon, one will address self-direction in the context of managed care, and the second will address Medicaid block granting.

***Subminimum Wage --*** In FY 2012, NCD began discussions relative to Section 14(c) of the Fair Labor Standards Act. This provision allows employers certified by the United States Department of Labor to compensate persons with disabilities for work at a rate less than the minimum wage - a wage set by Congress for all other workers in the United States. Based on Council discussion, NCD undertook a series of seven site visits around the country and researched and developed a set of recommendations designed to systemically address the subminimum wage. The guiding principle for NCD’s work was to apply the vision of the Americans with Disabilities Act to ensure equality and opportunity for all and eliminate policies of discrimination on the basis of disability. It was NCD’s intent to recognize the concerns raised by individuals with disabilities and their families regarding segregation and being paid below the federal minimum wage and come forward with a series of recommendations that would address them. NCD recognizes that its recommendations impact thousands of individuals and their families.

NCD further recognizes that it will take the assistance of a large number of stakeholders to eliminate the discriminatory practices of the 14(c) program and build a sustainable supported employment infrastructure along with other supports. But doing so will help thousands attain higher wages, become more self-sufficient, and afford greater access to the American dream. To accomplish these goals and make the system change effort necessary, in FY 2013 NCD plans to draft proposed legislation based on recommendations in the report. In addition, NCD will educate interested parties on the recommendations and proposed legislation through a variety of mechanisms including presentations at national or regional conferences, webinars, newsletter articles, and other media. This effort will focus on the goal of introducing the legislation in the next Congress.

***Help America Vote Act --***The Help America Vote Act (Pub.L. 107-252), (HAVA) was passed, in response (at least in part) to the controversy surrounding the 2000 U.S. presidential election. The goals of HAVA are: (1) replace punch card and lever-based voting systems; (2) create the Election Assistance Commission to assist in the administration of Federal elections; and (3) establish minimum election administration standards. The FY 2012 Senate Labor-H Appropriation bill approved language for NCD and the Administration on Developmental Disabilities (ADD), which was part of the Administration on Children and Families (ACF) at the Department of Health and Human Services (HHS), regarding the HAVA. The language specifically reads “Voting Access for Individuals with Disabilities. -- … The Committee also encourages ACF, in consultation with the National Council on Disability, to monitor the implementation of the Help America Vote Act for voters with disabilities during the 2012 election cycle.” Although the bill passed the Senate, it was not included in the final appropriation bill. However, ACF responded to the Senate language with: “The Administration on Developmental Disabilities (ADD), will work with the National Council on Disability (NCD) and other federal partners to assess the accessibility of the election process for people with disabilities during the 2012 general election. In addition, ADD staff will continue to provide technical assistance and support to Secretaries of State to ensure election accessibility and timely expenditure of appropriated funds for such purposes.”

In response to the FY 2012 Senate language, NCD, in collaboration with ADD, will develop, promote, and disseminate a 5-8 question tool targeted toward individual voters around the areas of physical and cognitive accessibility, privacy, voting technologies, intellectual disability issues, and other barriers. The goal will be to broadly distribute through Protection and Advocacy agencies, Developmental Disability Councils, Centers for Independent Living, University Centers of Excellence in Developmental Disabilities, self-advocacy organizations and other disability-related non-government organizations – both electronically and hardcopy versions – for collection and analysis immediately following the 2012 election. Utilizing the findings from the aforementioned question tool, NCD, in collaboration with ADD, will issue a report that: (1) describes the utilization of federal funds, activities and outcomes under HAVA for people with disabilities over the past decade; (2) includes stories and anecdotes collected through the questionnaire process; (3) incorporates data from the questionnaire regarding voting accessibility during the 2012 general election, and an analytical narrative describing the questionnaire findings; and (4) includes recommendations to improve voter participation and accessibility for people with disabilities for the future.

***Positive Steps and Paying Attention – Clearing the Backlog and Facilitating Benefits and Treatment for America’s Veterans*** -- In 2009, the Ninth Circuit Court of Appeals rendered an opinion which documented frightening statistics-18 veterans of American military service were committing suicide daily, with a thousand more attempted suicides per month. Citing disparities in treatment categories, claims services and delay in the appeal process, the Ninth Circuit applied due process rights squarely to military personnel returning from service with medical and other claims. The Veteran’s Administration (VHA and VBA) have reacted swiftly and decisively to reach veterans and their families in need, expanding medical treatment categories to include Post-Traumatic Stress Disorder (PTSD), establishing a widely used hot-line to deal with emergencies, and facilitating creation of on-line benefits applications and claims procedures. Nonetheless, significant backlogs continue to exist, and returning veterans continue to live with (sometimes grave) risk. This loss of life is devastating and the lost potential insurmountable. NCD will produce a paper that will be distributed to Congress, the VA, and other appropriate federal entities with recommendations ways to eliminate barriers to ensure that the backlog of claims and appeals are reduced, and veterans and their families’ best served.

***Education Outcomes for Students with Disabilities* -**Our nation recently celebrated the 35th anniversary of the Individuals with Disabilities Education Act (IDEA). IDEA guarantees students with disabilities a right to a free and appropriate public education in the least restrictive environment and provides State and Local Education Authorities with funding in order to meet their legal obligations under the law. Despite thirty-five years of IDEA implementation and enforcement, little is known about the extent to which students with disabilities are realizing their education potential. Though outcomes-based accountability is the focus of general education policy discussions, special education policy is focused almost entirely on questions of compliance with procedural requirements. It is not known whether compliance with procedural requirements translates into better academic outcomes for students with disabilities.

The purpose of this project is to:

* assess the current education status of students with disabilities by disability type and severity, including measures such as types of placement, graduation rates, access to transition services, number graduating with a high school diploma vs. certificate of attendance, inclusion in extra-curricular activities, access to post-secondary education, and competitive employment opportunities;
* determine what factors optimize education outcomes for students with disabilities by disability type and severity, including factors such as the amount of time spent in the general curriculum, access to transition services, inclusion in extra-curricular activities, whether expected to earn a diploma vs. a certificate of attendance;
* analyze the long-term impact of IDEA on education outcomes; and
* develop recommendations for measuring, tracking, and monitoring the education outcomes of students with disabilities and for implementing mechanisms for improving their education outcomes.

***Transportation --*** **In 2005,** NCD released a comprehensive transportation report addressing access to ground transportation for people with disabilities: *The Current State of Transportation for People with Disabilities in the United States*, (2005), [www.ncd.gov/publications/2005/06132005](http://www.ncd.gov/publications/2005/06132005). In FY 2013, NCD will assess the progress made since 2005 and examine the recommendations made by NCD in the 2005 report to identify which recommendations have and have not been addressed successfully, and identify what barriers remain for people with disabilities in accessing transportation, including rural transportation. Particular emphasis will be placed on transportation issues for people with disabilities in rural and outlying urban areas; and inner city transit issues – subways, buses, taxis and issues regarding “silo” transit systems such as para-transit. NCD will also continue to track the work of the Transportation Security Administration (TSA), via TSA’s Disability Working Group. Based on the negative experiences of travelers with disabilities at airport security checkpoints NCD reached out to the Transportation Security Administration (TSA) offering our assistance, in a technical advisory capacity, regarding security screenings of passengers with disabilities and specifically the need for a universal design-based solution for the screening of all passengers. As a result of a meeting with TSA’s Office of Disability Policy and Outreach, TSA formed an Integrated Product Team to conduct an extensive review of the Screening Checkpoint Standard Operating Procedures sections that apply to people with disabilities and medical conditions. NCD will continue to track its progress.

**Fiscal Year 2014**

In Fiscal Year 2014, NCD plans to continue work on a number of policy areas: continuing projects initiated in previous fiscal years and engaging in new self-initiated work based on outreach and engagement activities with community, Congress, and the Administration. NCD has identified several possible new projects and areas to address systemic issues affecting people with disabilities (one project was mandated by Congress); some of which identify areas of potential savings to help reduce the national debt. These potential policy areas include:

***Vocational Rehabilitation --***The state-federal vocational rehabilitation program is the only federal funding stream dedicated exclusively to assisting people with disabilities in obtaining and maintaining employment. One way to reduce the strain being placed on entitlement programs provided by the Social Security Administration or Medicaid is to help people find meaningful employment. Yet, in FY 2011, 22 states were not able to match the approximate 1:4 state to federal match dollars due to a lack of state/local dollars. This occurred despite the fact that the Rehabilitation Services Administration (RSA) allowed the match to be provided by third party agreements with local government entities and most recently by non-profits - that would not benefit directly from the matched funds.

Some states have been allowed to use in-kind match while others have not. While states are struggling to access these funding streams, people with disabilities have been on waiting lists or turned away from vocational rehabilitation services needed to help people find employment and become tax paying citizens. Additionally, vocational rehabilitation agencies have (by law) been asked to participate in the nationwide One Stop system. Yet, little to no data is available to indicate if these systems are physically and programmatically accessible and if people with disabilities are using and/or benefitting from the services.

The vocational rehabilitation agencies have also been asked (by law) to participate in the federal Ticket to Work (TTW) program; yet again no data is available to indicate if this relationship results in increased or improved vocational outcomes for people with disabilities. Finally, vocational rehabilitation agencies have been asked to participate in transition planning for youth leaving the K-12 education system. Again, little or no information is available to indicate the level of this participation and whether it results in increased or improved vocational outcomes. RSA continues to allocate funds to states based upon a population driven formula developed in 1973. Although attempts have been made to supplement states not treated fairly under the formula, there has been no serious attempt to evaluate the current effectiveness of this allocation system. NCD’s study will include an evaluation component intended to examine these data gaps more closely.

Currently, the Workforce Investment Act (WIA) is eight years past its required re-authorization. Hence in FY 2014, NCD is considering examining whether people with disabilities are being provided employment services under WIA; whether these services are being funded in a way that is fair and consistent across state programs; whether the state/federal VR system is realistically able to meet the collaboration goals set in WIA; and what role people with disabilities and state and local governments should have in the design and implementation of the VR program.

***Reforming Private Health Insurance to be consistent with the Goals of the ADA --*** The current focus on health reform, community living, and enforcement of the Supreme Court decision in Olmstead v. L.C.[[1]](#endnote-1) primarily focuses on public health benefits, Medicaid, in particular. However, little attention is being paid to the extent to which private health insurers structure health benefits in ways that interfere with an individual’s right to live in the community. Private health policies often contain exclusions or restrictions on the types of services most needed by people with disabilities, and have an institutional bias – covering services if an individual lives in a nursing home or rehabilitation facility, but not covering the services in the individual’s home. Many private insurance plans fail to adequately cover rehabilitation and habilitation services and devices; and mental health and substance use disorders, including behavioral health treatment.

According to the Institute of Medicine,[[2]](#endnote-2) habilitation, mental health, substance abuse, and behavioral services have largely been left to the public sector to provide and fund at taxpayers’ expense. For example, many private plans fail to cover, or place unrealistic restrictions on, durable medical equipment and limit prosthetic limbs to one per lifetime. In addition, many private plans only cover therapies to the extent that they result in progress toward recovery – thereby discriminating against people with permanent disabilities who need therapies to maintain functioning or prevent deterioration of functioning, such as people with cerebral palsy, multiple sclerosis, or people who need psychiatric rehabilitation. Most private plans do not cover hearing aids or low vision aids and avoids covering services for children with autism or intellectual disabilities through use of a definition of “medical necessity” that applies only to restoration of function.

Such benefit limitations have a disproportionate detrimental effect on people with disabilities that go far beyond a negative impact on health. The impact is so extreme that many people with disabilities cannot work because employer-sponsored health insurance is inadequate compared with the benefits they can receive from Medicaid. Private insurance limitations and exclusions force some people who would rather be at home into more costly institutions; placing further strain on cash strapped public programs. This is in direct contravention to the Americans with Disabilities Act, the Olmstead decision, and generally-accepted principles of community living and inclusion. The private insurance market is in need of significant reforms if people with disabilities are to participate equally in private health insurance. The purpose of this potential project is to analyze the policies of the 20 largest private health insurers and document the contract provisions that are inconsistent with the goals of the ADA, the Olmstead decision, and the Administration on Community Living (ACL) initiatives. Furthermore, the analysis could include specifics such as spotlighting the practices of the private insurance market that have the intent or effect of discriminating against individuals with disabilities.

***Defining and Measuring Home and Community Based Services Quality*** -- Over the course of the last several years, considerable energy and effort has been focused on the topic of expanding Home and Community Based Services (HCBS) for people with disabilities and elderly Americans. Through programs like Money Follows the Person, the State Balancing Incentive Program and the Community First Choice State Option, states have been offered financial incentives to shift away from institutional services and towards HCBS. Studies have shown that community services are less expensive than institutional care and making such a shift could potentially save Medicaid millions of dollars annually. Additionally, efforts by the Department of Justice’s Civil Rights Division to enforce the Supreme Court’s 1999 *Olmstead v. L.C.* decision have also helped to further the shift towards community services. Despite this significant progress in terms of state willingness to invest in community support infrastructure, considerable tensions remain as to how to define and assess the quality of HCBS.

CMS has recently issued numerous public comment opportunities focusing on this particular question, and ongoing deliberations within numerous federal agencies, including DOJ, HUD, CMS and the new Administration on Community Living continue to work to identify the best ways at ensuring quality measurement infrastructures that are truly reflective of community life. If conducted, this project could provide a meaningful and practical summary of the relevant issues and options available to state and federal policymakers with regards to defining and assessing HCBS systems for consistency with the goals and intent of the Medicaid HCBS program, compliance with the Americans with Disabilities Act, and the ability to meaningfully enhance the quality of life of individuals with disabilities and elderly Americans.Further aspects of this project that could be explored include examining: how HCBS should be defined and what should and should not be funded utilizing HCBS dollars; what constitutes meaningful compliance with the federal Olmstead decision and what implications have yet to be fully explored by policymakers and advocates; and how policymaking and quality assessment activities of both Medicaid and non-Medicaid programs can be improved with regards to HCBS.

***Safe at Home: The Next Chapter*** – NCD is considering expanding our work with veteran’s by focusing on educational issues as they relate to transition of military servicemen and woman as they return from duty. A myriad of complex problems confront veterans as they seek to re-engage in civilian life. When they return home between 20 to approximately 40 percent will require recovery from physical, sensory, and/or emotional injuries sustained during service. [[3]](#endnote-3)The culture of military life remains indelibly part of a veterans’ character, making re-adjustment to civilian life isolating and threatening for service men and women who have closely identified with their unit communities, upon whom they depend for their very lives. Having grown accustomed to team living, integration back into nuclear family lives, competitive educational environments and the competitive market mentality of civilian life contradicts the military values system of trust and shared responsibility, living quarters, and collaboration.

The tools for re-integration into civilian life include education-during and after military service. Military service includes, of necessity, the highest level of training in a diverse number of fields, including computer skills, weaponry, and transportation, management of complex projects, engineering, and medical and topographical skills, among many others. Veterans are far more likely to seek educational training than employment straight out of service, setting the employment oriented placement policies currently offered by the Veterans’ Administration (VA) on end. At the June 2012 NCD Los Angeles Forum, Common Ground, veterans expressed great frustration at the divide between training and efforts to gainfully employ returning service men and women, despite incentives and veteran employment placement services and programs.

As an example, the present structure of VA benefits and services, including the Montgomery GI Bill, VA/VR benefits and the New GI Bill has strict time requirements that disabled veterans are finding very difficult to meet. Furthermore, the emphasis placed on immediate employment for veterans rather than assessment of skills, continued training and then placement or counseling for career opportunities may result in veterans missing opportunities to use the valuable and specialized skills accumulated during military service.

This potential project will examine transition issues for veterans including obtaining education under current programs and services in a manner that allows accommodation for disabilities, and provides credit or builds on prior specialized skills developed during military service. NCD anticipates that, working in collaboration with community experts, education specialists, the Veterans Administration and the agencies and federal partners that are serving the veteran population, recommendations and relationships will result that will significantly improve the quality and quality of life for America’s veterans and the communities in which they live. This project will be a pre-cursor to additional work currently being discussed on the re-integration of veterans (from all eras) into the services provided by their communities and into a life which provides community living, employment and the opportunity to explore one's full potential. NCD is considering holding a national meeting to plan and implement this project. Additional outside funding will be pursued for the project.

***Parenting with a Disability Conference --*** In FY 2012, NCD released its groundbreaking report, ***Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and their Children***. NCD undertook this cutting-edge study to advance understanding and promote the rights of parents with disabilities and their children. This report provides a comprehensive review of the barriers and facilitators people with diverse disabilities experience when exercising their fundamental right to create and maintain families and it highlights the systemic and pervasive discrimination against parents with disabilities that persists. The report analyzes how U.S. disability law and policy applies to parents with disabilities within the child welfare system and the family law system and the disparate treatment of parents with disabilities and their children. Examination of the impediments prospective parents with disabilities encounter when adopting, as well as when accessing assisted reproductive technologies, provide further examples of the need for comprehensive protection of these rights. Despite increasing numbers of people with disabilities having families, little attention has been given to the prevalence of parents with disabilities, their needs, and their experiences. NCD must take a proactive role in elevating the issues parents with disabilities and their children encounter.

NCD’s report is potentially only the first step in an important process. Similar to White House conferences on bullying, Hispanic policy, and lesbian, gay, bisexual and transgender (LGBT) Americans, the Council is considering hosting a conference – the first of its kind – to provide a venue for the necessary key stakeholders (parents with disabilities, federal agencies, advocates, members of Congress and their staff, service providers, and researchers) to convene and begin focusing the necessary attention this issue so rightly deserves. The conference would attempt to answer several questions of prominent concern such as: what actions have been taken on the state and federal level to address discrimination against parents with disabilities and their children – what are the barriers and facilitators; what promising practices and/or state initiatives have been implemented to support parents with disabilities and their children since the release of NCD’s report; and what progress has been made on NCD’s report recommendations and what more needs to be done to advance and promote the rights of parents with disabilities and their children.

***Emerging Technology in Transportation*** -- In 2004 NCD issued a report, *Design for Inclusion*, aimed at educating designers and manufacturers about the way electronic and information technology (E&IT) intersects with the needs of individuals with disabilities, and how designing with access in mind can significantly increase the size of targeted markets for E&IT. In 2011, NCD took the next step in recognizing the transformative power of technology and innovation, and examined the importance of social media and other information technologies in connecting people to job opportunities in report *The Power of Digital Inclusion*.

NCD is now envisioning opportunities for people with disabilities to promote independence and economic opportunities if the marketplace can make emerging technology of personal transportation vehicles a reality. Lack of transportation in the 21st century impedes an individual’s ability to obtain successful employment, good health care, and be an active community participant.

The latest innovations in technology are now upon us through the use of autonomous vehicles. Autonomous vehicles are vehicles capable of operating with minimal or no input from a human driver beyond entering an intended destination or a planned travel route. While this technology is still in its infancy, it is emerging. The expanded use of these vehicles could begin to address the dramatic increase in social isolation, chronic unemployment, and an overall poorer quality of life stemming in no small part from a lack of transportation. For people who are blind, experience seizures, or have physical, developmental or intellectual disabilities whose effects prevent them from driving, autonomous vehicles could provide a new and vital transportation option. Many senior citizens would also benefit from this technology as they experience isolation - often from a lack of transportation. In addition, in most rural areas of the country there simply is not adequate public transportation to meet the needs of persons with disabilities.

Advancing this technology may ease the demand on government dollars to support such transit systems. Hence the potential opportunities this advance could bring to people with disabilities is significant and requires an examination of the public policy barriers that need to be eliminated to further the development of this technology, and improve the quality of lives for persons with disabilities.

Several states across the country have already passed legislation relative to the operation of autonomous vehicles. NCD would like to ensure, as more states begin to experiment with allowing this technology that no federal barriers exist that would prevent its wider use. NCD proposes to partner with industry experts to identify the policy barriers of this technology and recommend federal legislation to further advance the testing and trial operation of autonomous vehicles. In addition, the project could include the drafting model legislation which states may use to create a consistent approach across the country.

***Information Campaign related to the Accessibility of Information on Prescription Drug Labels*** – In July 2012, the Food and Drug Administration Safety and Innovation Actbecame law (Pub.L. 112-144). The law requires the Architectural and Transportation Barriers Compliance Board (Access Board) to lead an effort to develop best practices/guidance on making prescription drug labels accessible to people with vision impairments. Upon completion of the guidance, NCD is required to, in consultation with the working group established by the Access Board, “conduct an informational and educational campaign designed to inform individuals with disabilities, pharmacists, and the public about such best practices.”

***Education Reform Toolkit***

Education reform is a topic that inspires debate, passion, and controversy. However, there have been too few discussions about how proposed shifts in public education impact students with disabilities. Increasingly, policy makers are grappling with the issue of “school choice.” Though the character varies from state to state, school choice generally encompasses proposals regarding charter schools, school vouchers, and online schools, public scholarships for private schools, tax credit scholarships, and/or individual tax credits and deductions for private education services. Proponents of these reforms are offering model legislation in the majority of states

All of these reforms have the potential to significantly impact students with disabilities. In many cases, students with disabilities are even being used to market school choice proposals. It is imperative that, as states across the country contemplate the advisability of these proposals, policy makers at the state and federal levels are carefully considering the needs of students with disabilities. This includes issues such as access, maintenance of rights under federal laws, access to the least restrictive environment and the core curriculum, graduation outcomes, and the integration of students with disabilities (including significant disabilities) with nondisabled students. NCD envisions the development of an online policy toolkit for use by State Departments of Education, legislatures, local school districts, parents, students, and advocates that will assist in evaluating how education reforms may positively or negatively impact students with disabilities. The content of the toolkit would be developed using the substance of the conversations and presentations at NCD’s Experts Symposium on education reform in Orlando, FL, coupled with additional research.

***Home Engagement***

This project envisions a fresh look at the ‘end game’ strategy for complete reintegration of veterans with disabilities into civilian life. It contemplates a multi-phase examination of the programs and services in place for veterans with disabilities, including superstructure-the agencies, both federal and state, which address the journey for disabled veterans back into civilian life, the infrastructure and inter-agency coverage and gaps, and seeks to make recommendations for restructure in a manner that best addresses the actual needs of veterans in terms of health care and support, housing, education, benefits access, and employment. It envisions engagement with the research and findings on veteran issues that the NCD has conducted or is currently supporting, and seeks to find the best methods and priorities for dealing with the spectrum of issues that confront a veteran with disability seeking to integrate back into civilian life.

# Budget Authority and staffing by activity

**Salaries and Expenses**

FY 2012 FY 2013 FY 2014

Enacted Actual Requested

Budget Authority $3,257,831 $3,277,769 $3,345,000

FTE 12 12 13

Positions (FTE) 12 12 13

The amount shown in FY2013 includes the 0.612 percent across-the-board increase provided by P.L. 112-175.

[[4]](#footnote-1)Available for Obligation

FY 2012 FY 2014 Net Change

Enacted President’s Budget

Budget Authority $3,257,831 $3,345,000 $168,315

Outlays $3,257,831 $3,257,831 $81,446

FTE 12 13 13

Positions (FTE) 12 13 1

The amount shown in FY2013 includes the 0.612 percent across-the-board increase provided by P.L. 112-175.

# appropriations history

Salaries and Expense Account

(Amounts in thousands of dollars)

Fiscal Year Budget Authority Fiscal Year Budget Authority

1980 25 2001 2,615

1981 205 2002 2,829 (3)

1982 197 2003 2,839 (4)

1983 198 2004 3,021 (5)

1984 500 2005 3,344 (6)

1985 750 2006 3,144 (7)

1986 732 2007 3,425 (8)

1987 860 2008 3,059

1988 871 (1) 2009 3,206

1989 1,160 2010 3,271

1990 1,540 2011 3,264

1991 1,439 2012 3,258 (9)

1992 1,569 2013 3,278 (10-estimate)

1993 1,541 2014 3,345 (proposed)

1994 1,690

1995 1,793

1996 1,793

1997 1,791

1998 1,793

1999 2,344

2000 2,391 (2)

1. FY 1988 amount reflects reductions pursuant to Public Law 100-436.
2. FY 2000 amount reflects reductions pursuant to Public Law 106-113.
3. FY 2002 amount reflects reductions pursuant to Public Law 107-206.
4. FY 2003 amount reflects reductions pursuant to Public Law 108-7.
5. FY 2004 amount reflects reductions pursuant to Public Law 108-199.
6. FY 2005 amount reflects reductions pursuant to Public Law 108-447.
7. FY 2006 amount reflects reductions pursuant to Public Law 109-148.
8. FY 2007 amount reflects reductions pursuant to Public Law 110-5 and

Supplemental appropriation pursuant to Public Law 109-295.

1. FY 2012 amount reflects reductions pursuant to Public Law 112-74.
2. FY 2013 amount includes the 0.612 percent across-the-board increase provided by P.L. 112-175.

# Congressional directives

H.R.2206, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, provided NCD with an additional amount for `Salaries and Expenses' ($300,000), to remain available until expended for necessary expenses related to the requirements of the Post-Katrina Emergency Management Reform Act of 2006 as enacted by the Department of Homeland Security Appropriations Act of 2007 (Public Law 109-295). This legislation requires NCD to accomplish specific activities related to homeland security as part of HR 5441.

In 2007, additional legislation was enacted that expanded NCD’s responsibility at the interagency level:

S. 294, the Passenger Rail Investment and Improvement Act of 2007, required Amtrak, in consultation with station owners, to evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities and to submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability, along with recommendations for funding the necessary improvements. While an initial report was received from Amtrak early in 2009, a requested accessible copy that is readable by NCD Members and staff with vision impairments has yet to be provided.

H.R. 4137, the Higher Education Opportunity Act of 2008, amends and extends the Higher Education Act of 1965 and includes NCD as a member of a newly established Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities.

Public Law 112-144, the Food and Drug Administration Safety and Innovation Act, tasks NCD with conducting an informational and educational campaign designed to inform individuals with disabilities, pharmacists, and the public about best practices associated with access to information on prescription drug container labels for individuals who are blind or visually impaired. NCD also serves in an ex-officio observer capacity on the working group tasked with developing the best practices.

# justification of request

Like many federal agencies, NCD has been impacted by increased costs related to our mission, but to date has offset these increases by implementing administrative efficiencies. However, unlike larger agencies, NCD has limited opportunity to reduce costs before impeding the agency’s ability to fulfill Congressional mandates as outlined in our authorizing legislation. Therefore, the requested funding will enable NCD to keep pace with the ever-increasing demands being placed on it by new legislation and changes to existing legislation that have profound implications for people with disabilities, while also fulfilling the agency’s mandated reporting requirements; the need to maintain a clean audit opinion and sound internal controls; and make critical upgrades to technology and important investments in the agency’s website in order to ensure the agency’s information security program adheres to and conforms with requirements of the Federal Information Security Management Act (FISMA) of 2002 and section 508 of the Rehabilitation Act of 1973 (as amended).

**Summary of Request by Key Object Class Code**

The National Council on Disability (NCD) Budget Request for FY 2014 is in the amount of **$3,345,000,** an **$87,169** increase over 2012. A detailed breakdown and justification of this request follows:

**Personnel Compensation and Benefits (OC 11.0 and 12.0) - $2,046,127**

For FY 2014, NCD’s budget request supports 15 Council members and 13 staff (FTEs). The 13 FTEs consist of an Executive Director and 12 permanent staff.

Many of the staff and Council members are people with disabilities. NCD provides accommodations for a variety of disabilities during work hours, at all NCD meetings and events, and as needed, during travel. For example, for many meetings, including day-to-day meetings, NCD may provide sign language interpreters, real-time captioning, or personal care attendants. NCD’s quarterly meetings are fully accessible. The cost of accommodations has risen steadily over the years. Absent a budget increase, NCD must cover these costs by reducing its policy work, reducing travel for staff and Council members, or forgo in-person Council meetings.

According to NCD’s authorizing statute, Council members are entitled to receive compensation at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5 (approximately $75.00 per hour), including travel time, for each day they are engaged in Council duties. NCD’s 15 current members reside primarily on the West Coast (three members in California, one in Washington, and one in Oregon); the Northeast (three members in New York, one in New Hampshire, and one in Massachusetts), the Washington, DC metropolitan area (three members), North Carolina (1 member), and one in the Midwest (Wisconsin).

The amount of time members contribute to Council work varies from project to project. Additionally, as required by NCD’s authorizing statute, NCD is required to meet no less than four times each year. For a three-day quarterly Council meeting in Washington, DC, Council residing in the DC metropolitan area average 20 hours of work per meeting, while members residing outside of the metropolitan area average 35. The 14 members that claim hours (the 15th is a federal employee and is only reimbursed for travel expenses) in aggregate seek approximately 465 hours totaling $34,875 per meeting that takes place in Washington, DC. For a two-day Council meeting outside of Washington, DC, members in aggregate claim approximately 490 hours totaling $36,750 per meeting (35 hours per member). NCD members are also reimbursed for travel time to non-NCD meetings, consumer forums, professional conferences, speaking engagements and other official functions where they represent NCD at a rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5. We do not foresee our workload decreasing in FY 2014 and based on FY 2013 request $251,428 in members’ salaries, a $10,780 increase over 2012.

The Executive Director manages and coordinates the activities of all staff and has responsibility for fiscal operations, human capital, information technology, and continuity of operations, as well as participating in key meetings with federal partners and disability stakeholders at the national level and approves work products of NCD. NCD staff carries out the vision of Council members through our engagement, legislative and policy work. Furthermore, NCD’s administrative team supports our engagement, legislative, and policy work as well as ensures that NCD complies with all federal administrative, operational, and financial statutes, regulations, policies and guidelines.

The FY 2014 budget request for staff salary and benefits is $1,823,634. The request includes a 1% cost-of-living adjustment and required step-increases. However, estimated benefits in FY 2014 budget request are approximately 6.0 percent higher than FY 2012 levels. Furthermore, the request is inclusive of hiring an Electronic and Information Technology Specialist.

NCD convenes numerous engagement activities with our stakeholders and disseminates information using our website, social media and list-serves. It is imperative that all meetings and forms of communication are accessible to our stakeholders. In FY 2010 NCD invested in areas such as financial management and updating technology such as our website because they are critical to supporting the mission and business operations. To reduce costs, NCD has significantly limited the number of reports it prints in hard copy from previous years, relying instead on promoting the report through email and conferences and driving interested parties to the agency’s website to read the reports. To ensure accessibility, in addition to PDF files, each report is also made available in HTML on the agency website. Under our existing web services contract, converting each page of a report to HTML costs $10 and is often a time-consuming process. To provide an example, in FY 2012, NCD completed six reports, one of which, ***Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children***, is over 400 pages long given its breadth of analysis. Using that report as an example, it cost NCD nearly $4,500 and took approximately two weeks for a professional programmer to make the report available in accessible HTML on NCD’s website. To address accessibility issues, to ensure the agency’s information security program adheres to and conforms with federal requirements, and to increase the capacity of in-house staff funding for this additional position.

**Travel and Transportation of Persons (OC 21.0) - $248,000**

As required by NCD’s authorizing statute, NCD is required to meet no less than four times each year. The 15 Council members receive, by law, reimbursement of travel expenses associated with the four meetings required annually and with other meetings that NCD may schedule. Pending the location of the quarterly meetings, up to 20 members and staff may travel. In FY 2012 NCD had two quarterly Council meetings in Washington, DC (one via conference call), a meeting in New York City, a meeting in Los Angeles, CA, and a special session via conference call. On average, 16 members, staff and personal care attendants travel to NCD quarterly meetings. NCD averages $10,880 in transportation (airline and train) costs per quarterly meeting (almost $43,500 per year) and $9,500 in hotel costs per meeting (almost $40,000 per year); totaling over $80,000 for transportation and hotel costs.

Furthermore, NCD is also responsible for paying for local transportation (including accessible transportation) depending on the location of a quarterly meeting for members, a meal per diem for members (and staff only when traveling outside of the Washington, DC metropolitan area), and meeting room space if meetings take place outside of the Washington DC metropolitan area. NCD also supports guest speakers that the Council requests attend meetings to present research, policy, data and other information that could potentially inform NCD’s work. Finally, because most of NCD members are people with disabilities additional travel costs may be required for personal care assistants and other accommodations. Therefore, NCD requests $121,500 for travel costs associated with quarterly meetings.

In addition to the required Council meetings, NCD has budgeted for regional forums, listening sessions and similar events. These activities are designed for NCD members and staff to hear from and engage with stakeholders, learn from other professionals, and highlight legislative, educational, employment, housing, technological, economic, political, and social policies and programs designed to enhance the quality of life of all Americans with disabilities. Depending on the event type, a facilitation methodology is used in order to engage forum attendees in identifying best practices and achievements and in determining the way forward. In FY 2012 NCD members and staff attended a number of conferences and events, hosted a regional forum in Florida, conducted a seven-state site visit regarding subminimum wage for people with disabilities (Washington State, Oregon, Louisiana, South Dakota, New York, Vermont, and Ohio), and hosted listening sessions in Florida, and New York. A two-day regional forum generates at a minimum $15,000 in expenses including hotel rooms, food per diem, room rental, and audio visual and in-house equipment fees.

Other travel and transportation expenses related to non-quarterly meeting NCD events are based on actual expenses for past events and from costs associated with quarterly meetings. Therefore, NCD requests $126,500 for travel costs associated with non-quarterly meeting NCD activities.

NCD’s total request for travel and transportation is $248,000, a $15,000 decrease less 2012.

**Rent, Communications & Utilities (OC 23.1) - $317,131**

NCD currently occupies office space at 1331 F Street, NW, Washington, DC 20004. As required by law, leasing arrangements for NCD are coordinated through the Public Building Services division of the General Services Administration (GSA). NCD’s current lease expires on August 21, 2021. Based on the occupancy agreements, NCD rent and GSA fees (7%) for FY 2013 are expected to be $255,500 and $ 258,500 in FY 2014 (not including cost of living adjustments). In FY 2014 NCD requests $259,131 for rent and fee payments, a $9,131 decrease less 2012.

Communications

NCD utilizes a number of communication methods in order to facilitate work between NCD members and staff, as well as to engage with stakeholders. The FY 2014 budget request includes $42,000 for telephone services (local, long-distance, conferencing/video capabilities), $6,000 for mail and courier services, and $10,000 for the agency’s broadband internet connection.

**Printing and Reproduction (OC 24.0) - $29,251**

To reach out to, engage with, and disseminate information to stakeholders NCD must invest annually in printing and reproduction costs. Hence, NCD is requesting $14,000 for printing and duplicating notices and publications (commercial), $10,251 for printing costs, and $5,000 for federal register services, a $22,150 increase over 2012.

**Contractual Services (OC 25.0) - $655,129**

NCD’s priorities are established upon recommendations developed by Council members and stakeholders and are based upon the goals and objectives outlined in NCD’s strategic plan. Policy reports, working groups, white papers, and projects are commissioned by NCD, when necessary to enlist the support of outside individuals and groups who possess expertise not available within NCD itself. The FY 2014 budget request includes $249,005 for such services as described in Objective 2 as well as costs for financial management support services in order to maintain a sound internal control environment, editing of papers and reports, and workplace accommodations for staff.

As a small independent agency, NCD contracts with multiple agencies or private vendors for many of the services performed in-house by staff at larger agencies. These contracts cover items such as sign language interpreting services, real-time captioning, qualified reader services, printing, personal assistance services, information technology, web hosting, news services, mailing services, and auditing. For example, NCD is authorized by statute to contract with the General Services Administration (GSA) Administrative Liaison Division (ALD) and their Kansas City Heartland office for accounting, payroll, financial reporting, legal consultation, human resources, and building. The FY 2014 budget request includes $105,000 for human resources, outside legal consultation and building services through GSA-ALD; $43,000 for accounting, payroll, and financial reporting services through GSA Kansas City; $60,000 for photocopier rental and maintenance, accommodation support for members and staff with disabilities, and off-site IT security back-up, licenses, and storage; and $25,000 for payments to other federal agencies for services such as job postings through the Office of Personnel Management, security services, the code of federal regulations, and FSA Feds.

Finally, to ensure NCD operates efficiently and effectively, and maintains a sound internal control environment, information technology system, and adequate human capital, $71,000 is requested for IT & Website Support Services; $40,000 for staff professional development training; and $20,000 for the annual financial audit.

**Supplies and Materials; and Equipment and Computers (OC 26.0 and 31.0) - $49,362**

Information Services, Office Supplies and Materials

$12,000 is requested for professional periodicals; $17,000 for subscriptions to technical publications such as LexisNexis; $10,362 for office supplies; $5,000 for office equipment and furniture; and $5,000 for computer equipment and software.

The requested resources are essential for NCD to successfully achieve its mission and serve the public and disability community.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Table 5: Budget Request by Object Class** | | | | |
| **Personnel** | | **FY 2012 Enacted** | **FY 2013 Actual** | **FY 2014 Request** |
| 11.1 | Full Time Permanent | $1,260,418\* | $1,354,103\* | $1,457,950 |
| 11.3 | Other than Permanent | 240,648 | 240,000 | 251,428 |
| 11.5 | Performance Awards | 15,000 | 0 | 16,000 |
| 12.1 | Personnel Benefits | 319,479 | 329,875 | 320,749 |
| **Subtotal, Personnel** | | **$1,835,545** | **$1,923,978** | **$2,046,127** |
| 21 | Travel | 263,000 | 248,000 | 248,000 |
| 23.1 | Rent | 250,000 | 254,893 | 259,131 |
| 23.3 | Communication | 31,200 | 35,850 | 58,000 |
| 24 | Printing & Reproduction | 29,000 | 29,251 | 29,251 |
| 25 | Other Contractual Services | 800,918 | 619,051 | 655,129 |
|  | IT & Web Support Services. |  |  | 71,000 |
|  | Advisory & Assistance Services (e.g., NCD policy projects and editing) |  |  | 222,129 |
|  | Other Contracts (e.g., Administrative Expenses) Includes: photocopier rental and maintenance, accommodation support, etc. |  |  | 127,000 |
|  | GSA Payroll, Accounting, and HR Services |  |  | 150,000 |
|  | Annual Accounting Audit |  |  | 20,000 |
|  | Staff Training |  |  | 40,000 |
|  | Payments to Federal agencies (e.g., interagency agreements for procurements, job postings, security services, code of federal regulations, FSA Feds) |  |  | 25,000 |
| 31 | Equipment Purchases | 10,000 | 10,000 | 10,000 |
| **Subtotal, Non Personnel** | | **$1,422,286** | **$1,236,407** | **$1,298,873** |
| **TOTAL** | | **$3,257,831** | **$$3,277,769** | **$3,345,000** |

FY 2013 amount includes the 0.612 percent across-the-board increase provided by P.L. 112-175.

# national council on disability members

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Table 6: Members** | | | | | | |
|  | Name |  | Appointed | Expiration | Reappointed | Expiration |
| 1 | Gary | Blumenthal | 3/19/2010 | 9/17/2010 |  |  |
| 2 | Chester Alonzo | Finn | 3/19/2010 | 9/17/2012 | 1/31/2013 | 9/17/2015 |
| 3 | Sara | Gelser | 3/19/2010 | 9/17/2011 |  |  |
| 4 | Matan | Koch | 9/26/2011 | 9/17/2013 |  |  |
| 5 | Jonathan | Kuniholm | 1/31/2013 | 9/17/2015 |  |  |
| 6 | Janice | Lehrer-Stein | 5/26/2011 | 9/17/2013 |  |  |
| 7 | Kamilah | Martin-Proctor | 6/29/2012 | 9/17/2014 |  |  |
| 8 | Ari | Ne'eman | 6/22/2010 | 9/17/2012 |  |  |
| 9 | Stephanie | Orlando | 3/29/2012 | 9/17/2014 |  |  |
| 10 | Jeffrey | Rosen | 1/31/2013 | 9/17/2015 |  |  |
| 11 | Lynnae | Ruttledge | 1/31/2013 | 9/17/2014 |  |  |
| 12 | Clyde E | Terry | 5/26/2011 | 9/17/2013 |  |  |
| 13 | Fernando | Torres-Gill | 3/19/2010 | 9/17/2011 |  |  |
| 14 | Alice | Wong | 1/31/2013 | 9/17/2015 |  |  |
| 15 | Pamela | Young-Holmes | 12/22/2010 | 9/17/2010 | 9/29/2010 | 9/17/2013 |

NCD members serve until replacements are appointed.

1. Olmstead v. L.C., 527 U.S. 581 (1999). [↑](#endnote-ref-1)
2. Institute of Medicine, “Essential Health Benefits: Balancing Coverage and Cost” p. 108, (Oct. 2011).

   Institute of Medicine, “Essential Health Benefits: Balancing Coverage and Cost,” p. 131. [↑](#endnote-ref-2)
3. Witness Testimony, Department of Veterans Affairs Undersecretary for Benefits Allison Hickey, (March 13, 2013) *VA Claims Process: Review of VA;s Transformation Efforts,* House Committee on Veterans Affairs <http://www.veterans.senate.gov/hearings.cfm?action=release.display&release_id=5e82bbf7-0117-4a19-8255-ea38ec8513a7>) [↑](#endnote-ref-3)
4. NCD was understaffed for a majority of FY 2012 and FY 2013. [↑](#footnote-ref-1)