



Analysis of Governor Cuomo’s 2014 State of the State Address

By Bruce E. Darling, Center for Disability Rights (Former NYSILC Chair)

In his 2014 State of the State Address, Governor Cuomo highlighted how he has worked hard over the past three years “to restore our state as a model for the nation and demonstrate the impact an effective and responsive government can have on the lives of its people.” He outlined his agenda for the coming year and promised that “Working together, we will build on this progress to create an even brighter future for all New Yorkers.”

Even though 34% of New Yorkers have disabilities, Governor Cuomo’s address had relatively little to say to the Disability community. Even so, there are opportunities embedded in his proposals that could improve the lives of New Yorkers with disabilities. The following analysis highlights some of the Disability community’s concerns and the opportunities to address them.

Employment and Economic Well-Being

Although “unemployment is down in every region of the state and New York has the most jobs in its history,” the situation isn’t as bright for people with disabilities who have an unemployment rate over 13 percent, which only includes people with disabilities who have been actively seeking employment during the four weeks prior to being surveyed. In reality the number should be higher as many people with disabilities – who face repeated rejection by potential employers – have simply stopped trying to find work. In fact, only 17.8 percent of people with disabilities were employed according to a report released by the U.S. Bureau of Labor Statistics.

Window-Eyes Available for Free!

Window-Eyes, a screen-reading software similar to JAWS, is now available FREE to any user of MS Office 2010 or higher. It is the full-blown version of the screen-reader, and it works in all the MS Office products. To read more go to: www.gwmicro.com and to download the program go to: www.windowEyesForOffice.com

What’s Inside This Issue:

1	Analysis of Governor Cuomo’s 2014 State of the State
4	Feds Urge Schools to Alter Discipline Procedures

In contrast, 63.9 percent of non-disabled individuals were part of the workforce. New York clearly needs to include people with disabilities in its job creation efforts.

Governor Cuomo proposed that New York State take steps towards establishing up to a five percent goal in the awarding of state contracts to service-disabled veteran-owned small businesses. This proposal would provide new economic opportunities for veterans with service-connected disabilities, but overlooks the fundamental reason these veterans have faced difficulty in their reintegration into the economy – they are people with disabilities.

The Governor points out that, nationwide, post-9/11 veterans have an unemployment rate of 10 percent, failing to recognize that statistically veterans with disabilities actually have better prospects for employment than non-veterans with disabilities. The Disability community has repeatedly urged the state to expand the Minority and Women Owned Business Enterprises (M/WBE) program to include people with disabilities, but we have been told that was undoable. It is clear the state has the ability to expand the program but is choosing not to. CDR urges Governor Cuomo to do so and expand the scope of his proposal to include all people with disabilities.

Expanding the M/WBE program to include people with disabilities could have a significant impact on their lives and fiscal independence. Because of the difficulty they have securing employment, people with disabilities are nearly twice as likely to be self-employed than their non-disabled peers. As a first step, when the state conducts its disparity study to examine the equity in contracting for service-disabled veteran small business owners, it must concurrently study and report on non-veterans with disabilities.

Governor Cuomo should then follow the lead of Governor Markell (DE) and the National Governor's Association to develop a comprehensive plan to increase the employment of people with disabilities. The Governor could incorporate other initiatives in this effort, such as allocating some of the funding from his proposed fourth round of Regional Economic Development Council awards to projects that focus on the employment of people with disabilities. He could also make a portion of the corporate tax rate change for upstate businesses contingent on hiring a specific percentage of disabled employees. It is imperative that the state work with the Disability community to make employment a reality for people with disabilities, so we too can benefit from the Governor's efforts to improve the state's economy.

Justice

In his state of the state, the Governor also calls on the Justice Center for the Protection of People with Special Needs and State public safety agencies to provide training to local law enforcement. The Governor indicates that the focus of this training will be the "sensitivities and special needs of people with both mental and physical disabilities." The Disability community has had long-standing problems with law enforcement, but this proposal – as described by the Governor – won't address some of the most significant issues. It is imperative that this training be expanded to include the rights of people with disabilities and the responsibilities of law enforcement to provide the access and accommodations needed by our community.

One critical area is the interaction between Deaf individuals and the criminal justice system which is rife with serious problems. Local police often fail to use appropriate communication strategies with Deaf individuals. Even a simple traffic stop can become a nightmare – or worse. If taken into custody, Deaf individuals may be handcuffed in a manner that prevents them from communicating or find that access to communication is delayed or denied. Courts and the legal system fail to provide interpreters who have the training and skills needed to communicate complex and critically important information. Individuals with disabilities who are incarcerated are also put at risk. CDR has struggled to address inappropriate policies within the Department of Corrections (DOC) which has refused to permit incarcerated individuals with disabilities who require motorized mobility equipment to utilize such devices. Instead, DOC will pay other incarcerated individuals to push the individual in a manual wheelchair. This policy makes the disabled individuals dependent on their more physically-able peers and puts the disabled individuals at serious risk.

Even when their basic needs are not met, disabled individuals are reluctant to ask for a change in who assists them because they will likely face retaliation for taking away the financial benefit associated with assisting them. The Justice Center must work with the Disability community to address these issues.

The Governor also states that the training is intended to promote collaboration among the Justice Center, law enforcement, emergency service workers and service providers. It is notable that the Governor failed to include people with disabilities in this collaboration. The Disability community has demanded that there be “nothing about us without us,” and our inclusion is critical to the success of such efforts. In Rochester, CDR and the Regional Center for Independent Living have established direct communication between law enforcement and the Deaf community to address serious concerns. These efforts led to the creation of useful tools. For example, the group created a visor card the Deaf individuals can use with officers during a traffic stop, but the conversations themselves have generated greater understanding between law enforcement and the Deaf community.

CDR and the broader Disability community have publicly called on the Governor to expand the jurisdiction of the Justice Center to include nursing facilities. Currently, people with disabilities who are abused in nursing facilities – even those who should otherwise be placed in a setting within the Justice Center’s jurisdiction – are not protected by the Justice Center. That needs to change.

Finally, CDR applauds Governor Cuomo’s proposed requirement that all public schools notify the State Education Department (SED), the Division of Human Rights and the State Police if there is a pattern of discrimination or harassment. Although the Governor’s proposal is responding to anti-Semitic bullying and harassment of students in the Pine Bush Central School District, children with disabilities continue to be major targets of bullying and harassment in our schools. It is imperative that these efforts to combat bullying and harassment explicitly include the disability community and our children.

The New Reality

In talking about “Reimagining New York for a New Reality,” the Governor highlighted the work he has done to support the communities affected by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. He also highlighted the preventative measures the state will take in recognizing this “new reality.” Unfortunately, he didn’t acknowledge the impact that these storms had on people with disabilities. During these storms, there were consistent and serious problems with accessibility of information and resources. As a result of these storms, people with disabilities who lived in the community were not only displaced from their homes but lost their freedom and independence when their only alternative was placement in a nursing facility or other institutional setting. The Disability community has repeatedly raised these concerns, but the administration has simply stonewalled advocates. It is imperative that the needs of people with disabilities be addressed as we confront this new reality. We call on Governor Cuomo and his administration to work with disability rights advocates and organizations that have spear-headed these efforts including the New York State Independent Living Council, the Center for Independence of the Disabled New York (CIDNY) and the other Independent Living Centers in the affected areas to evaluate what is needed to protect citizens with disabilities in a reimagined New York.

Community Living

CDR applauds Governor Cuomo for his commitment to ending the institutional bias in New York. During the last year the state has taken significant steps to assure that people with disabilities could receive services and supports to live in the most integrated setting. In October, the Governor released his plan to transition people with disabilities into the community and committed to reduce the number of people in long term nursing facility placement by 10% over the next five years. Additionally, under the leadership of Governor Cuomo, in December the state has applied for approval from the federal government to implement the Community First Choice Option (CFC), which will create new opportunities for people with all types of disabilities to live in the community with services and supports rather than be forced into a nursing facility or institution.

In order to leave institutions, people with disabilities need affordable, accessible and integrated housing. The Governor is proud of his 2013 commitment of \$1 billion over five years and another \$100 million toward affordable housing. However, the Disability community is concerned that efforts to improve the availability of affordable, accessible and integrated housing for people with disabilities are largely underdeveloped.

Advocates have repeatedly urged the state to separate housing from service provision, but the state continues to emphasize models that link services and housing and undermine the control people with disabilities have over their own lives. The state needs to work with the Disability community to develop a comprehensive housing plan that leverages the Governor's commitment to housing and promotes true independence.

Although community integration is critically important to the Disability community, it wasn't addressed or even mentioned in the Governor's address. It is critical that the Governor set the tone for his administration and personally call for aggressive implementation of both his Olmstead Plan and CFC♦



Dept. of Education Urges Schools to Change Discipline Procedures for Students with Disabilities

By Patty Black

Federal officials have recently noted that students with disabilities and minorities have faced harsher than ordinary disciplinary procedures at schools, including being suspended and expelled for minor violations. Statistics from the Attorney General's office have indicated that an extremely large number of youth have been expelled or arrested for more minor acts such as talking and laughing during class or not wearing a required uniform to school. The U.S. Department of Education and the Department of Justice have jointly worked on a new policy that strives to ensure that discipline standards for all students are equal. This policy has guidelines that stress that school staff and not security or police officers be the ones to handle routine, everyday discipline.

Under the new guidelines, all school staff members would need to be trained on disciplinary procedures. The policy also stated that it would be ideal for the students and their parents to bond with school security staff.

Recent federal standards estimate that although children with disabilities make up approximately 12% of the nation's students, they have been experiencing about **20% of the suspensions and expulsions** and close to **one-fourth of the school-related arrests**. In attempting to remediate this, the federal officials have the new guidelines as well as a "Dear Colleague" letter that details the responsibilities schools must strive towards in fairly dealing with disciplinary matters. Also, officials have released a resource directory that they hope will enable schools to enact improved discipline policies for all students. Along with these resources, they have also launched an online tool (following link) <http://safesupportivelearning.ed.gov/school-discipline-compendium> that provides school districts information on nationwide laws and regulations which they can consult when they are making disciplinary decisions.

Finally, more direct planning aids that will enable school administrators to work most effectively and productively for students with disabilities are now in the planning stages. This and the school policy changes already established by the federal officials are positive steps in the right direction for these students♦