

# Celebrating All Abilities Virginia



WINTER 2020/21

## Looking Back ~ Looking Ahead ~ and Heroes along the Way

**L**ooking back... Normally, at this time of year, this newsletter and the Celebrating All Abilities Facebook page would be filled with fun holiday activities, and trainings and seminars of every type stretching out into the spring. As we know, all that came to a screeching halt on Friday, March 13, 2020, when Governor Northam ordered the temporary closure of schools which turned into the rest of the school year. I believe that the Governor and the school districts across Virginia did the best they could under the unprecedented conditions, and most schools did open again for in-person learning this fall, only to revert to virtual learning again a few weeks later and for the foreseeable future.

**H**eroes along the way include, of course doctors, nurses and all the hospital and emergency personnel who put their own lives at risk to care for us. I still tear up when I think of the thousands of people, every day at their windows, cheering and clapping for these heroes, on the streets of New York and around the world. Teachers are definitely heroes; they figured out how to coordinate Live and Virtual learning and still keep their kids engaged. Community members worked at food pantries, checked on their neighbors, delivered meals and made masks. Before masks became readily available and a fashion accessory, our volunteer group here in Virginia Beach made several thousand to distribute to essential workers so that emergency workers would be able to have the all-important N95 masks.

I also count as heroes, the millions of people who turned out to vote; by mail, early in-person and on election day. I volunteered at several early polling stations in Virginia Beach and was always amazed at the patience and good humor of those waiting in the sometimes very long lines, while of course, wearing their masks. Parents – I think we can agree – are the most unsung heroes. They juggled multiple tasks, working from home, learning the “new math,” and solving endless children/student crises. Perhaps, most significantly, they developed an unbounded admiration and respect for their children’s teachers!

**L**ooking ahead ... to a time when the excruciating numbers of the death toll due to Covid will start to fall and flatten due to the vaccine that is around the corner. Those scientists are also heroes, their round-the-clock efforts have achieved this vaccine in record time. In fact, as I write this, I’m watching the discussions of the massive logistics involved in getting the vaccine out the to the world.

Also thinking ahead to vacations, parties, concerts, sporting events and getting together with families and friends. Till then, be safe, and wear your mask.

Laura Nelson, Editor



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WINTER 2020/21



~ FOUND ON FACEBOOK ~



## Google Improves Tool To Help People Who Are Nonverbal -

— Disability Scoop  
Posted: 20 Oct 2020 12:00 AM PDT

<https://www.una1.org/news/google-improves-tool-to-help-people-who-are-nonverbal>

Google is introducing new technology designed to help people who are nonverbal communicate with those around them while also making strides toward more inclusion at the company.

The internet giant said this month that it is tweaking an Android app called "Action Blocks" to make it a more seamless experience for people with disabilities who use augmentative and alternative communication, or AAC, devices.

The Action Blocks app, which launched earlier this year, allows users to create a one-touch button that displays on their smartphone home screen to complete actions that typically require multiple steps like calling mom or turning on the lights.

With the latest update, Google said that Action Blocks can be quickly set up to speak simple phrases like "yes," "no" or "excuse me, I have something to say." And, the app now incorporates thousands of picture communication symbols from the Tobii Dynavox library to permit people with disabilities to create actions using icons they are already

accustomed to from their AAC devices.

"Action Blocks works on Android phones without any additional hardware, making communication more convenient and accessible to people whether they are on the go, without their AAC devices, or don't have access to an AAC device," wrote Eve Andersson, director of accessibility at Google, in a posting announcing the enhancements.

Action Blocks can also be triggered using physical adaptive switches, Andersson noted.

Separately, Google is also pushing to expand inclusion in its own workforce. The company has launched a new web page to help attract potential employees with disabilities.

"We know that one of the first steps to finding a job at a new company is visiting their careers website, but those resources may not be designed with people with disabilities in mind," Andersson wrote. "Prospective candidates can find career resources and tips for applying, as well as read stories about Googlers with disabilities and our employee-led Google Disability Alliance community."



Look for the next issue of Celebrating All Abilities to be posted during the spring of 2021.

Send story ideas, interesting links, and events to

*Laura Nelson, Editor* at

[CelebratingAllAbilities@gmail.com](mailto:CelebratingAllAbilities@gmail.com)

**THANK YOU FOR FOLLOWING US ON FACEBOOK**





## U.S. Department of Transportation Announces Final Rule on Traveling by Air with Service Animals

*Posted December 2, 2020*

**WASHINGTON – The U.S. Department of Transportation today announced that it is revising its Air Carrier Access Act (ACAA) regulation on the transportation of service animals by air to ensure a safe and accessible air transportation system. The final rule on Traveling by Air with Service Animals can be found below.**

**The Department received more than 15,000 comments on the notice of proposed rulemaking. The final rule announced today addresses concerns raised by individuals with disabilities, airlines, flight attendants, airports, other aviation transportation stakeholders, and other members of the public, regarding service animals on aircraft.**

### ***The final rule:***

- Defines a service animal as a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability;
- No longer considers an emotional support animal to be a service animal;
- Requires airlines to treat psychiatric service animals the same as other service animals;
- Allows airlines to require forms developed by DOT attesting to a service animal's health, behavior and training, and if taking a long flight attesting that the service animal can either not relieve itself, or can relieve itself in a sanitary manner;
- Allows airlines to require individuals traveling with a service animal to provide the DOT service animal form(s) up to 48 hours in advance of the date of travel if the passenger's reservation was made prior to that time;
- Prohibits airlines from requiring passengers with a disability who are traveling with a service animal to physically check-in at the airport instead of using the online check-in process;
- Allows airlines to require a person with a disability seeking to travel with a service animal to provide the DOT service animal form(s) at the passenger's departure gate on the date of travel;
- Allows airlines to limit the number of service animals traveling with a single passenger with a disability to two service animals; Allows airlines to require a service animal to fit within its handler's foot space on the aircraft;
- Allows airlines to require that service animals be harnessed, leashed, or tethered at all times in the airport and on the aircraft; Continues to allow airlines to refuse transportation to service animals that exhibit aggressive behavior and that pose a direct threat to the health or safety of others; and
- Continues to prohibit airlines from refusing to transport a service animal solely based on breed.
- The final rule will be effective 30 days after date of publication in the Federal Register.

**For more information, including a page of Frequently Asked Questions, visit**

**[www.transportation.gov/briefing-room/us-department-transportation-announces-final-rule-traveling-air-service-animals](http://www.transportation.gov/briefing-room/us-department-transportation-announces-final-rule-traveling-air-service-animals)**

# As Virginia Routes More Students With Disabilities To Private Schools, Costs Are Soaring

By Kate Masters



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Virginia places more students with disabilities outside their local public schools than 37 other states — a trend that’s dramatically increased spending on specialized private schools over the past decade.

The nonresidential programs — more commonly known as private day schools — have been a source of frustration for lawmakers over the past several years as more and more state spending has gone toward the cost-intensive model. Costs have more than doubled from fiscal 2010 to fiscal 2019, soaring from \$81 million to \$186 million.

It’s led to numerous efforts within the state’s General Assembly, including an unsuccessful bill in the 2020 legislative session that would have directed the Virginia Department of Education to launch a pilot program aimed at transitioning some private day students back to public schools. The past two budget cycles have also included funding for studies to examine private day tuition rates.

The continuing scrutiny prompted lawmakers on the Joint Legislative Audit & Review Commission (JLARC) to order a study of the programs, which are ostensibly geared toward students with more severe behavioral or learning

disabilities that prevent them from being served by their local public schools.

But the JLARC study, presented on Tuesday, found that Virginia’s funding policies don’t encourage public schools to develop their own capacity to serve higher-need students. At the same time, the reported number of children with more severe disabilities has increased — leading to growing enrollment at private day schools and soaring state costs, which more than doubled between 2010 and 2019.

“Compared to other states and its federal goal, Virginia places a lot of children in out-of-school placements, which is primarily made up of students in private day school” said Stefanie Papps, a senior legislative analyst for JLARC. “According to the special education directors we interviewed, [teams] are sometimes forced to place a child in private day school because their district lacks the resources or the capacity to serve the child in the public school setting.”

Understanding how and why Virginia devotes state spending to specialized private schools requires some background knowledge on its Children’s Services Act program, first created in 1992 as a way to merge and streamline multiple state

agencies that provide services to at-risk children — including those in foster care and those with disabilities.

Under the program, which has its own dedicated funding in the state budget, children are separated into “mandated” and “non-mandated” categories depending on their level of need. The “mandated group” includes children in foster care, children at risk of being placed in foster care and children whose individualized education program, or IEP — a document developed by public schools for students with disabilities — calls for placement at a private day school.

Children’s Services Act funding is considered “sum-sufficient” for children in the mandated category, which means that both the state and local governments — which provide varying degrees of matching funds for the program — are required to cover approved services even if the cost goes above what they budgeted. And tuition for private day schools in Virginia comes from CSA funding, even though program administrators have no oversight or authority to approve or deny a student’s placement there.

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The lack of CSA control has led to frustration among local program coordinators, according to the report, which noted that “county boards of supervisors and city councils frequently hold the CSA program responsible for the financial implications of private day school placements, but the CSA program does not make the placement decision and cannot legally change it.”

An even bigger issue is a wrinkle in state law that prohibits CSA dollars from going to special education programs in public schools. Until 2010, local divisions sometimes used the funding for services aimed at transitioning students from private day programs back to public school, including transportation or one-on-one classroom aides. But in 2010 and 2011, VDOE issued two memos clarifying that CSA funds couldn’t go toward any service within public education.

“Once that prohibition went into effect is when you started to see a notable increase in enrollment in private day special education schools,” said Bill Elwood, executive director of the Virginia Association of Independent Specialized Education Facilities. Instead of drawing from CSA funds, public school divisions rely on local support combined with state and federal special education dollars, which have been gradually decreasing over the past several years. In most localities, it’s also local governments — not school divisions themselves — that pay the match rate for private day school tuition.

As a result, districts have plenty of

motivation to place students out of school and little impetus to develop their own services for children with more intensive disabilities. JLARC found that students are placed in private day schools at younger ages than they were 10 years ago, increasing the average length of stay — and the cost.

“Even if a school division can serve a student in an alternative in-house program for less than the cost of a private day school, localities do not save money because the state provides less funding for special

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education than it does for private day school placements,” the report reads. Under expectations set by the U.S. Department of Education, Virginia should be placing 2.5 percent of students or fewer in out-of-school placements. Currently, the state’s rate is almost double that.

Beyond budget concerns, there’s a question of whether private day schools are always the best choice for students in Virginia. According to JLARC, out-of-school placements are considered much more restrictive for children with disabilities because it prevents them from interacting with “non-disabled peers.” Sen. Janet Howell, D-Fairfax, asked Tuesday whether the state’s high placement rates — and CSA

funding limitations — could potentially violate a federal law that requires students to be placed in their “regular educational environment” unless it’s vital for their academic progress.

Data suggests some students may be placed in private day schools even when it’s not truly necessary. Between fiscal 2017 and 2019, JLARC found that 10 percent of students — 350 total — did not have any moderate or severe needs ratings on three core sections of a state assessment tool for children in the CSA program.

And while the agency found that the schools are largely effective for students, there are also broader questions of transparency within the industry. JLARC analysts found that tuition increases accounted for 25 percent of the state’s rising spending on the programs. But the report also concluded

that it’s often difficult to compare fees throughout the state.

While 19 programs operated at a loss and 19 others reported yearly profit margins between zero and 10 percent — on par with other private schools across the country — 23 schools reported profit margins between 11 to 15 percent. Another four said they made 16 percent or more a year. And the exact cost of tuition ranges widely across Virginia, from \$22,000 a year at some schools to \$97,000 a year at others.

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Papps, the legislative analyst, said tuition rates at private day schools “are generally reflective of what it costs to deliver intensive services.” But while the state’s Office of Children’s Services — the administrative arm of the CSA — keeps an online directory of private day school providers and fees, it doesn’t validate the information that’s submitted. A previous effort to study tuition rates was delayed, and largely stymied, by schools’ refusal to cooperate.

“When the study was released, it did not contain enough information to implement a rate setting process because too few private day schools had submitted information,” the agency said of the 2019 report.

Beyond the opaque rate-setting, JLARC found that at least 12 students in 2019 were enrolled in private day schools that weren’t licensed by the Virginia Department of Education. More than a third of the state’s programs haven’t been accredited by any third-party oversight agency.

Performance data on private day schools for the 2020-21 school year, set to be published by VDOE for the first time, will also be much less comprehensive than the information provided for public schools. The first-ever report will consist of four performance measures, including parent satisfaction, student progress relative to the goals in their IEPs and the percentage of students who return to public

school. But it won’t include teacher quality, school accreditation status or data on career and technical education — all components that are reported yearly for Virginia public schools.

The reports also won’t include information on incidents of restraint and seclusion — controversial disciplinary techniques that some parents feel have already been misused in local public schools. JLARC noted that state regulations for the measures are more “comprehensive and detailed” for public schools than they are for private day programs.

Whether lawmakers take action to reform private day school placements in 2021 — an abbreviated session that the state House of Delegates plans to hold virtually — is still unclear. Del. Joseph McNamara, R-Roanoke, has refiled his bill for a pilot program aimed at transitioning some students back to public school. And JLARC issued 18 recommendations for the CSA program, including amending state law to allow CSA dollars to go toward special education services in public schools.

Another potential change is transferring funding for private day school tuitions to the Virginia Education Department, an agency that, while more directly involved in placements, has had its own problems with special education oversight.

Elwood said private day providers do have questions about some of the proposals, “mainly just because of the scope of what is being contemplated,” he said in a Wednesday email. While many would support the use of CSA dollars for transitional services, he said there could be issues if a significant portion of the funding was redirected toward public school services that tried to replicate the private day model — one that supports small class sizes, high staff-to-student ratios, and children with more severe learning or behavioral disabilities.

“That would be concerning, not to mention much more costly to the state,” Elwood said. There are also concerns that the General Assembly might remove the sum-sufficiency requirements of the program, which he said could prevent students from receiving recommended services if they were deemed too costly.

“It is vitally important that all stakeholders, especially those who provide the services, be part of the planning, conceptualization and implementation of this all along the way,” he said. “There is just too much at stake for the future of the program and for the lives of these children and their families.” ■



*The Virginia Mercury is an independent, nonprofit online news organization covering state government and policy. From the push to remove Confederate statues to big shifts in health care and energy policy, the Old Dominion is changing.*

*The Mercury aims to bring a fresh perspective to coverage of the state’s biggest issues. The news outlet, which also features original and guest commentary on a range of topics, is staffed full-time by five veteran Virginia newspaper journalists.*

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# Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program & Section 14(c)



Posted October 14, 2020

*SCOPE AND PURPOSE: NCD conducted a comprehensive analysis of the AbilityOne Program to determine whether it promotes Congress' goal of improving employment opportunities for people who are blind or have significant disabilities. Today, the program is made of a government-appointed Commission and staff, three central nonprofit agencies (CNAs) that facilitate the program, and over 500 participating nonprofit agencies that hire people who are blind or have significant disabilities to sell goods and services to federal agencies.*

## **NCD's report raises the following concerns about the AbilityOne Program:**

- **Despite increased program revenue earned through sales to the Federal Government, employment for people who are blind or have significant disabilities has steadily declined since 2011** – While overall program sales have increased, the number of employees and total direct labor hours from the employment of people who are blind or have significant disabilities have declined since FY 2011. The percentage of overall program revenue paying wages to people are blind or have with significant disabilities has also declined each year since FY 2011.
- **The program undermines current national disability policy goals to create competitive integrated employment opportunities for people with disabilities** – The program is a federally sanctioned segregated jobs system from 1938 that reinforces distinct employment paths for people who are blind or have significant

disabilities that may result in subminimum wages. The program relies on an outdated societal landscape that existed prior to a public right to education and other core civil rights for people with disabilities. For this reason, only approximately four percent of employees hired under the program exit the program to enter competitive, integrated employment each year.

- **Repeated concerns about transparency and conflicts of interest remain unaddressed and undermine confidence in the program** – While the CNAs continue to seek opportunities to increase program revenue, past scrutiny and criticism from Congress, the Government Accountability Office, its own Inspector General, and the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities remain unresolved. The CNA program fee remains exempt from federal restrictions on its use allowing it to fund executive salaries and lobbying expenses. In addition, NPAs have the discretion to decide which employees have significant disabilities, however NCD's interviews and site visits with NPAs raised concern that they lack the capacity, skill, and knowledge to objectively evaluate the skills of their workers with disabilities. NCD concludes the report by advising Congress to transition the outdated AbilityOne Program into a new requirement under Section 503 of the Rehabilitation Act that will incentivize federal contractors to hire a percentage of people who are blind or have significant disabilities at competitive wages and provides recommendations to successfully transition the current 45,000 AbilityOne employees into competitive, integrated employment. ■

*The National Council on Disability is an independent federal agency of the United States government headquartered in Washington, D.C.. NCD's membership is composed of five presidential appointees, four congressional appointees, an executive director appointed by the chairperson, and a full-time professional staff. For more information and to read the full report as well as a related report "Related Report (2019): A cursory look at AbilityOne," visit <https://ncd.gov/publications/2020/policies-past-modern-era>*

# Prioritizing Covid-19 Vaccines For People With Intellectual And Developmental Disabilities



Posted December 4, 2020

The world is currently experiencing a global health challenge brought about by the COVID-19 pandemic. Studies have shown that people with intellectual and developmental disabilities are three times more likely to die of COVID-19 compared to people without these conditions. Currently there are three companies that have created a vaccine that will help guard people against contracting the disease. As these vaccines become available to the public, there needs to be conversations around determining the priority for the vaccine's access since the distribution will take months to reach the majority of the population. Who should get the vaccine first? This is the critical question in the minds of state governments putting together distribution plans.

People with Intellectual and developmental disabilities (I/DD) must be considered for priority access to the vaccine. The World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC) have both articulated the increased risk of contracting COVID-19 for people with disabilities. People with I/DD have risks that other populations do not. For example, many people with I/DD have limited mobility or cannot avoid coming into close contact with others, such as direct service providers who help with daily living activities. Other people with I/DD are at greater risk because they have trouble understanding information or practicing preventive measures or are not able to communicate their symptoms. Another study found that people with chromosomal disorders are four times more likely than others to be hospitalized due to COVID-19, and they face a 10 times greater

risk of dying from the virus. COVID-19 has also shown that living in congregate settings, such as intermediate care facilities and group homes, leads to an increased risk of contracting the disease. Unfortunately, thousands of people with I/DD who are on waitlists to leave these congregate settings continue to be at risk.

One of the most important methods of protecting our community while exposed to the pandemic is through the vaccine. Getting vaccinated can help prevent people from getting sick with COVID-19. Even people who have gotten sick with COVID-19 need the vaccine because re-infection with COVID-19 is still possible. Advocates need to insist that state governments inform people with I/DD in plain language on vaccine effectiveness and dispel myths that might keep people with I/DD from coming forward to receive the vaccine. Unfortunately, there is a lot of false information on the internet about the vaccine. For example, advocates need to let people know that vaccines will not give you COVID-19. Be armed with facts about the vaccine by reading information from the CDC.

Prioritizing people with I/DD in vaccine distribution and providing factual information about the vaccines' effectiveness is the best way to stop the spread of the virus, while helping the people who are most vulnerable in contracting the virus. Don't forget to wear your mask. ■

**The National Association of Councils on Developmental Disabilities (NACDD) is the national association for the 56 Councils on Developmental Disabilities (DD Councils) across the United States and its territories. The DD Councils receive federal funding to support programs that promote self-determination, integration and inclusion for all people in the United States with developmental disabilities.**

[www.nacdd.org](http://www.nacdd.org)



## *Governor Northam Announces \$25 Million in CARES Act Funding for Medicaid Day Support Providers*

RICHMOND—For Immediate Release:  
November 9, 2020

Governor Ralph Northam today announced that Virginia will allocate \$25 million from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act to fund monthly retainer payments for day support programs that provide services for Virginians with developmental disabilities. These programs offer day support, community engagement, and community coaching to individuals who are receiving Medicaid's developmental disability waiver services.

"Day support programs provide opportunities for Virginians with developmental disabilities to gain important life skills and have meaningful social interaction, but they have been hit hard by the pandemic," said Governor Northam. "This funding will extend much-needed support to these facilities so they can keep their doors open and continue to serve our communities."

Because of the pandemic, many day support programs have had to change their service delivery models and limit the services they provide and the number of clients they are able to serve. This has had an impact on their budgets and ability to remain open. Between March 12 and July 31, 2020, these providers were allowed to bill Medicaid for retainer payments instead of services.

New budget language extends the ability of the Department of Medical Assistance Services (DMAS) to offer similar payments through the end of December, using this CARES Act funding. DMAS will administer the payments and determine eligibility. Payments will cover the period from August 1 to December 30, 2020.

###

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## **Training and Workshops through PEATC**



PEATC workshops are made possible through Federal funding from the US Department of Education Office of Special Education Programs and from private donations. Our Federal grant designates PEATC as the Statewide Parent Training and Information Center; as such, we serve all regions of the Commonwealth of Virginia.

In order for PEATC to comply with our grant funding, we must ensure that at least 10-15 people are registered to participate in each workshop so that our program activities are well managed and Virginia's families and professionals can continue to benefit from PEATC's trainings.

PEATC will advertise all our events, and it is vitally important that you also advertise the workshop to ensure sufficient participation in the event. We ask that you stay in contact with PEATC as registration changes so that we can properly plan. PEATC prefers to collect registration for your event and provide you with the URL for registration. We also ask the requesting organization to create a flyer with the registration URL for the event and share with PEATC.

**If you have questions, please visit**  
**<https://www.peatc.org>;**  
**call 800-869-6782 or email**  
**[partners@peatc.org](mailto:partners@peatc.org).**

### **PEATC Trainings and Workshops**

- Parent Training Information (for families of children with disabilities)
- Special Education
- Adulthood & Transition
- Behavior & Communication
- Family Engagement
- Community Support
- Early Childhood
- Military Families