

Celebrating All Abilities Virginia



October Happenings~

1. *October is Disability Employment Awareness Month*

But you knew that already didn't you? I did a bit of research for this editor's note and discovered information that I didn't know!

On February 26, 1987 President Ronald Reagan officially declared Proclamation 5613 making March National Disabilities Awareness Month, which called for people to provide understanding, encouragement and opportunities to help persons with disabilities to lead productive and fulfilling lives.

<https://portal.ct.gov/DDS/Media/Latest-News-2015/March-is-National-Disability-Awareness-Month>

But, according to the Library of Congress, Americans observe National Disability Employment Awareness Month in October. This effort to educate the public about the issues related to disability and employment began in 1945, when Congress enacted Public Law 176, declaring the first week of October each year as National Employ the Physically Handicapped Week. In 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. Some 25

years later, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month.

<https://www.loc.gov/accessibility/disability-employment-awareness-month/>

2. *Voting... Again!*

Check out the pages that follow for old – and new!– information about voting in Virginia, especially redistricting and how it may affect you.

3. *Halloween*

A quick search of the web will reveal local Halloween events that are disability friendly. See also the page about Food Allergy Research & Education's Teal Project.

4. *Last issue from me....*

For at least a while. I'm thinking about retiring, but can I really keep all my bees in my bonnet and not share them? We'll see. Until then, stay safe and strong!

Laura Nelson, Editor

IN THIS ISSUE

Letter from Editor	1	Voting Information	4
Found on Facebook	2	Class Action Suit in FFX County	7
Teal Pumpkin Project.....	3	News Release Dept of Labor	8





~ FOUND ON FACEBOOK ~



Celebrating Disability Voting Rights Week

September 17th from 10-2 at Norfolk State University

Attendees stopped by the Student Center at NSU to :

- Pick up some REV UP VA swag and treats
- Register to vote • Get answers about voting and accessible mail-in ballots • See an accessible voting machine demo • Make an "I'm a Voter" video!



September 14th at George Mason University

A very successful event! We received a Proclamation from the Fairfax County Board of Supervisors for Disability Voting Rights Week and Supervisor James Walkinshaw and Providence Supervisor Dalia Palchik presented the proclamation in person. Susan E Lydick and Helena Berger (co chairs of REV UP VA) accepted the proclamation. Many students were registered by the League of women voters-Fairfax and Mason LIFE students (group of IDD students) helped distribute flyers and REV UP VA buttons and stickers.

To see additional events that took place in Virginia during Disability Voting Rights Week, visit <https://www.facebook.com/REVUPVirginia>

This will be the last issue of *Celebrating All Abilities* for the foreseeable future. I will still be maintaining the Facebook page and updating the website. As always, you are invited to share information with us!

Laura Nelson, Editor
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THANK YOU FOR FOLLOWING US ON FACEBOOK

I do not solicit advertising or accept donations.



THE TEAL PUMPKIN PROJECT

The Teal Pumpkin Project is a simple way to make trick-or-treating safer and more inclusive for the one in 13 children living with food allergies, and many others impacted by intolerances and other conditions.

Placing a teal pumpkin on your doorstep signals that, in addition to candy, you offer non-food trinkets and treats that are safe for all trick or treaters. Help us make this Halloween one to remember!

For more information, visit

www.foodallergy.org/our-initiatives/awareness-campaigns/living-teal/teal-pumpkin-project

FOOD ALLERGY RESEARCH & EDUCATION

FARE's mission is to improve the quality of LIFE and HEALTH of those with food allergy, and to provide HOPE for the development of new treatments. FARE has turned over \$100 million in donor gifts into ground-breaking research and has provided a voice for the community, advocating on behalf of more than 32 million Americans with food allergy and offering hope for a better tomorrow.

[HTTPS://WWW.FOODALLERGY.ORG](https://www.foodallergy.org)

FARE enhances the lives of individuals with food allergies empowering them to lead safe, productive lives with the respect of others through education and advocacy initiatives and improved awareness around healthcare options and treatment.





Voting Tips, Tidbits and Resources

As you've likely noticed, for the past few years, I've featured voting information prominently in this newsletter. You may notice that it looks similar to information and articles that you've seen in the past. I work hard to make sure that everything stays up to date.

• **2021 Redistricting for Virginia**

In 2021, redistricting ceased to be a "winner-take-all" exercise. Voters approved a new process, one that called for bipartisan cooperation. But Virginia's new Redistricting Commission never came close to agreement. In the end, the responsibility to draw new district boundaries fell to the Supreme Court of Virginia.



The court tasked two consultants — one nominated by each party — to draw maps that didn't favor either side. The only persons who were disadvantaged by the final product were incumbents, many of whom were paired (or even tripled) in a single district.

See how the new maps will impact you. Did your representatives change? Did the partisan lean of your district change?

Visit <https://www.vpap.org/redistricting>

and enter your address to see if and how your representation may have changed

Visit <https://www.elections.virginia.gov/citizen-portal>

and enter your information to see your local district and potentially new polling place.

• **Early Voting in Virginia Began on September 23**

- Starting 45 days before Election Day, visit your local registrar's office or a satellite voting location in your county or city to vote early. Remember, the Saturday before Election Day is the last day to vote early.
- Accessible equipment and/or curbside voting is available upon request.

www.elections.virginia.gov

• **Election Protection Basics when Voting in Person on Election Day**

Keep your place in line. The lines may be long, but as long as you are in line when the polls close, you will be allowed to cast your ballot. If you leave the line, you may not be able to vote. Do everything you can to vote a regular ballot. Cast a provisional ballot only if you have no other option. In many states if you cast a provisional ballot at the wrong polling location it will not be counted.

If you experience any of the following, report it to Election Protection (866-687-8683) immediately:

- Harassment (including harassing questions about your qualifications to vote).
- False information about voting requirements.
- People impersonating poll workers or election officials

- If you are told you are not on the voter roll: Confirm that you are registered to vote. Confirm that you are at the right polling place. If you registered and are not showing up on the voter roll, call the Election Protection Hotline (866-687-8683).

- Did you recently move? If so and you didn't update your registration, you are likely on the voter roll of your old polling place.

- If you are being turned away from voting for not having the proper ID: Ask for written instructions about what you must do to ensure the provisional ballot will be counted. Ask for a phone number you can call to confirm if your vote was counted.

For more information visit <https://866ourvote.org>

Virginia state website for all these FAQs and more • www.elections.virginia.gov/casting-a-ballot/absentee-voting/
DPVA hotline at (844-4VA-VOTE • 844-482-8683)



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Everything you need to know to vote in Virginia
www.elections.virginia.gov/index.html



How and where can I register to vote?

If at all possible, register online at
www.elections.virginia.gov/registration/

- Any person, regardless of their disability status, also has the right to register to vote at any office or agency that provides such a service. These offices include
- Local voter registration office
 - State or local government offices when applying or re-certifying for Temporary Assistance for Needy Families (TANF), SNAP, WIC, Medicaid, or Rehabilitation Services.
 - Government offices in the State that provide State-funded programs primarily engaged in providing services to person with disabilities
 - Armed forces recruitment offices
 - Public libraries
 - Virginia Department of Elections office
 - Department of Motor Vehicles offices
 - Voter Registration Drives



You will need to show one acceptable form of identification whenever you vote in person. This is Virginia law for all voters as of July 1, 2020.

- Photo ID requirement has been removed: However, a voter must show documentation, such as a
- voter registration confirmation document,
 - valid Virginia driver's license,
 - valid United States passport,
 - copy of a current utility bill,
 - bank statement,
 - government check,
 - paycheck and other acceptable documents.



Accessibility

Is curbside voting still available for those who wish to use it?

Yes, curbside voting is still available for people ages 65 and older, or any person with a physical disability. The voter shall be afforded every opportunity to vote in a private and independent fashion, but voting equipment must remain in the view of the election officers.

Will I be able to get into the polling place on my own?

Federal and state laws mandate that all polling places, including all locations for in-person absentee voting, must be fully accessible to elderly voters and voters with disabilities; state law further requires curbside voting be available at all these locations for voters age 65 or over or with physical disabilities. See above discussion of curbside voting.

Voters with continuing disabilities may apply annually to receive absentee ballots for all elections within a given year using the Annual Absentee Ballot Application.

Is the voting equipment in my polling place going to be accessible?

State law and federal law (the Help America Vote Act) require every polling location in Virginia must be equipped with at least one accessible voting system that will allow all voters with a disability to vote the same private and independent manner as a voter without a disability.

I understand that with the changes in elections services I should not need assistance from anyone, but can I still have assistance if I wish to?

Yes, you can. If any voter who requires assistance in voting due to a physical disability or inability to read or write can receive assistance if they request it. Any of the officers of election can advise you of your rights in this area.

Are people with cognitive disabilities allowed to register and vote?

Yes. A registered voter with cognitive disabilities can be eligible to vote if not adjudicated mentally incapacitated by a court of law.

What if I feel that my rights to accessible registration and voting have been violated?

Contact your local voter registration office:
<https://vote.elections.virginia.gov/VoterInformation/PublicContactLookup>

Contact the Virginia Department of Elections at (800) 552-9745 or info@elections.virginia.gov

TTY Phone Access for Hearing Impaired: Contact Virginia Relay Service at 711 and ask them to call the Virginia Department of Elections at (800) 552-9745

Submit your complaint:
<https://www.elections.virginia.gov/voter-complaints/>
Email: info@elections.virginia.gov

Additional Resources

• ***The Americans with Disabilities Act and Other Federal Laws ~ Protecting the Rights of Voters with Disabilities***

Posted on U.S. Department of Justice, Civil Rights Division – Disability Rights Section
www.ada.gov/ada_voting/ada_voting_ta.htm

• ***Resources for Voters with Disabilities***

Page on U.S. Election Assistance Commission with many relevant resources, both statewide and national.
<https://www.eac.gov/voters/resources-for-voters-with-disabilities>

• ***ADA Checklist for Polling Places***

This document is an updated technical assistance publication on polling place accessibility for voters with disabilities. The publication includes information about key areas of a facility that must be accessible to voters with mobility or vision disabilities, options for low-cost temporary measures for removing barriers, and a survey to guide election officials in evaluating the accessibility of facilities used or being considered for use as polling places.
www.ada.gov/votingck.htm



VOTE SMART

JUST THE FACTS

Vote Smart's mission is to provide free, factual, unbiased information on candidates and elected officials to ALL Americans.
<https://votesmart.org>

The Voter's Self-Defense System (Partial list)

Every candidate and elected official from President to local government can be easily and instantly accessed through the Voter's Self-Defense System:

- Voting Records** – https://votesmart.org/bills#.WezgrBR_Jno
Vote Smart digests key legislation in Congress and all 50 states into easy-to-understand summaries, making it easy to compare what your representatives said during the campaign with how they actually voted on the record.
- Biographical & Contact Information** – https://votesmart.org/search#.Wezh9BR_Jno
From their previous professions, education, family life, and organizational memberships to their social media accounts and latest email addresses.
- Issue Positions (Political Courage Test)** – https://votesmart.org/about/political-courage-test#.WeziPhR_Jno
We test thousands of candidates for President, Congress, Governor and State Legislature with our Political Courage Test. The Test accurately measures candidates' willingness to provide voters with their positions on the issues they will most likely face if elected.
- Interest Group Ratings** – <https://votesmart.org/interest-groups>
See how over 400 national and 1300 state special interest groups evaluate your representatives. Despite their bias, special interest group ratings can help indicate where an incumbent has stood on a particular set of issues.
- Campaign Finances** – https://votesmart.org/search#.WezjRRR_Jno
How much money did your representatives raise and from whom?

<https://votesmart.org>

Parents File Class-Action Suit Against Virginia Department Of Education, Fairfax School Board Over Disability Hearing

*By: Nathaniel Cline
- September 21, 2022*

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A federal class-action suit has been filed against the Virginia Department of Education and Fairfax County School Board claiming they are violating the rights of disabled students under the federal Individuals with Disabilities Education Act.

The plaintiffs in the case — the parents of an anonymous Fairfax County student and their nonprofit, Hear Our Voices, an organization focused on supporting disabled and special needs students — argue that VDOE and the Fairfax school board “have actively cultivated an unfair and biased” hearing system to oversee challenges to local decisions about disabled students.

The parents claim that state hearing officers, who are responsible for holding impartial hearings to resolve disagreements over issues related to special education services, have ruled disproportionately against parents for two decades.

Between 2010 and 2021, Virginia parents who initiated a due process hearing “received a favorable hearing” in only 13 of 847 cases, the lawsuit says.

“Moreover, during the last twenty years approximately two thirds of the hearing officers have never ruled in favor of parents, not even once,” the plaintiffs wrote.

“Even worse, in Northern Virginia, 83% of hearing officers never once ruled in favor of parents over the eleven-plus years from 2010 to July 2021.”

The low success rate for parental challenges in Virginia “is a glaring outlier compared to other states,” where studies have found rulings in favor of parents hovering around 30%, the lawsuit says.

Charles Pyle, a spokesperson with the Virginia Department of Education, said in an email that the department does not comment on pending litigation, but is “committed to ensuring that students with disabilities receive all services and supports that they are entitled to under federal and state law.”

Fairfax County Public Schools did not immediately respond to a request for comment.

Trevor Chaplick, the father of the Fairfax student, said the lawsuit was brought forward to reveal the “deeply troubling ruling record” of Virginia’s hearing officers against parents of disabled children.

“The parents of disabled and special needs children deserve a better fate from the Virginia public school system,” said Chaplick in a statement.

The Chaplicks allege that the Department of Education developed a roster of “school-friendly” hearing officers, allowed local education agencies to communicate improperly with hearing officers, hired officers who were biased due to financial interests and declined to certify new officers for more than a decade.

The Civil Rights Clinic of Georgetown Law School, the law firm of Susman Godfrey, LLP, and Merritt Law, PLLC, are representing the family. The case is being heard in the Alexandria Division of the U.S. District Court for the Eastern District of Virginia.

“Children with disabilities and their families deserve ‘a life like yours,’” said Aderson Francois, director for the Georgetown Civil Rights Clinic, in a statement. “This lawsuit is the first step in making sure that the commonwealth of Virginia provides these children with an education that meets their needs.” ■

Nathaniel Cline is an award-winning journalist who's been covering news across the country since 2007, including politics at The Loudoun Times-Mirror and The Northern Neck News in Virginia as well as sports for The Plain Dealer in Cleveland, Ohio.

The Virginia Mercury is an independent, nonprofit online news organization covering state government and policy. The Mercury launched in 2018 to bring a fresh perspective to coverage of the state's biggest political and policy issues and fill the gaps in statehouse reporting created by a shrinking media industry. <https://www.virginiamercury.com>



Us Department Of Labor Seeks To Help State, Local Governments Expand Competitive Integrated Employment For People With Disabilities

WASHINGTON – A joint communication by nine agencies within the departments of Labor, Health and Human Services, Education and the Social Security Administration encourages state and local governments throughout the nation to blend, braid and sequence funding to maximize resources proactively and improve Competitive Integrated Employment outcomes for youth and adults with disabilities.

CIE ensures individuals with disabilities are paid competitive wages and work in a community setting where most workers do not have disabilities. The newly released information builds on the Biden-Harris administration’s history of supporting efforts that lead to improved CIE outcomes and equity for individuals with significant disabilities.

A federal joint communication to state and local governments, “Resource Leveraging & Service Coordination to Increase Competitive Integrated Employment for Individuals with Disabilities,” was sent by the department’s Office of Disability Employment Policy and Employment and Training Administration, along with HHS’ Administration for Community Living, Centers for Medicare and Medicaid Services, and Substance Abuse and Mental Health Services Administration; the Education Department’s Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, and Office of Special Education Programs; and the SSA’s Office of Retirement and Disability Policy.

“With limited resources, a single government agency may find it difficult to provide the full range of services that meet all the needs of jobseekers with significant disabilities,” said Assistant Secretary of Labor for Disability Employment Policy Taryn M. Williams. “This joint

communication helps state and local agencies understand that resources can and should be leveraged and used as an effective strategy in making Competitive Integrated Employment a reality for those facing multiple barriers to employment.”

The joint communication also includes a set of frequently asked questions on leveraging resources.

“An economy is at its strongest when everyone, including individuals with disabilities, has the opportunity to obtain a good-paying job and advance their careers,” said Acting Assistant Secretary for Employment and Training Brent Parton. “Advancing Competitive Integrated Employment ensures all workers benefit from economic growth. By sharing practical advice across state and local government systems, we can inspire creative solutions toward our common goal.”

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Agency Office of Disability Employment Policy

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Department of Labor

Mission is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

<https://www.dol.gov>