



Capitol Insider



for the Week of September 14th, 2015

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Major Events Last Week

Education/Rights - Justice Department Issues Guidance on Testing

The Department of Justice (DOJ) issued technical assistance on the obligation under the Americans with Disabilities Act (ADA) of testing entities to ensure that test scores of individuals with disabilities accurately reflect aptitude, achievement, or skill. The document discusses who is entitled to testing accommodations, what types of testing accommodations must be provided, and what documentation may be required. The document also discusses prohibited flagging policies and proper reporting of test scores. See the [Guidance Document](#) or to find out more about the ADA, visit www.ada.gov or call the DOJ's toll-free ADA Information Line at 1-800-514-0301 or 1-800-514-0383 (TDD).

Social Security - Institute of Medicine Issues Report on “Mental Disorders and Disabilities Among Low-Income Children”

The Institute of Medicine of the National Academies of Sciences, Engineering, and Medicine has issued a new report, [“Mental Disorders and Disabilities Among Low-Income Children.”](#) The Social Security Administration commissioned this report to identify trends in the prevalence of mental disorders among U.S. children and to compare those trends to changes observed in the Supplemental Security Income (SSI) childhood disability population. The report “provides evidence-based findings and conclusions concerning trends in the prevalence of mental disorders in children and also the diagnosis and treatment of these children,” including **previously unreleased data on the rates of mental disorders and disabilities among low-income children from the SSI and Medicaid programs.**

Employment - Settlement Reached in Oregon over ADA Violations in Employment Services

On September 8, 2015, the Department of Justice (DOJ) [announced](#) that it has entered into a proposed settlement agreement with the State of Oregon. The proposed agreement will resolve violations of the Americans with Disabilities Act (ADA), as interpreted by the Supreme Court in *Olmstead v. L.C.* The agreement will impact more than 7,000 Oregon citizens with intellectual and developmental disabilities (I/DD) who can and want to work in community employment. The statewide agreement addresses the rights of people with disabilities to receive state-funded employment services in integrated settings, such as supported employment services provided in typical employment settings, rather than in segregated sheltered workshops. The agreement also provides relief to transition-age youth at risk of segregation.

Employment/Rights - CMS Announces Performance-Based Payment Options for Employment Services

In late August 2015, the Centers for Medicare and Medicaid Services (CMS), [announced](#) new performance and outcome-based options for funding employment supports and services through a Section 1915(c) waiver. CMS announced that they will begin accepting payment structures that include outcome payments for: Discovery or Supported Employment Assessment Service and Report; or Job Development, Placement, Customized Employment Position, as a single unit of service. These outcome payments will be made as long as the service is time-limited, and has a defined tangible outcome. Under this new payment structure, states can also make milestone payments in addition to fee-for-service payments to reimburse providers when certain employment outcomes are achieved. This would allow states and service providers to capture funds for all phases of job placement based on outcomes.

Announcements

Marchand Internship - Application for Spring 2016 Session Due Oct 1

The Paul Marchand Internship Fund will provide \$3,000 per semester or summer session to assist interns interested in pursuing careers in public policy advocacy for people with intellectual and developmental disabilities (I/DD). See [Application information](#) and [Internship FAQs](#) for more information. For 38 years, Paul Marchand was a dedicated disability policy advocate and recognized leader working on behalf of people with I/DD and the larger disability community. Upon his retirement in 2011, The Arc, with substantial contributions from United Cerebral Palsy, other organizations, and individuals with whom Paul worked during his decades in Washington, established an internship to honor Paul and to continue to cultivate disability policy advocates.