

# NJCDD

NJ Council on Developmental Disabilities

# the Council

A publication of the New Jersey Council on Developmental Disabilities

## Inside this issue:

Medicare Benefit Changes .....	page 2
En Español: Medicare Benefit Changes ...	page 3
SSA 2009 Cost of Living Adjustment .....	page 4
Military Autism Act Introduced .....	page 4
NCD Reports on School Transition .....	page 5
Fed Offers Guidance on Transition .....	page 7
Post-Secondary Clearinghouse .....	page 7
Calendar .....	page 8

## Looking Ahead to the Obama Presidency

On November 4, American voters turned out in record numbers to elect Democrat Barack Obama as the 44th President of the United States. He and his running mate, Joe Biden, ran on a platform of "change."

What changes should advocates for people with developmental and other disabilities look for when Obama takes office in January 2009?

Candidate Obama detailed a comprehensive four-part plan for Americans with disabilities. And both President-elect Obama and Vice President-elect Biden promised to work closely with individuals with disabilities and disability rights advocates.

*continues on page 6*



## Fiscal Crisis Threatens Funding for State Services

New Jersey is among a growing number of states facing a significant budget shortfall. According to the Center on Budget and Policy Priorities, a nonprofit, nonpartisan research organization and policy institute, more than half the states in the country had already cut spending, used reserves, or raised revenues in order to adopt a balanced budget for the current fiscal year.

Now, many need to make mid-year cuts, and are looking to across the board reductions for FY 2010. Unlike the federal government, New Jersey, and most other states, cannot run deficits; they must cut expenditures, raise taxes, or use reserve funds to balance their budgets.

New Jersey is facing a \$400 million gap in its current (FY 2009) budget. In October, Governor Corzine called a special session of the State Legislature to share his \$150 million package of tax breaks and state spending intended to help stimulate the economy. To pay for this plan, he has asked each department to identify cuts. To help some vulnerable residents, he plans increases to emergency aid to food banks, state aid to help people pay the costs of heating, and property tax breaks for the elderly.

Budget difficulties have prompted some states to consider cuts that will affect low-income children and families' eligibility for health insurance or their access to health care services. At least 15 states are cutting medical, rehabilitative, home care, or are increasing the co-pays for these services. At least 16 states are cutting or proposing

*"Unlike the federal government, New Jersey, and most other states, cannot run deficits; they must balance their budgets."*

*continues on page 6*



## The Impact of Changes in the Medicare Drug Benefit On People with Developmental Disabilities

**Beginning on January 1, 2009 there will be significant changes in Medicare Part D, the federal drug benefit that is used by people who are eligible for both Medicaid and Medicare to obtain their prescription medications.**

According to the Centers for Medicare and Medicaid Services (CMS) some “dual-eligibles” may receive a blue letter explaining that they will be reassigned to a different drug plan because their current plan is above the average premium benchmark for their geographic area. Beneficiaries may remain in their current plan if they are willing to pay the difference between the 2008 and 2009 premium cost. An orange letter will be sent to those beneficiaries whose co-pays will be increasing in 2009. Beneficiaries can change plans during the Open Enrollment Period, which begins on November 15.

Beneficiaries, their families, and advocates should call 1-800-MEDICARE (1-800-633-4227) or visit Medicare.gov if they have questions about their 2009 plans.

To help participants, the Arc of New Jersey’s Mainstreaming Medical Care project is hosting a series of regional workshops. This seminar is for employees

of DD provider agencies, DDD case managers, family members and health care professionals who care for dually eligible consumers.

### **Friday, December 5, 2008: Monmouth County**

10:00 a.m. – 12:00 noon

The Arc of Monmouth County

1158 Wayside Road, Tinton Falls, NJ 07712

### **Wednesday, December 10, 2008: Burlington County**

10:00 a.m. – 12:00 noon

Rutgers Cooperative Extension of Burlington County

2 Academy Drive, Westampton, NJ 08060

There is no charge, but registration is requested. Please contact Diane Flynn at [dflynn@arcnj.org](mailto:dflynn@arcnj.org) or by phone at 732-246-2525, ext.28. Please provide: (1) Name, Phone, Email, (2) Date and Location you wish to attend, (3) Number of persons attending.

## **Fiscal Crisis Threatens Funding for State Services** *continued from cover*

to cut education—including preschool and K-12, and public colleges and universities. In New Jersey, Governor Corzine has hinted at the need to delay the implementation of preschool expansion.

In testimony before the State Legislature in October, Human Services Commissioner Jennifer Valez, along with Health and Senior Services Commissioner Heather Howard, underscored the critical importance of programs such as food stamps, child support, affordable child care, safe and affordable housing, and healthcare—including mental health and substance abuse services. Both commissioners stressed how these and other similar services are vital ‘safety nets’ in times of economic hardship.

A series of budget hearings for the Division of Developmental Disabilities was held in October, where many families and providers urged that disability services be preserved. Disability advocates are watching closely to ensure that services to people with developmental disabilities and their families are not reduced.



## El impacto de los cambios en los beneficios de medicamentos de Medicare de las personas con discapacidades del desarrollo

**A partir del 1 de enero de 2009, habrán cambios importantes en la Parte D de Medicare, el beneficio federal de medicamentos que usan las personas que son elegibles para Medicaid y Medicare con el propósito de obtener medicamentos con receta.**

A partir del 1 de enero de 2009, habrán cambios importantes en la Parte D de Medicare, el beneficio federal de medicamentos que usan las personas que son elegibles para Medicaid y Medicare con el propósito de obtener medicamentos con receta.

De conformidad con los Centros de Servicios para Medicare y Medicaid (Centers for Medicare and Medicaid Services (CMS)) algunas personas que son elegibles para los dos programas recibirán una carta azul explicando que serán reasignadas a un plan diferente de medicamentos debido a que su plan actual ha excedido la prima promedio de referencia para su área geográfica.

Los beneficiarios pueden permanecer en su plan actual si están dispuestos a pagar la diferencia del costo de la prima entre 2008 y 2009. Se enviará una carta color naranja a aquellos beneficiarios cuyos copagos

aumentarán en 2009. Los beneficiarios pueden cambiar los planes durante el Periodo de Inscripción Abierta, que se inicia el 15 de noviembre.

Los beneficiarios, sus familias y los defensores deben llamar a 1-800-MEDICARE (1-800-633-4227) o visitar Medicare.gov si tienen preguntas sobre sus planes de 2009.

A fin de ayudar a los participantes, el proyecto Mainstreaming Medical Care de Arc de New Jersey, está auspiciando una serie de talleres regionales. Este seminario es para empleados de agencias proveedoras de DD, gerentes de caso DDD, miembros de la familia y profesionales de atención de salud que se preocupan por los consumidores elegibles para ambos programas.

### **Viernes, 5 de diciembre de 2008: Condado de Monmouth**

10:00 a.m. a 12:00 medio día  
Arc del Condado de Monmouth  
1158 Wayside Road, Tinton Falls, NJ 07712

### **Miércoles, 10 de diciembre de 2008: Condado de Burlington**

10:00 a.m. a 12:00 medio día  
Extensión Cooperativa de Rutgers del Condado de Burlington  
2 Academy Drive, Westampton, NJ 08060

No se cobrará ningún cargo pero si se requiere que la persona se registre. Póngase en contacto con Diane Flynn en [dflynn@arcnj.org](mailto:dflynn@arcnj.org) o por teléfono llamando al 732-246-2525, ext.28. Por favor, proporcione: (1) Nombre, teléfono, correo electrónico, (2) Fecha y ubicación a la que desea asistir, (3) Cantidad de personas que asistirán.

The Council is a publication of the New Jersey Council on Developmental Disabilities (NJCDD).

Chair: Elaine Buchsbaum

Exec. Director: Alison M. Lozano, Ph.D., M.P.A.

Executive Editor: Norman Reim

Editor/Writer: Brenda Considine

New Jersey Council on Developmental Disabilities  
PO Box 700, 20 West State Street, Trenton, NJ 08625-0700

Telephone: 1-800-216-1199; 609-292-3745;

TDD: 609-777-3238; FAX: 609-292-7114.

<http://www.njcdd.org>

The Council is a compilation of news from various sources, organized to inform people with disabilities about policies, programs, laws, trainings and events. This publication and others published by NJCDD are available in alternate accessible formats. Please call the Council for more information.



## Social Security Administration (SSA) Announces 2009 Cost of Living Adjustment

In October, the SSA announced the 2009 Cost of Living Adjustment (COLA) for beneficiaries. Based on the increase in the Consumer Price Index, Social Security and Supplemental Security Income (SSI) beneficiaries will receive a 5.8 percent COLA for 2009. The COLA represents a larger increase than the COLAs of the past two years: 2.3 percent for 2007 and 3.3 percent for 2008. Other important COLA statistics include:

- The average SSDI payment will increase from \$1,006 to \$1,064 a month;
- The SSI Federal Benefit Rate will increase from \$637 to \$674 a month;
- The Substantial Gainful Activity (SGA) threshold will increase from \$940 to \$980 a month for individuals who are not blind, and from \$1,570 to \$1,640 a month for individuals who are blind; and
- The Trial Work Period threshold will increase from \$670 a month to \$700 a month.

For more information, and a complete summary of the Social Security changes, please visit <http://www.ssa.gov/cola/colafacts2009.htm>

### Interested in Becoming a Council Member?

The Council is in need of more self-advocate members. Persons interested in becoming a Council member should contact the Council at 609.292.3745. Only individuals with a developmental disability, or parents, family members or guardians may apply.

## Federal Bill to Offer Support to Military Families

Retired military families who have a child with autism will have their health care benefits protected if bipartisan legislation introduced by Virginia Congressman James P. Moran (D-8) and Florida Congressman Jeff Miller (R) is enacted into law.

*"The bill would provide retired military families with children with autism the same health care benefits as families of active duty service members."*

The "Military Family Autism Equality Act," (HR3690) would provide retired military families with children with autism the same health care benefits as families of active duty service members with children with autism. Department of Defense statistics indicate there are more than 8,700 families that will benefit from this legislation.

Active duty service members with a child with autism have access to benefits that provide up to \$30,000 per year, or \$2,500 a month for Applied Behavioral Analysis (ABA). Currently, when an active duty military person retires voluntarily or is forced to retire at the end of their career obligation, dependents lose access to the health benefit.

According to the Harvard School of Public Health, without effective intervention, approximately 90 percent of individuals with autism spectrum disorders require lifelong care costing an estimated \$3.2 million over an individual child's lifetime. ABA has been shown to be effective in reducing the symptoms of autism.



## National Council on Disability Releases a New Report on Transition

The National Council on Disability (NCD) has released a new report titled *The Rehabilitation Act: Outcomes for Transition-Age Youth*. The 129-page report is a comprehensive assessment of the impact of the Rehabilitation Act on the employment and postsecondary education outcomes of eligible transition-age youth.

The Rehabilitation Act of 1973, together with the Education for All Handicapped Children Act of 1975, have allowed students with disabilities the opportunity to gain the educational and vocational skills needed to live, work, and participate as adults in community life.

Although the Vocational Rehabilitation (VR) Program has been providing employment-related services to young adults with disabilities for decades, and serves more than 50,000 youth each year, the report reveals that relatively little is known about the extent and effectiveness of VR transition services.

According to NCD chairman, John Vaughn, the number of transition-age students who will leave school and attempt to enter the workforce over the next decade will create tremendous challenges for VR agencies.

“While many current service delivery approaches hold promise, little empirical information is available that will allow VR agencies to accurately predict the amount and type of services required to assist transition-age youth to meet their employment goals, or the outcomes that should be anticipated for individuals served through the program,” Vaughn said.

The report calls on Congress and the U.S. Department of Education to make changes to current service delivery practices that will improve transition outcomes for youth with disabilities. Among the study’s 11 recommendations are:

- change existing VR transition legislation and policy to require that VR services be made available to eligible youth no later than three years before exiting secondary education.
- authorize and allocate sufficient funds to support the development of a multifunctional transition unit in each state VR agency.
- require state VR agencies to design, implement, and evaluate a tiered structure for services delivered by VR counselors working with transition-age youth.

NCD is an independent federal agency composed of 15 members appointed by the President, with the advice and consent of the Senate. NCD provides advice to the President, Congress, and executive branch agencies to promote policies, programs, practices, and procedures that: guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

The full report can be found on line at <http://www.ncd.gov/newsroom/publications/2008/doc/RehabilitationTransitions.doc>.

---

## Looking Ahead to an Obama Presidency *continued from cover*

Below is a summary of their campaign proposals for people with disabilities and their families:

### *Education*

- Fully fund the Individuals with Disabilities Education Act (IDEA).
- Ensure effective implementation and enforcement of the IDEA.
- Invest in early intervention educational and developmental programs.
- Authorize a comprehensive study of transition from school to work and higher education.

### *Civil Rights and Equality of Opportunity*

- Ensure full implementation of the ADA Restoration Act.
- Appoint judges and justices who respect Congress' role as a co-equal, and who "exhibit empathy with what it means to be an American with a disability."
- Reduce court backlogs and address systemic discrimination.

### *Employment*

- Reinstate Executive Order No. 13173, which promises to hire an additional 100,000 federal employees with disabilities.
- Ensure that electronic and information technologies used by the federal government are fully accessible.
- Bring federal agencies and other employers, as required, into full compliance with the Rehabilitation Act of 1973.

- Take steps to ensure that private sector employers use existing tax benefits to hire more workers with disabilities.
- Amend regulations under the Small Business Act that provide preferences in federal contracting to small businesses owned by members of disadvantaged groups to include individuals with disabilities.
- Examine Social Security and other federal benefits to eliminate disincentives to work, and improve results.
- Expand the Family and Medical Leave Act; encourage States to adopt paid leave; mandate a reasonable amount of paid sick leave; and protect against caregiver discrimination.

### *Community Living and Independence*

- Offer grants to states for community expansion.
- Advance the promise of Olmstead for those living in institutions.
- Sign legislation that would expand community direct care services, and address low pay, limited or no benefits, and inflexible working hours.
- Amend the Medicare "homebound" rule so that beneficiaries have the freedom to leave their homes without fear of having their government benefits taken away.
- Ensure that assistive living technologies are made more available, and are more flexibly allowed under federal programs.

---

# Feds Offer Guidance on School Transcripts

School districts may reference a student's disability or special education status on report cards, but should generally not do so on student transcripts, according to a letter from the U.S. Department of Education's Office on Civil Rights (OCR).

The October 17 guidance letter is intended to clarify an ongoing source of confusion for educators, who have expressed concern that referring to a student's disability on report cards or transcripts could be a violation of their privacy rights.

*Report cards may contain information about a student's disability, including whether that student received special education or related services.*

Under federal disability-discrimination laws, report cards may contain information about a student's disability, including whether that student received special education

or related services. In a question-and-answer document that accompanies the guidance letter, the department indicates that such notations are generally permissible on a report card because districts often already note whether a student is taking an Advanced Placement course or an honors course. Therefore, noting that a course is for special education students is not treating those students any differently from their peers.

Transcripts, however, are provided to people other than parents, and are intended to convey information about a student's academic credentials and achievements. They may not provide specific information on a student's disability.

A transcript may indicate that a particular class had a modified or alternate curriculum, but should not indicate whether a student received special education services, or accommodations in a general education class.

The most complex piece of information for schools to handle appears to be how to refer to a "certificate of

completion" or similar document. A transcript may make reference to such a document, as long as it does not indicate that a student received special education.

Similar concerns about privacy were raised by disability-rights advocates, who successfully pushed for two prominent college testing firms to stop flagging the scores of students who need extra time to complete college-entrance exams. The organizations dropped such notations on the tests in the 2003-04 school year.

*Transcripts, however, are provided to people other than parents, and are intended to convey information about a student's academic credentials and achievements. They may not provide specific information on a student's disability.*

## Online Clearinghouse on Postsecondary Education for Individuals with Disabilities

George Washington University operates the HEATH Resource Center, a web-based resource on postsecondary education for individuals with disabilities. The Center has information for students with disabilities on educational disability support services, policies, procedures, adaptations, accessing college or university campuses, career-technical schools, and other postsecondary training entities. The Center's site includes information on financial assistance, scholarships, and transition into college, university, career-technical schools, or other postsecondary programs. The site can be found at <http://www.heath.gwu.edu/>.



# Community Calendar

- December 4 Public Meeting – New Jersey Council on Developmental Disabilities. Trenton NJ. For more information, call 609-292-3745, or visit [www.njcdd.org](http://www.njcdd.org).
- December 5 The Impact of Upcoming Changes in the Medicare Drug Benefit on Dual Eligibles with Developmental Disabilities. Sponsored by the Arc of New Jersey. Arc of Monmouth County, Tinton Falls, NJ. Contact Diane Flynn, 732-246-2525, ext. 28, or email [dflynn@arcnj.org](mailto:dflynn@arcnj.org).
- December 10 The Impact of Upcoming Changes in the Medicare Drug Benefit on Dual Eligibles with Developmental Disabilities. Sponsored by the Arc of New Jersey. Rutgers Cooperative Extension of Burlington County, Westampton, NJ. Contact Diane Flynn, 732-246-2525, ext. 28, or email [dflynn@arcnj.org](mailto:dflynn@arcnj.org).
- December 10 Basic Rights in Special Education. Victoria Irizarry-Romienko , presenter. Sponsored by SPAN. Sewaren, NJ. Contact Vivian DeWitt, 973-642-8100 x116 or email [trainings@spannj.org](mailto:trainings@spannj.org) or register online, [www.trainings.spannj.org/training](http://www.trainings.spannj.org/training).
- December 10 Section 504 & IDEA, Carolyn Hayer, presenter. Sponsored by SPAN. Teaneck, NJ. Contact Vivian DeWitt, 973-642-8100 x 116 or Mireille Wahl @ 201-530-1250, or email [trainings@spannj.org](mailto:trainings@spannj.org) or register online, [www.trainings.spannj.org/training](http://www.trainings.spannj.org/training).
- December 11 Basic Rights in Special Education, Nicole Pratt, presenter. Sponsored by SPAN. Plainfield, NJ. Contact Vivian DeWitt, 973-642-8100 x116 or email [trainings@spannj.org](mailto:trainings@spannj.org) or register online, [www.trainings.spannj.org/training](http://www.trainings.spannj.org/training).

Return Service Requested

PRESORTED  
 FIRST-CLASS MAIL  
 U.S. POSTAGE  
**PAID**  
 TRENTON, N.J.  
 PERMIT NO. 21

The Council: NJCDD's Newsletter  
 PO Box 700  
 Trenton, New Jersey 08625