



## 2020 Presidential Candidate Questionnaire

Dear Presidential Candidate:

In 2020, approximately 23% of the American electorate — over 35 million individuals — will be people with disabilities. As people with disabilities, we want to live independent lives and contribute our talent and energy to the future success of our great nation. There are over 60 million Americans with disabilities who make remarkable and valuable contributions to our communities.

Despite these contributions and despite our numbers, Americans with disabilities continue to face discrimination in many arenas including employment, housing, transportation, health care, and education. Candidates for public office must address these disparities and set forth a vision to ensure the civil rights of people with disabilities and our full inclusion in society.

In an effort to inform our community of your disability policy positions, initiatives, and priorities, the [American Association of People with Disabilities](#) (AAPD), the [National Council on Independent Living](#) (NCIL), and the [REV UP Campaign](#) have developed this presidential candidate questionnaire. We believe the issues addressed in this questionnaire are vital to ensuring all individuals with disabilities have an opportunity to achieve the American Dream and therefore we request your response.

We greatly appreciate your time and attention to our concerns. If you have any questions, please contact Keri Gray, Sr. Director, AAPD, 202-521-4310, [kgray@aapd.com](mailto:kgray@aapd.com) or Sarah Blahovec, Disability Vote Organizer, NCIL, 724-309-5182, [sarah@ncil.org](mailto:sarah@ncil.org).

We look forward to sharing your responses with the 35 million eligible voters of the disability community!



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### Executive Summary

Please insert an executive summary describing your top 2-3 policy priorities, and how you will advance the full community integration of people with disabilities.

### 1. LEADERSHIP

The Government Accountability Office (GAO) publication, “High Risk Series” (2015), points out the vast problems of administration and effectiveness of federal disability programs. These very same problems have been cited in previous reports spanning over twenty years. To address these issues, reform must begin within the Executive Branch.

- Will you commit to creating a National Office of Disability Coordination to be headed by a cabinet level executive?
- What are you doing to make sure qualified people with disabilities will be a part of your political team and, if elected, as part of your Administration?

### 2. ADVANCING THE CIVIL AND CONSTITUTIONAL RIGHT OF AMERICANS WITH DISABILITIES TO BE INTEGRATED IN SOCIETY

The vast majority of Americans with disabilities and older Americans prefer home and community based services that allow them to live independently in their communities. However, states and insurance providers of Long Term Services and Supports (LTSS) still restrict access to community-based services and preference nursing homes, which results in unwanted institutionalization, depriving people with disabilities of their fundamental freedoms and cutting their lives short. This reliance on institutional placement is also far more expensive than community-based services.

- If elected, will you support the Disability Integration Act (currently S.117/HR.555) – bipartisan civil rights legislation that establishes in statute the right of Americans with LTSS disabilities to receive services and supports in the community and be integrated in society – and sign this legislation into law? What other investments will you make in expanding long-term services and supports?
- People with disabilities are also significantly overrepresented in prisons and jails. A few key reasons for this disparity is police discrimination, lack of accommodations in the court system, jails functioning as hospitals, particularly for behavioral health, and inadequate re-entry support.<sup>1</sup> How will you address the disproportionate number of people with disabilities, who are also often people of color, that are institutionalized in jails and prisons? In what ways will you transform our criminal justice system?

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<sup>1</sup> Vallas, R. (2016). “Disabled Behind Bars: The Mass Incarceration of People With Disabilities in America’s Jails and Prisons.” The Center for American Progress. Found through <https://cdn.americanprogress.org/wp-content/uploads/2016/07/15103130/CriminalJusticeDisability-report.pdf>.



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- Americans with disabilities face many obstacles and barriers to voting, including inaccessible polling places and voting equipment, difficulty getting to the polling place, and poorly informed election officials and poll workers about access issues. What will you do to ensure people with disabilities have equal access to the fundamental right to vote? Do you support providing funding to states so they can purchase new accessible voting systems to replace the first generation accessible voting systems that have outlived their useful life?
- The Bureau of Justice Statistics found that an estimated 32 percent of state and federal prisoners and 40 percent of local jail inmates have a disability, and that this population is three to four times more likely than the general population to report having at least one disability. Furthermore, there are significant racial disparities in incarceration rates, with African Americans incarcerated at more than five times the rate of whites. There are significant efforts around the country to restore voting rights for returning citizens (those who have completed all terms of their sentence.) As President, what would your Administration do to advance the restoration of voting rights for returned citizens?
- Tens of thousands of people with mental health conditions and intellectual disabilities have been disenfranchised in 39 states due to laws that strip them of their right to vote. What would your Administration do to encourage the restoration of voting rights for people with mental health conditions and intellectual disabilities who have been denied the right to vote due to guardianship?
- What will your administration do to ensure immigrants with disabilities have support and accommodations throughout the citizenship process?
- How will your administration ensure that immigrants are not denied citizenship on the basis of disability or public benefits?
- Judicial nominations make a significant impact on the civil rights of Americans. What qualities will you look for in judicial nominees, and will these qualities include fair-minded constitutionalists that support the rights of people with disabilities?

### 3. HEALTH CARE

People with disabilities rely on both public (Medicaid) and private insurance options to obtain coverage to meet their health care needs. Access to affordable comprehensive health care coverage is essential for people with disabilities to live independently and maximize the quality of their lives. Unfortunately, many people with disabilities continue to lack access to the services and supports they need. In addition, despite existing legal protections, people with disabilities are subject to discrimination in both the financing and provision of health care services.



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- What will you do to address discrimination in the financing and provision of health care services to people with disabilities? Will you make enforcement of existing health care non-discrimination protections for people with disabilities a priority?
- How will you work to expand access to affordable, comprehensive health care coverage for people with disabilities? What will you do to address discrimination in health care coverage against people with pre-existing health conditions, and ensure the protections for people with disabilities remain in place?
- Do you have a plan for expanding health insurance coverage through a universal health care policy, and if so, how will you ensure that this policy covers the needs of people with disabilities, including long-term services and supports?
- How will you work to improve the Medicaid program, including ensuring access to home and community based services and the elimination of the bias toward institutional services in the Medicaid program?
- With the continual push to block grant Medicaid (to the states), one of the unintended consequences could be the elimination or severe cut in the provision of the Non-Emergency Medical Transportation (NEMT) services. This would have a dramatic impact on the ability of people with disabilities in rural America to access health related services. Will you work to ensure this critical component of Medicaid remains intact?
- In light of the opioid epidemic, policies have been enacted to limit the use of opioids. An unintended consequence of this has been harm to people living with chronic pain.<sup>2</sup> How will you ensure that people with chronic pain have access to the full range of pain management modalities, including opioids, when they are appropriate and necessary?
- Does your administration support the federal legalization of marijuana and how will your administration decriminalize the marijuana industry?
- In the past several years, there has been a dramatic increase in the number of psychiatric hospitals, even as the Department of Justice has found, and many state governments have acknowledged, that significant numbers of people with psychiatric disabilities have hospital admissions that could be avoided or shortened if sufficient community-based services were available. What will you do to ensure that people with psychiatric disabilities are afforded the services they need to succeed in their own homes and communities and avoid psychiatric hospitalization?

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<sup>2</sup> Dowell, D, Haegerich, T, & Chou, R (2016) "CDC Guideline for Prescribing Opioids for Chronic Pain," Center for Disease Control and Prevention. Found through <https://www.cdc.gov/drugoverdose/prescribing/guideline.html>.



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### 4. REDUCING UNEMPLOYMENT AND ENSURING EMPLOYMENT AND ECONOMIC EMPOWERMENT OF PEOPLE WITH DISABILITIES IN THE FEDERAL WORKFORCE

People with disabilities experience one of the highest rates of unemployment of any marginalized group, and these rates are highest for multiply marginalized people with disabilities. According to the U.S. Bureau of Labor Statistics, in 2018, the unemployment rate for people with disabilities was at 8%, which is more than two times higher than the 3.7% unemployment rate of people without disabilities.<sup>3</sup> The next Administration must make employment and economic empowerment for people with disabilities a top priority.

#### A. REHABILITATION ACT

Although legislation such as the Rehabilitation Act has served to advance and expand the opportunities of people with disabilities in the workforce, there are still many barriers that must be considered and overcome to increase employment for people with disabilities to comparable levels for people without disabilities.

- What will you do to strengthen Section 501 of the Rehabilitation Act and ensure the federal government is a model employer of people with disabilities?
- How will you ensure the provisions under Section 503 of the Rehabilitation Act will be fully enforced by the Department of Labor and that Federal contractors will meet their affirmative action obligations under the law?

#### B. COMPETITIVE INTEGRATED EMPLOYMENT

Many people with disabilities are underemployed. People with disabilities who are working earn less on average than workers without disabilities with similar education levels. The median earnings for workers with disabilities is less than two-thirds the median wages for workers without disabilities (Disability Statistics & Demographics Rehabilitation Research and Training Center, 2011). Furthermore, Section 14c of the Fair Labor Standards Act authorizes employers to pay sub-minimum wages to workers who have disabilities, and many are still stuck working in segregated sheltered workshops. The Workforce Innovation and Opportunity Act (WIOA) made a commitment to Competitive Integrated Employment (CIE), which refers to work where people with disabilities earn the same wage as people without disabilities, have the same benefits and opportunities for advancement, and work alongside people without disabilities.

- Do you plan to phase out Section 14(c) of the Fair Labor Standards Act?
- How will you expand supported employment services to people with disabilities?
- How do you plan to build an infrastructure to address the underemployment and wage gap experienced by people with disabilities?

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<sup>3</sup> "Persons with a Disability: Labor Force Characteristics - 2018." U.S. Bureau of Labor Statistics. U.S. Bureau of Labor Statistics, 26 February 2019. < <https://www.bls.gov/news.release/pdf/disabl.pdf> >.



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- Are you committed to supporting competitive integrated employment? Will you support legislation such as the Transformation to Competitive Employment Act (H.R. 873/S. 260)?

### C. TRANSITION FOR YOUTH WITH DISABILITIES

Youth with disabilities often find themselves distanced from the opportunities to learn job skills through work in their formative years leading to unemployment and underemployment throughout their lives.

- How do you plan to engage youth with disabilities in pre-employment opportunities that will lead to successful transition from school to work and/or higher education?
- How would you reform the public workforce system to ensure people with disabilities, especially youth with disabilities, are fully integrated into the economic development of regional economies?

### D. ENSURING APPROPRIATE FLEXIBILITY IN PUBLIC PROGRAMS TO SUPPORT PEOPLE WITH DISABILITIES IN THE WORKFORCE

Of the federal and state expenditures combined for working age people with disabilities, 41 percent is spent on income benefits (e.g., SSI and SSDI) and 55 percent on health care (Medicaid and Medicare). 1.2 percent of federal and state expenditures go to educating, training, and employment programs for people with disabilities.

- With 4.6 million people with disabilities on Supplemental Security Income (SSI) and 8.9 million people on Social Security Disability Insurance (SSDI), how would your Administration reform these federal income support programs so people with disabilities can receive income supports while working so they can secure employment or return to employment sooner?
- Medicaid eligibility and programmatic requirements now create barriers for individuals with disabilities entering or returning to the workplace because they cannot access needed supports such as personal care attendants, power wheelchairs, complex rehab technology, other rehabilitation devices and services, home and community based services, medical supplies, and therapies. Do you support initiatives that would allow workers with disabilities to continue to work past age 65, maintain eligibility from state to state, and carry their Medicaid benefits into private employment settings? How would you work with the private sector to address the critical independent living supports that many private insurance programs do not cover for people with disabilities?
- How will your administration preserve the benefits of SNAP, TANF
- Food insecurity and barriers to economic opportunity disproportionately impact people with disabilities. What will your administration do to preserve programs such as the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance for Needy Families (TANF).



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### 5. EDUCATION

Due to the enactment and implementation of a key civil rights law, the Individuals with Disabilities Education Act (IDEA, or the “special education” law), high school graduation rates for people with disabilities have increased 45 percent since 1995, with an associated decrease in dropout rates for students with disabilities. Similarly, enrollment in college has doubled for students with disabilities. Nevertheless, local school districts struggle to serve students with disabilities and students with disabilities seeking a higher education continue to face enormous barriers to success, and high school and college graduation rates for students with disabilities remain lower than their able-bodied peers.

#### A. IDEA FUNDING

When IDEA was passed in 1975, Congress pledged to fund 40% of the differential cost of serving students with disabilities. The closest the federal government has come to meeting that pledge is 19% in 2010. Higher levels of funding will ensure more students with disabilities receive the supports they need in K-12, are able to complete high school, and have the opportunity to go on to postsecondary education and postsecondary employment.

- Do you support funding IDEA at higher levels?
- What will you do to ensure that children with disabilities are afforded equal educational opportunity, including the services they need to be educated alongside non-disabled peers in their neighborhood schools rather than being placed in separate schools and separate classrooms?

#### A. CURRICULUM AND TRANSITION

In some localities, students with disabilities are not taught the challenging curriculum available to students without disabilities.

- How would you ensure that students with disabilities have the same access to ambitious educational opportunities that other students have?
- How would you increase the number of high school graduates with disabilities and what would you do to ensure more college graduates with disabilities secure employment and are hired by the private sector?

#### B. ELIMINATING BULLYING

Bullying of students with disabilities is a long-standing problem. In fact, over 85 percent of students with disabilities have experienced some form of bullying.

- Do you support amending the Elementary and Secondary Education Act to protect young students with disabilities from bullying, require state educational agencies and local school districts systems to report incidents of bullying, and to provide interventions to reduce bullying?



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### C. PROHIBITING THE USE OF RESTRAINTS AND SECLUSION

The use of physical restraints and seclusion is a prevalent issue in public schools. There are many reports that show adults who restrain students with disabilities are tying, taping, and trapping students in chairs and equipment, forcing them into locked seclusion rooms, and depriving them of necessities.<sup>4</sup>

- Do you support the Keeping All Students Safe Act? How would your Administration address the issues around restraint and seclusion in schools?

### D. Educational Inclusion of Students with Disabilities

Students with disabilities frequently lack access to the general education classroom.

- What steps will you take to expand access to the general education classroom and broader inclusion for students with disabilities?
- What would you do to make sure students with disabilities have accessible curriculum and that teachers have the support they need to provide it?

## 6. AFFORDABLE, INTEGRATED, and ACCESSIBLE HOUSING

The ADA's integration mandate and the Supreme Court's Olmstead decision provide people with disabilities with critically important rights — to live, work, and receive services in the most integrated setting appropriate. These rights have enabled tens of thousands of people with disabilities to move from institutions into their own homes and communities, and to get the services they need to secure real jobs at competitive wages in the community. Despite this, the lack of enforcement has resulted in 700,000 disabled people being wait-listed to receive home and community-based services; 70,000 disabled people still being institutionalized; and 1.5-7 million disabled people still living in nursing homes.<sup>5</sup>

- Enforcement by the Department of Justice has been particularly important, although it has been dependent on the priorities of each Administration. Would you make robust enforcement of the ADA's integration mandate and Olmstead decision a priority in your Administration?
- The lack of affordable, accessible housing has taken an egregious toll on the lives of people with disabilities who continue to be warehoused in nursing homes, psychiatric hospitals, board and care homes, DD (developmental disabilities) institutions, and other institutional settings. Disabled individuals want housing in mainstream buildings (or scattered-site housing) and not "special" buildings for "special" people. As President, what will you do to address the need for affordable, integrated accessible housing for people with disabilities?

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<sup>4</sup> Diament, M (2018) "Feds Release New Stats On Restraint And Seclusion In Schools," DisabilityScoop. Found through <https://www.disabilityscoop.com/2018/04/24/feds-restraint-seclusion-schools/25015/>.

<sup>5</sup> Kaiser Family Foundation (2017) "Waiting List Enrollment for Medicaid Section 1915(c) Home and Community-Based Services Waivers" Found through <https://www.kff.org/health-reform/state-indicator/waiting-lists-for-hcbs-waivers/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>





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### 7. TRANSPORTATION

Access to affordable and reliable transportation allows people with disabilities important opportunities to go to school, work, take care of their health, live where they desire, and participate in all aspects of community life. Because our nation's investments in transportation infrastructure have disproportionately favored vehicles and highways, those who cannot afford vehicles or do not operate vehicles often lack viable transportation options.

#### A. PUBLIC TRANSPORTATION

Access to public transportation is a key to independence and full community participation for people with disabilities.

- What would you do to expand access to affordable and accessible transportation for people with disabilities, especially in rural areas?

#### B. TRANSPORTATION NETWORKING COMPANIES

Transportation networking companies (TNCs) like Uber and Lyft have the potential to increase transportation options for people with disabilities. Unfortunately, TNCs have discriminated against people with disabilities by refusing rides to individuals with service animals and individuals using wheelchairs.

- What would your Administration do to ensure all people with disabilities have access to the services provided by TNC's?

#### C. AUTONOMOUS VEHICLES

As autonomous or self-driving vehicles move towards becoming a reality, they promise new mobility options and increased independence for people with disabilities who have missed out on the benefits of a century of automotive history.

- What will your administration do to ensure that the automobile industry begins to build personal passenger cars that are accessible to a wide range of people with disabilities, including those that use wheelchairs?

#### D. AIR TRAVEL

Air travel can be complicated for everyone, but people with disabilities encounter many additional barriers to air travel. From the time they enter the airport, they are faced with obstacles that not only result in frequent delays and missed flights, but they also put their dignity and safety at risk. People with disabilities frequently experience inaccessible facilities and equipment in airports, overly intrusive and discriminatory TSA security screenings, breakage of mobility and medical equipment, unsafe and harmful transport and transfers by



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airport staff, inaccessible aircraft facilities and amenities, and additional fees. Air travel can be extremely difficult for people with disabilities, including those who must travel for work, sometimes rendering it nearly impossible.

- As President, what would you do to address this issue?

### 8. TECHNOLOGY

Accessible mainstream communication and information technologies, as well as assistive and adaptive technologies, often allow people with disabilities to secure and maintain employment, participate in educational activities, and experience entertainment like everyone else.

#### A. SECTION 508 OF THE REHABILITATION ACT

The U.S. Congress enacted Section 508 of the Rehabilitation Act in 1973, a statute that requires the federal government to purchase information technology that is accessible to and usable by employees with disabilities in the federal government and by customers with disabilities accessing federal government services online. Despite this long standing requirement, many federal websites and online government services remain inaccessible to users who are blind, people with low vision, people with intellectual disabilities, and other disabilities.

- Would you make it a priority to ensure federal agencies make their websites and all other information technology accessible? How will you implement this?

#### B. THE INTERNET OF THINGS

The Internet of Things, including smart homes and other connected devices, has the potential to increase the independence and community integration of people with disabilities. Connected devices are being developed and released for sale at breakneck speed with new devices coming to market often without any accessibility or usability requirements. Universal design and accessibility features must be included in these devices in order for the Internet of Things to realize the potential it has to improve the quality of life of people with disabilities. Under Title II and III of the Americans with Disabilities Act, people with disabilities have access to modifications, accommodations, and auxiliary aides or services to participate in the activities and services of both local and state government and places of public accommodations, a protection that currently does not exist on the Internet of Things.

- What will you do to ensure that people with disabilities have the same access to the Internet of Things as provided to non-disabled individuals?
- What steps will your Administration take to address the digital divide to ensure that all people with disabilities have access to the Internet, including those that rely on social security income supports?



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### 9. CLIMATE CHANGE AND EMERGENCY PREPAREDNESS

Climate change is intensifying the frequency and duration of disasters around the world, including in the United States. In 2017 and 2018, the U.S. experienced 122 major disasters. People with disabilities and older adults are disproportionately impacted by disasters, during which, they are two to four times more likely to die or be injured. Yet, disability and aging communities are excluded from disaster preparedness, planning, response, and recovery.

Since hurricane Katrina, over \$700 billion dollars in federal funding has been spent on disaster related preparedness, response, recovery and mitigation initiatives. However, federal oversight and enforcement have failed to ensure compliance with the equal access requirements of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

- Under your leadership, what policy changes will you make to ensure people with disabilities have full access to programs and resources before, during, and after disasters?
- If elected, will you support the Real Emergency Access for Aging and Disability Inclusion in Disasters Act (REAADI) and the Disaster Relief Medicaid Act (DRM)?
- As President, will you empower and adequately resource your Departments of Justice and Homeland Security to monitor and enforce all disability civil rights obligations before, during and after disasters?