Comment

Issues and Concerns for the Blindness Field under the Trump Administration

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Every four years, the U.S. Constitution provides for the election of the President. The Founding Fathers, who were driven by the Enlightenment, established a government that was intended to allow the states to live in peace, support each other, and yet maintain as much freedom as possible from a domineering central government.

The partisanship that has been affecting national and state administrations and legislatures in the United States has been evolving over the past few years, however, about seven months into the Trump administration, hyper-partisanship may have reached a tipping point. A few attempts to repeal and replace the national health insurance law, the Patient Protection and Affordable Care Act, often shortened to the Affordable Care Act (ACA; also known as "ObamaCare"), failed and, for the first time in a while, there have been calls for legislators to return to a more typical process, which in the past has included bipartisan cooperation, revision of language, open hearings on proposed bills, and more. As of this writing, it is not clear if the Gordian knot of mistrust and animosity among Democrats and Republicans, tied over several decades, can be unraveled that easily.

Matters of consideration in 2016

The minutes of an early 2016 meeting of the Legislative Committee of the Association for Education and Rehabilitation of the Blind and Visually Impaired (AER), of which I am co-chair, are interesting to recollect, since this meeting took place before the Democratic and Republican national conventions. Topics on the agenda included an effort in Virginia to enact HB 166 (Virginia General Assembly, 2017), a version of the Braille Literacy Services for Blind and Visually Impaired Children bill (National Federation of the Blind, n.d.) and the Alice Cogswell and Anne Sullivan Macy Act (American Foundation for the Blind, n.d.). The point of discussion was whether the bills were properly balanced to assure that best learning media choices could be made for students who are blind or have low vision. Since this meeting, the attempt in Virginia to further the braille literacy services bill has been ceased, but the Cogswell-Macy Act is still wending its way through the legislative process.

Medicaid reimbursement

Medicaid reimbursement in Montana was another topic of discussion. Following an existing model of reimbursement to physical and occupational therapists, blindness specialists, along with the Governor of Montana, secured a "rules change" that allowed Medicaid reimbursement for orientation and mobility services provided to Medicaid-eligible children attending public schools. Committee members wondered if other health insurers such as Medicare be influenced by the rules change in Montana: Where would the money come from? What would be the effect on overall funding for public schools?

Professional credentialing

Professional credentialing was also discussed. We talked about the licensure bill in New York State (New York State Assembly Bill A3968 and Senate Bill S3381), which had just been vetoed by Governor Cuomo, and learned that there is hope the bill will be returned to the governor's desk at the next opportunity (New York State Assembly, 2017).

Testing accommodations and government funding

An interesting and ironic reversal happened around the time that the meeting was held. In December 2015, the Every Student Succeeds Act (ESSA) replaced the No Child Left Behind Act (NCLB). Although ESSA mandates testing accommodations better than did NCLB--a good thing for visually impaired children. In addition the rules that require state testing and that connect test scores to funding were relaxed, lessening arguments under NCLB that children with disabilities were lowering scores and putting school funding at risk (Hammond, 2007).

Employment

Prior to the 2016 election, vocational rehabilitation professionals waited in anticipation as proposed regulations to fully enact the Workforce Innovation and Opportunity Act (WIOA; U.S. Department of Labor, 2017b) were in the public comment period. WIOA replaced the Workforce Investment Act (WIA) in 1998 (U.S. Department of Labor, 2017a). Enacted under President Clinton, WIA packaged all federal employment programs under one authority and under one roof at One-Stop Career Centers. WIA incorporated the Rehabilitation Act, which is now Title IV of WIOA (U.S. Department of Education, 2017). Of concern to the blindness field were the proposed regulations for WIOA that would have curtailed segregated employment, that is the use of workshops for people with visual impairments and those with multiple disabilities, for which there were mixed views; possible elimination of the Homemaker VR [vision rehabilitation] goal, which would represent the loss of many services for consumers and funding for private agencies; enhancement of transition services for youths, with the mandate that states must spend a minimum of 15% of their vocational rehabilitation dollars on pre-employment transition services; and a lowering of standards for professionals to achieve full vocational rehabilitation counselor status in state vocational rehabilitation agencies. By June 2016, the regulations were adopted mostly as proposed, and the Legislative Committee hoped its comments contributed to vigilance in monitoring the effects of the changes. By then, the Presidential primary season was in full swing, and the national conventions were only a few weeks away.

Items of more recent concern

On November 8, 2016, Donald Trump was elected president, and the concerns of the Legislative Committee shifted to the new president's selections for his cabinet, especially the secretaries of education and labor. The nomination of Andrew Puzder as Secretary of Labor was withdrawn, but the person ultimately selected, R. Alexander Acosta, is philosophically similar to Mr. Puzder (that is, conservative). The nominee for Secretary of Education, Betsy DeVos, caused similar concern.

Education

Confirmed by way of Vice President Pence's tie-breaker vote, the new Secretary of Education's lack of expertise and proclivity toward "school-choice" vouchers (that is, vouchers through which children receive government funding to support their enrollment in alternative public and private schools, which has the potential to decrease funding for public schools) appeared to be a threat to special educators (Strauss, 2017). In addition, children attending private schools generally receive reduced protection and service under the Individuals with Disabilities Education Act (IDEA) and less governmental financial support to help solve learning challenges, which can make the work of special educators more difficult.

When Secretary DeVos was confirmed, the majority of us on the committee were not certain how her fiscally conservative philosophy would affect our concerns, and we are still waiting to find out. Would, for example, a conservative Secretary of Education reverse a trend and strengthen segregated employment? Might the VR Homemaker goal (a non-remunerative situation in which the individual independently manages his or her own household) be reinstated as a viable closure under the Vocational Rehabilitation Act? Would she seek to weaken labor laws and relax employer responsibilities for the provision of equal employment opportunities and reasonable accommodations? A conservative policy might also manifest itself by way of increased challenges to the Americans with Disabilities Act (ADA National Network, 2017) and the Americans with Disabilities Amendments Act (Victor, Thacker, Gary, Pawluk, & Copolillo, 2017).

Fortunately, thus far, Secretary DeVos has been receiving delegations from blindness and other special educator groups including the Council for Exceptional Children (CEC). Continual discussions and information will be necessary to prevent or at least mitigate any untoward effects on public school funding that might come from extensive increases in the use of school-choice vouchers.

Of additional concern to teachers of students with visual impairments, individual states (for example, Arizona) have been tinkering with standards that will permit general education teachers to perform duties that have heretofore been the province of special educators, an alarming trend. AER has expressed its point of view on this matter, but individual state legislatures are often impervious to outside testimony. Thus, in addition to calls for national action, many issues related to education will need to be tackled state by state.

Health care insurance

By far the best known and probably most fraught domestic issue since President Trump assumed office has been that of health care insurance. Republicans have wanted to repeal ACA since its passage by a Democratic majority in 2010, and they recently attempted to replace it with the American Health Care Act. For us in the blindness field, one of the more troubling aspects of the "repeal and replace" bills has been the proposed caps and reductions to Medicaid. Many of the students and consumers served by professionals in the field of visual impairment obtain health care and other services via Medicaid, including funding for certain assistive devices and limited amounts of rehabilitation services for children with visual impairments in public schools. Despite these proposed reductions and caps, the professionals who work in the field of visual impairment have not given up the dream of health care insurance reimbursement for vision rehabilitation services. However, if the health care insurance system remains destabilized, much will be lost.

Vocational rehabilitation and employment

In the vocational rehabilitation and employment arenas, the committee members and I remain alert to requests for testimony on the effects of the WIOA regulations. Just over a year has passed since they went into effect, and data will soon be available to assess how things are going.

Finally, as of this writing, Secretary DeVos has not yet appointed the assistant secretary for the Office of Special Education and Rehabilitative Services (OSERS), which houses the Rehabilitation Services Administration (RSA), the federal body that controls the state vocational rehabilitation system. The commissioner for RSA has also not yet been appointed, and the long-serving Assistant Commissioner Edward Anthony, who has also served several stints as acting commissioner over the years, has announced his retirement.

Conclusion

Partisanship and the general disruption to typical political processes under the new Trump administration have caused blindness professionals to increase their advocacy efforts. Fortunately, the polarizing effect of the current political environment has not torn us asunder. The issues that affect blindness professionals tend to center around the welfare of our students, clients, and consumers and, for the most part, we remain focused on issues and display kindness to one another. Since November 2016, members of the blindness field have been called to advocate for what they think is right far more often than ever before. As co-chair of AER's Legislative Committee, I have provided the occasional clarion calls.

As professionals who depend almost exclusively on the sophistication and kindness of society and all that derives from this basic social ethos, individuals in the blindness field need to be ready to advocate for what we think is right--for our students, our consumers, and ourselves. Eternal vigilance is, indeed, the price we pay for liberty.

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