

# Educators Unlimited

FALL 2011

THE NEWSLETTER OF THE UFT COMMITTEE FOR MEMBERS WHO ARE CAPABLY DISABLED

## MESSAGE FROM THE CHAIRPERSON: CAROLYN HERBST

### TWENTY YEARS: FROM UNCERTAINTY AND CHAOS TO ORDER AND RESULTS

This past March the UFT Committee for the Capably Disabled celebrated our twentieth anniversary, complete with cake and sparkling cider. It seems a fitting time to take stock of where we have been and where we are going.

I remember our general membership meetings in the early years. UFT members with disabilities came and griped and shouted and cried about how the New York City Board of Education was making their lives very, very difficult. We had no real system in place for members to receive reasonable accommodations to comply with the federal American with Disabilities Act (ADA) and New York State law. That is why, as a New York City high school social studies teacher and civil rights, union and political activist, I became interested in the committee. I pretty much had hidden the fact that I was legally blind since birth and managed to self-accommodate to "make it" in the classroom for many years. With the inception of the ADA, I decided to "come out" and not only ask for my own accommodations, but to work with other UFT members and together advocate for our civil rights.

Under the leadership of our UFT liaisons, first George Fesko and later Eugene Rubin, we made huge strides. Under George's leadership we achieved a step-by-step process, put down in formal writing, at the Board of Education Office of Equal Opportunity and the Medical Division, which spelled out proper procedures. Under Gene's direction,

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## CITY SUED FOR LACK OF WHEELCHAIR ACCESSIBLE TAXIS

No surprise to any of our members, the lack of New York City taxis that are wheelchair-accessible is a major problem. In fact, the much-heralded Nissan NV200, the minivan chosen to be exclusively the yellow cab for the coming decade, is not accessible. A recent New York Times article went on and on about the features of "the taxi of tomorrow," including its 15-inch TV screen, Plexiglass moon roof and laptop chargers. Not until the 10th paragraph did the article mention that the model vehicle is not accessible.

The city is being sued for this egregious oversight by disability rights activists who claim that the lack of accessible cabs is a violation of the federal Americans with Disabilities Act

(ADA). They filed suit in the spring and had a court hearing in November. Only 231 out of 13,237 yellow cabs in New York City are accessible.

The right to travel freely is a civil right and New York City must obey the law in guaranteeing this right to all its citizens. For more information, visit the Taxis for All Facebook page at [www.facebook.com/pages/Taxis-For-All-Campaign/145215945557428](http://www.facebook.com/pages/Taxis-For-All-Campaign/145215945557428).



## STATES LOOK TO MEDICAID PATIENTS INSTEAD OF MILLIONAIRES TO SOLVE BUDGET WOES

Many states, often in severe budgetary distress, are looking to savings from Medicaid, which provides medical care for poor people and people with disabilities, as one way out of their budgetary dilemmas. Governors of these states are seeking waivers of some federal requirements and Congressional relief as they try to axe many services to Medicaid recipients.

Among the most draconian and harmful actions was Florida's enactment in the spring of a law forcing Medicaid patients into HMOs. In a pilot program, this shift revealed disastrous results for people with disabilities, who often lost access to specialized care that they need. But Florida's Governor

Rick Scott, a former for-profit hospital executive who was forced out of his job when his company became the target of the biggest Medicaid fraud investigation in U.S. history, signed the bill into law. Because Medicaid is a federal-state project, however, the law cannot be enacted without a waiver from the federal Centers for Medicare and Medicaid services.

The 2011-2012 New York State budget, which contained many painful cuts as rookie Governor Andrew Cuomo made good on a pledge to meet a budget deficit without raising income taxes, cut Medicaid funding by \$2.8 billion.

Across the nation, the effort to cut Medicaid is part of the general trend –

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CAROLYN HERBST, COMMITTEE CHAIRPERSON • ABBE NOSOFF, EDITOR/WRITER • EUGENE RUBIN, UFT COMMITTEE LIAISON  
MICHAEL MULGREW, UFT PRESIDENT • GEORGE FESKO, COMMITTEE LIAISON EMERITUS

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so powerfully protested by the Occupy Wall Street movement – to solve budget problems on the backs of our most vulnerable citizens. But disabled Americans are part of the 99% and the 99% are fighting back to say that it is time that the rich did their fair share in tough economic times.

In New York State, that means fighting to extend the millionaires' tax that will expire on December 31, 2011 unless the state acts to keep it. If it is allowed to expire, it will blow a \$5 billion hole in the state's budget while handing yet another tax break to the only people in the state who could actually afford to make do with less.



## HEALTH CARE REFORM BILL HEADED TO THE SUPREME COURT

The United States Supreme Court this fall agreed to consider a challenge to the landmark health care reform bill passed in 2010. The Affordable Care Act has been aggressively opposed by Republicans, Tea Partiers and free marketeers since it was introduced. It has already been challenged in federal court, with different courts ruling differently on the constitutionality of its provisions.

While the new law helps Americans in general gain access to affordable health care in many ways, it is particularly significant and important for people with disabilities. Among other things, the law contains the Community First Option, which promotes community-based living options for people with disabilities. It ex-

pands long-term care options, ends annual and lifetime caps on care and eliminates insurers' ability to deny coverage based on "pre-existing conditions." It was a huge victory for the disabled community.

## "WHAT YOU CALL PEOPLE IS HOW YOU TREAT THEM"

In October 2010, President Obama signed Rosa's Law into effect, which changes the federal government's vocabulary about people with intellectual and developmental disabilities and eliminates the term "mental retardation" from U.S. law. The president quoted the brother of the Maryland girl who inspired the law's name, saying, "Rosa's brother Nick put it best: 'What you call people is how you treat them. If we change the words, maybe it will be the start of a new attitude toward people with disabilities.'" This one legislative act is part of a broader movement to "drop the r-word" and treat people with intellectual and developmental disabilities with respect.



## DISABLED WORKERS STILL LARGELY SHUT OUT OF WORKPLACE

Workers with disabilities are still mainly excluded from the workplace, a major national survey by the Kessler Foundation and the National Organization on Disability found in 2010. According to the survey, although executives and managers say that hiring people with disabilities is important, few of these workers are actually hired. Seventy percent of senior executives have diversity policies or program, and two-thirds

of these programs include people with disabilities – meaning that less than half of American workplaces include people with disabilities in any diversity program. No wonder that only 21 percent of people with disabilities, aged 18 to 64, are actually working either full- or part-time, compared to 59 percent of people without disabilities.

## MESSAGE FROM THE COMMITTEE'S STAFF LIAISON

I would like to take this opportunity to congratulate all of the people who have made this committee such an overwhelming success. Carolyn Herbst has been at the helm of our committee overseeing the development of the agenda for many years and has kept our committee on focus in a caring and concerned manner. We have received vital support over the past two years from the staff of the UFT Safety and Health Department and we are most grateful for their ongoing encouragement. And of course our direct outreach to members would not be possible if it were not for our Medical Bureau Team of representatives: Abbe Nosoff and Lou Weber. Abbe and Lou are the key people who provide face-to-face emotional support, practical information and representation in the exams themselves. Our members have constantly expressed their appreciation for the caring job that they do on a daily basis. We look forward continuing to provide valuable services to our members with disabilities throughout the school year and into the future.

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the committee became part of the UFT Health and Safety Department, and he and committee paid staff members Lou Weber and Abbe Nosoff now work within the Department of Education (DOE) Medical Division offices at 65 Court Street, Brooklyn, to provide one-on-one representation for our members to receive the reasonable accommodations they need. Some cases are easier than others, but our committee staff does its job and does it well.

Meanwhile, our committee's activities have changed over the twenty years. At

first we tried to find members who needed our committee's help to inform them that we are here. We provided monthly meetings with speakers and an annual "Disabilities Awareness" conference with large attendance. Later, as people with disabilities and their families and friends knew more about the ADA, there was less need to provide outreach information at meetings and conferences.

The committee started to switch gears. We rely more on our UFT website to provide information, and have reduced the number of general meetings with speakers.

We also rely less on direct mailings. The one-on-one representation provided by our committee staff at the DOE Medical Division, with the back-up of the UFT Health and Safety Department, helps both recent and long-serving members of the UFT.

But we haven't forgotten our people-to-people camaraderie. We still have our newsletter, edited by Abbe Nosoff, and work with the Museum Access Consortium (MAC), which provides accommodations at museums. We still have our winter holiday and June dinners.

Thank you for your continued support.