

NEW YORK
ASSOCIATION ON

INDEPENDENT LIVING

ONE COMMERCE PLAZA | 99 WASHINGTON AVE
SUITE 806A | ALBANY, NY 12210
518.465.4650 PHONE | 518.465.4625 FAX
INFO@ILNY.ORG | WWW.ILNY.ORG

February 3, 2015

Clinton Freeman
Legislative Office Building 923
Albany, NY 12248

**Testimony for 2015 Joint Legislative Elementary and Secondary Education
Budget Hearing**

Thank you for the opportunity to provide testimony. My name is Lindsay Miller and I am the Executive Director of the New York Association on Independent Living (NYAIL). NYAIL is a statewide membership organization of Independent Living Centers across New York State. ILCs are cross-disability, locally administered not-for-profit organizations, run by and for people with disabilities.

The Independent Living community is seeking the Legislators support of our request for an increase to funding for Independent Living Centers (ILCs) to \$18 million in the 2015-16 State budget. This much needed increase of only \$5.6 million is long overdue. ILCs have remained flat funded for over 10 years, while the cost of doing business and the demand for IL services continues to increase significantly each year. In the past 10 years the cost of living has increased 26% nationally, and New York is feeling the hit. Centers are facing record operational increases for health, unemployment, and disability insurances, not to mention rising costs related to technology and material costs, salary, rent, and other necessary expenses. Centers and people with disabilities across the State are feeling the impact. People with disabilities are waiting longer to receive the necessary IL services they are requesting. In addition, ILCs are being forced to let go of staff—many of whom are people with disabilities. This is at a time when Governor Cuomo has just created the Employment First Commission, per Executive Order 136, tasked with creating an Employment First policy for New York, which makes competitive, integrated employment the first option when considering supports and services for people with disabilities.

The state's \$12.361 million Independent Living allocation provides base operating funds to ensure access to core IL services and assists centers in leveraging additional funds. New York must increase IL funding to sustain essential IL services statewide. ILCs are needed now more than ever. ILCs are indispensable community-based advocacy and service organizations that serve as the safety net to ensure people with disabilities have access to services and supports to live independently in their communities. ILCs serve people of all ages with all types of disabilities, regardless of what service-system silo(s) they may fit within. As New York continues to implement major systemic reforms to the state's Medicaid system, which drastically change the way health care is delivered to New Yorkers with disabilities, the demand for ILC services continues to rise. In 2012/2013,

ILCs in New York served 87,592 people with disabilities, family members and others; an increase of over 19,000 in 10 years. Services provided vary and may include any combination of core ILC services – independent living skills training, information and referral, individuals and systems advocacy, and peer counseling – to assistance with finding affordable and accessible integrated housing, accessing benefits, transitioning from or avoiding unnecessary institutionalization, youth transition services, and other services all aimed at assisting the person to live independently in the community. Further, ILCs assist ACCES-VR meet their mission by providing consumer-driven and community-based wrap around services that complement the Vocational Rehabilitation services provided by ACCES-VR, acting as a dedicated referral source and valuable resource to counselors.

Ensuring ILCs are adequately funded is also essential to achieving successful *Olmstead* implementation in New York and would result in additional Medicaid savings to the State. June 22, 2014 marked the 15th anniversary of the Supreme Court's *Olmstead* decision, the landmark case guaranteeing the right of people with disabilities to live in the community. While national data shows that New York has made progress in shifting state resources from institutional to more community based services and supports, more work is still needed. In October 2013, Governor Cuomo issued New York's long awaited *Olmstead* implementation plan that details how the State intends to comply with the decision, including a 10% decrease in the State long-term stay nursing facility population over the next five years. ILCs are well placed to assist in implementing *Olmstead* by helping individuals with disabilities to access the services and supports needed to live independently and fully integrated in their communities. Data from ACCES-VR, show that the work of ILCs to transition and divert people with disabilities from costly institutional placements saved the State more than \$1.7 billion since 2001 as a result of avoided institutional care. ILC transition and diversion activities save the State more than \$9 in institutionalization costs for every state dollar invested in ILCs. New York must invest in ILCs - the unique, disability-led organizations that have done the most to ensure reduced use of institutions.

We are looking to the legislature to champion this much needed IL funding increase.

At a time when the Independent Living network is struggling to keep up with the service demands in the community and looking towards our designated state agency for support, they are looking for ways to further regulate centers. Recently, SED has indicated they are considering changing their longstanding practice supported by State statute of single sourcing the ILC contracts. Instead, they are considering the use of an open procurement process whereby centers would be in direct competition with one another for funding. Centers are struggling financially to provide core services and instead of advocating for centers to be adequately funded, SED is focused on further regulation, including through an unnecessary and potentially devastating RFP process.

Since the creation of the first service centers for independent living in State law more than two decades ago, SED has never required ILCs to respond to an RFP. Per the State's regulations, SED has maintained the longstanding practice of extending ILC contracts

based on submission of yearly budget requests and additional documentation at the beginning of five year contract periods.

NYAIL believes an RFP process would be detrimental to ILCs and the communities they serve. In our estimation, backed by a legal opinion, the State Education Law (Article 23-A) requires SED to fund existing organizations, in specific communities, that have already met the statutory requirements of being consumer-controlled, locally administered, not-for-profit corporations, which were explicitly designed to promote independent living for people with disabilities. The ILC contracts were never intended to be competitively bid, and seeing as how no competition exists, doing so would only be a waste of the State and center's resources. The requirements for ILCs to exist in specific communities and have boards comprised of more than 51% people with disabilities limit other not-for-profit organizations from applying. To that end, ILCs are not in competition with one another as they have been statutorily established to serve specified communities. We do not believe that the Legislature contemplated the possibility of ILCs from other communities, bidding in an attempt to take away a Center from a community.

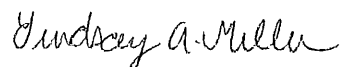
It is good public policy to continue to support the existing ILCs through the longstanding budgetary and oversight practices. Under the ILC statute and regulations, SED has the power to evaluate program performance, oversee fiscal activities, and require a plan of corrective action, when deficiencies are identified. SED has exercised the power to revoke ILC contracts four times since 2005.

We would hope that SED instead take constructive action on behalf of independent living, and focus on supporting these Centers by advocating for an increase in funding that is more than 10 years overdue. We believe it is the role and responsibility of SED to champion ILCs. Indeed, the ILC regulations require that SED assist in planning and establishment of service centers for independent living.

NYAIL is dependent on the legislature to ensure the work of ILCs is recognized and adequately funded. We urge your support of our request to increase IL funding to \$18 million this year.

For additional information, please feel free to contact me at LMiller@ilny.org or 518-465-4650.

Respectfully submitted,



Lindsay Miller
Executive Director

