

From: Henny Kupferstein
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To: The Honorable Carl E. Heastie
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518-455-3791
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Speaker@nyassembly.gov

CC: Nader J. Sayegh, NYS Assemblyman of the 90th District
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518-455-3662
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NY Autism Spectrum Disorders Advisory Board
N. Mitchell, ASD Board, ASDadvisoryboard@opwdd.ny.gov

November 8, 2019

Dear Assembly Member Heastie:

We are autistic self-advocates and professionals in the fields of social work and psychology, and representatives of disability advocate groups. We are writing to urge you to oppose Assembly Bill [A08711](#).

Assembly Member Nader Sayegh introduced this Bill in October, 2019. The Bill would require a distinctive mark on a person's driver's license and non-license identification. This Bill will disclose the individual has autism. Assemblyman claims that having disclosure of an autistic person's "communication impediment" in the statewide computer system would assist medical professionals and law enforcement. We strongly oppose Bill A08711 for two reasons.

First, this legislation is more intrusive than the Assembly Bill [A.249-C](#), which established an Autism ID Card that individuals can opt to have. This legislation was passed into law on August 24, 2018 by way of the Transportation Committee. Self advocates report that the card is accessible and Greg Roberts, Director of Legislative and Governmental Affairs at

New York State Office for People With Developmental Disabilities (OPWDD), has appropriately disseminated the [application requirements](#) to consumers and their families.

Second, this bill does not adequately support the autism community. As research professionals, we believe that a de facto disclosure mark serves no justice nor law enforcement purpose. Marked individuals may face unjust discrimination wherever a photo ID is required including job applications, qualifying for a mortgage, or purchasing alcohol.

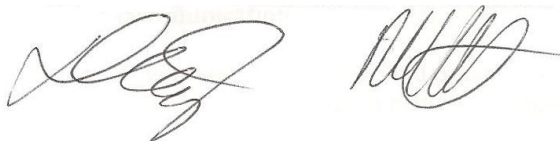
Along these lines, attaching a disability diagnosis to a driver's license violates the Americans with Disabilities Act. If an individual obtains a special license that marks them as having a communication impediment, an employer may learn about the disability. It is against the law to force an employee to disclose their disability to an employer. It is against the law for an employer to ask a job candidate if they are disabled. It is against the law for an employer to ask a job candidate about the nature of their disability. For similar reasons, this also violates the New York State Constitution, Article 1, Section 12, as this forced disclosure has previously been classified in case law as a form of illicit warrantless search.

Autistic individuals must not be required to disclose their disability in order to obtain adequate support in emergency encounters. The State has a duty to ensure all of its citizens, autistic or not, to establish statewide standardization for education as well as emergency protocols for safe outcomes to all its employees. The development of standardizations and emergency protocols would be best accomplished with input from self-advocates and current research by autistic professionals.

Adding a disclosure mark on an autistic person's driver's ID is insulting, a gross oversight, and a violation of the civil rights to those who try to gain access to employment, transportation, healthcare, and acquisition of services via an ID.

We trust you understand the need for legislation that enhances equal opportunities for all demographics, starting with those in your constituency.

Signed,

Two handwritten signatures in black ink, one on the left and one on the right, positioned below the text "Signed,".

Henny Kupferstein, Ph.D. Candidate, Psychology
Rebecca Botta-Zalucki, LMSW

Signatures in Support of Opposition

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| <p>(1) Lawana Jones, President & CEO The Autism Council of Rochester info@theautismcouncil.org Tel: 585-413-1681</p> <p>(2) Tori Hamilton, Volunteer Coordinator The Autism Council of Rochester info@theautismcouncil.org Tel: 585-413-1681</p> <p>(3) Marsche Johnson, autistic Singer & Pianist Rochester, New York</p> <p>(4) Michele Vics Board Member of Autism Society Self-Advocate catwoman3181@gmail.com</p> <p>(5) Susan Ruff, Advocacy Director Southern Tier Independence Center 135 East Frederick Street Binghamton, NY 13904 (Voice/TTY) 607-724-2111 advocate@stic-cil.org</p> <p>(6) Joseph G. Rappaport, Executive Director Brooklyn Center for Independence of the Disabled (BCID) 718-998-3000 jrapoport@bcid.org</p> <p>(7) Heath A. Birilli, autistic MSW student and self-advocate heathbirilli@gmail.com</p> <p>(8) Charlie Ickeringill, autistic Graphic designer, Melbourne, Australia charles_ickeringill@hotmail.com</p> <p>9) Jocelyn Eastman, Advocate Oneida, New York aea.centralnewyork@gmail.com</p> | <p>(10) Brandon T. Henry, Autistic Adult New York Licensed Driver brandonhenry1985@gmail.com</p> <p>(11) Meghan Parker Director of Advocacy New York Association on Independent Living Phone: 518-465-4650 Email: mparker@ilny.org</p> <p>(12) Susan M. Dooha, JD Executive Director Center for Independence of the Disabled, NY lrosacarrasquillo@cidny.org</p> <p>(13) Kathryn Carroll, Director of Advocacy Center for Disability Rights (518) 320-7100 kcarroll@cdmny.org</p> <p>(14) Jan Starr Campito, M.S., M.Phil. Parent Advocate and Life/Career Coach JMP Coaching Associates. (518) 650-2441 jscampit@nycap.rr</p> <p>(15) Valerie L. Gaus, Ph.D. (631) 692-9750 gaus@optonline.net</p> <p>(16) Marc Rosen Disability rights and special education consultant (516) 939-5555 marc.rosen88@gmail.com</p> |
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