



## Lemont High School

800 Porter Street  
Lemont, IL 60439  
Phone - (630) 257-5838  
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Web - [www.lhs210.net](http://www.lhs210.net)  
Dr. Mary Ticknor, Superintendent  
Eric Michaelsen, Principal



Exemplary High Performing School • 2017 National Blue Ribbon Schools Program

April 30, 2025

W (AACL)

Michael A. Ayele

P.O.Box 20438

Addis Ababa, Ethiopia

E-mail: [waac13@gmail.com](mailto:waac13@gmail.com); [waac1313@gmail.com](mailto:waac1313@gmail.com); [waac42913@gmail.com](mailto:waac42913@gmail.com)

Dear W:

This letter is in response to your Illinois Freedom of Information Act (FOIA) request dated April 24, 2025, and received in my office on April 24, 2025.

**In your letter you requested “records in [the District’s] possession detailing [the District’s] conversations about” the following:**

1. The decision of the Illinois General Assembly to [adopt the Illinois Freedom of Information Act, 5 ILCS 140/]
2. The State of Illinois having (i) amended the school code through House Bill 4175 to provide that a nonpublic school “may not engage in slapping or paddling a student, the prolonged maintenance of a student in a physically painful position, or the intentional infliction of bodily harm on a student;” (ii) become in calendar year 2025 the fifth (5th) state in America to prohibit the corporal punishment of children in private and public schools
3. The April 04, 1983 decision of President Ronald Reagan [ ] [and] to observe the month of April as “National Child Abuse Prevention Month”
4. The manner in which your local/state government has prior to Calendar Year 2025 commemorated the month of April as “National Child Abuse Prevention Month”
5. The manner in which your local/state government has commemorated the month of April 2025 as “National Child Abuse Prevention Month”
6. The August 21, 2023 findings [and conclusions] of the American Academy of Pediatrics [regarding the use of corporal punishment in US schools]
7. Michael A. Ayele (a.k.a W) as a Black Bachelor of Arts (B.A.) Degree graduate of Westminster College (Fulton, Missouri) who (i) has never sought nor solicited financial payment for people to access his correspondence with the National Council on Disability (NCD) on the subject of America’s foreign policy towards disability; (ii) was very much annoyed upon learning that his correspondence with the NCD was being sold for \$29 (twenty-nine American dollars) without his consent or authorization on the Internet; (iii) strongly urges people not to make payments in order to access his correspondence with the NCD on the subject of America’s foreign policy towards disability; (iv) has never signed a binding written contract with anyone to have his correspondence with the NCD redistributed in a manner that would place a paywall for people to access that correspondence; (v) never contacted employees and legal representatives of the AOL, Bing/MSN and Yahoo Internet Search Engines (ISE) for the purpose of having his

correspondence with the NCD listed and featured prominently; (vi) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE go beyond the scope of their function when making unwelcome and unsolicited commentary upon the written news articles of people; (vii) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE stay within their lane of function when providing a link to the written news articles of people; (viii) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE could be a nuisance for noncommercial members of the general public and representatives of the media who wish to fulfill their commitment to the United States government by disseminating/publishing newsworthy documents that are provided or not provided to them on the subject of the United Nations Convention on the Civil Rights of Persons with Disability or on other topics.

**Response to request:**

Documents responsive to items #1 - # 3 may be found in the Board of Education's policy manual, which is published on the District's website. FOIA Section 8.5 of (5 ILCS 140/8.5) provides that, notwithstanding any provision of FOIA to the contrary, the District is not required to copy a public record that is published on the District's website. This letter shall serve as your notice that the policies of the District are available online and may be accessed at [Policy Manual](#). Specific Board of Education policies that are responsive to your request include, but are not limited to, the following:

- 1. FOIA (Request #1) (5 ILCS 140/)**
  - 2:250 Access to District Public Records
- 2. PROHIBITION OF CORPORAL PUNISHMENT (Request #2)**
  - 4:190 Targeted School Violence Prevention Program
  - 5:230 PROFESSIONAL PERSONNEL – Maintaining Student Discipline
- 3. CHILD ABUSE PREVENTION (Request #3)**
  - 2:20 Powers and Duties of the School Board
  - 4:175 Convicted Child Sex Offender; Screenings; Notifications
  - 5:90 GENERAL PERSONNEL – Abused and Neglected Child Reporting
  - 5:100 GENERAL PERSONNEL – Staff Development Program
  - 5:120 GENERAL PERSONNEL – Employee Ethics; Code of Professional Conduct; and Conflict of Interest
  - 5:290 EDUCATIONAL - SUPPORT - PERSONNEL – Employment Termination and Suspension
  - 6:60 Curriculum Content

The District does not have any other records in its possession or control pertaining to items #1 - #3 of your request. The District does not have any records in its possession or control pertaining to items #4 - #7 of your request.

As Superintendent and one of the FOIA Officers for the District, I am responsible for granting and denying requests for records under the FOIA. The District's responses contained in this letter intend to be fully responsive to your specific request. If I have misinterpreted your request, please clarify your request in writing to me. If you should have further questions, please do not hesitate to contact me.

Sincerely,



Dr. Mary Ticknor  
Superintendent

MT/cs

## Illinois Freedom of Information Act (FOIA) Request

message

Michael Ayele <waacl13@gmail.com>

Wed, Apr 23, 2025 at 7:19 PM

o: "mticknor@lhs210.net" <mticknor@lhs210.net>, "cstelter@lhs210.net" <cstelter@lhs210.net>, "thamilton@lhs210.net"

thamilton@lhs210.net>

c: Michael Ayele <waacl1313@gmail.com>, Michael Ayele <waacl42913@gmail.com>, "Michael Ayele (W)" <waacl13@gmail.com>

W (AACL)

Date.: April 24<sup>th</sup> 2025

Michael A. Ayele

P.O.Box 20438

Addis Ababa, Ethiopia

E-mail: [waacl13@gmail.com](mailto:waacl13@gmail.com) ; [waacl1313@gmail.com](mailto:waacl1313@gmail.com) ; [waacl42913@gmail.com](mailto:waacl42913@gmail.com)

### Request for Records

Hello,

This is Michael A. Ayele sending this message though I now go by W and I prefer to be referred to as such. I am writing this letter for the purpose of filing a request for records with your office.<sup>[i]</sup> The bases for this records request are [1] the decision of former President Ronald Reagan to commemorate the month of April 1983 as National Child Abuse Prevention Month;<sup>[ii]</sup> [2] the decision of the State of Illinois to outlaw the corporal punishment of children in private and public schools beginning January 01<sup>st</sup> 2025, approximately 42 (forty two) years after former President Ronald Reagan commemorated the month of April 1983 as National Child Abuse Prevention Month.<sup>[iii]</sup>

Please find attached to this email the content of my records request as well as information explaining my request for a fee waiver and expedited processing. Be well. Take care.

Michael A. Ayele (a.k.a) W  
Anti-Racist Human Rights Activist  
Audio-Visual Media Analyst  
Anti-Propaganda Journalist

### Work Cited

[i] Please be advised that I have previously disseminated a vast number of documents obtained through records request using the means of various digital publishing platforms. As a representative of the media, I would like to take this opportunity to inform you that the records you disclose to me could be made available to the general public at no financial expense to them. This records request is being filed for non-commercial purposes to inform members of the general public / representatives of the media [who may be interested in the written content of Michael A. Ayele (a.k.a) W – Association for the Advancement of Civil Liberties (AACL)] about the activities, the engagements and the priorities of the U.S government at the local, state and federal level.

[ii] *Children may be endangered by physical battering, denial of the basic necessities for life and health, sexual abuse and exploitation, or emotional cruelty. Public concern can help prevent maltreatment and help protect children. Action taken after cruelty has occurred is often too late. Prevention of abuse requires that neighborhoods and communities be attentive to the problems of families in their midst and be willing to help when help is needed. It requires the active concern of educational, medical, mental health, law enforcement, and social service professionals, and the efforts of volunteers and private citizens.*

*The health and well-being of our children underlie the future of our Nation. The Congress, by Senate Joint Resolution 21, has recognized the need for public attention to prevention of child abuse and has requested me to proclaim April 1983 and National Child Abuse Prevention Month.*

*Now, Therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim the month of April 1983 as "National Child Abuse Prevention Month." I urge all citizens to renew our Nation's commitment to meet the serious challenge that child abuse and child neglect pose to the welfare of our children and families.*

[iii]

*This school year, Illinois will become just the fifth state in the Nation to prohibit corporal punishment in all schools. Legislation that Gov. JB Pritzker signed into law (...) bans physical punishment in private schools while reiterating a prohibition on the practice in public schools implemented 30 years ago. When the ban takes effect (...), Illinois will join New Jersey, Iowa, Maryland and New York in prohibiting paddling, spanking or hitting in every school.*

*State Rep. Margaret Croke, a Chicago Democrat, was inspired to take up the issue after an updated call by the American Association of Pediatrics to end the practice, which it says can increase behavior or mental health problems and impair cognitive development. The association found that it's disproportionately administered to Black males and students with disabilities. "It was an easy thing to do. I don't want a child, whether they are in private school or public school, to have a situation in which corporal punishment is being used," Croke said. Croke was also disturbed by the Cassville School District in southwest Missouri. After dropping corporal punishment in 2001, it reinstated it two years ago as an opt-in for parents. Croke wanted to send a clear message that "it never was going to be OK to inflict harm or pain on a child." Much of the world agrees.*

*The World Health Organization has decreed the practice a "violation of children's rights to respect for physical integrity and human dignity." In 1990, the United Nations Convention on the Rights of the Child established an obligation to "prohibit all corporal punishment of children." The U.S. was the convention's lone holdout. Americans seemingly take a pragmatic view of the practice, said Sarah A. Font, associate professor of sociology and public policy at Penn State University. "Even though research pretty consistently shows that corporal punishment doesn't improve kids' behavior in the long run – and it might have some negative consequences – people don't want to believe that," Font said. "People kind of rely on their own experience of, 'Well, I experienced corporal punishment. I turned out fine.' They disregard the larger body of evidence."*

*U.S. Sen. Chris Murphy, a Connecticut Democrat, last year introduced legislation, co-sponsored by Senate Majority Whip Dick Durbin of Illinois, to ban corporal punishment in any school receiving federal funds. It was assigned to a Senate committee for a public hearing in Mar 2023 but has seen no further action. The U.S. Supreme Court has also rejected constitutional claims against the practice. When junior high pupils in Dade County, Florida, filed a lawsuit challenging physical discipline, the court ruled in 1977 that Eighth Amendment protection against cruel and unusual punishment was reserved for people convicted of crimes; it did not apply to classroom discipline.*

*Today, 17 states technically allow corporal punishment in all schools, although four prohibit its use on students with disabilities. North Carolina state law doesn't preclude it but every school district in the state blocked its use in 2018. Illinois lawmakers in 1994 stopped the practice in public schools. Among states that have completely outlawed it, New Jersey took the unusual step of barring corporal punishment in all schools in 1867. Iowa eliminated it in private schools in 1989. Maryland and New York stopped private school use in 2023. Private school advocates, who vehemently oppose state intervention, did not oppose the new law. 'Hitting kids should never be allowed': Illinois bans corporal punishment in all schools. PBS.: <https://www.pbs.org/newshour/education/hitting-kids-should-never-be-allowed-illinois-bans-corporal-punishment-in-all-schools>*

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### 3 attachments



**Illinois 4175.pdf**  
708K



**Corporal Punishment in Schools.pdf**  
631K



**W (AACL) April 24th 2025 Illinois FOIA Request on Child Abuse Prevention Month - House Bill 4175.pdf**  
3743K



W (AACL)

Date.: April 24<sup>th</sup> 2025

Michael A. Ayele

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Addis Ababa, Ethiopia

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### Request for Records

Hello,

This is Michael A. Ayele sending this message though I now go by W and I prefer to be referred to as such. I am writing this letter for the purpose of filing a request for records with your office.<sup>i</sup> The bases for this records request are [1] the decision of former President Ronald Reagan to commemorate the month of April 1983 as National Child Abuse Prevention Month;<sup>ii</sup> [2] the decision of the State of Illinois to outlaw the corporal punishment of children in private and public schools beginning January 01<sup>st</sup> 2025, approximately 42 (forty two) years after former President Ronald Reagan commemorated the month of April 1983 as National Child Abuse Prevention Month.<sup>iii</sup>

#### I) Requested Records

What I am requesting for prompt disclosure are records in your possession detailing your conversations about [1] the decision of the Illinois General Assembly to recognize that (i) *"pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees;"* (ii) *"access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest;"* (iii) *"it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government;"*<sup>iv</sup> [2] the State of Illinois having (i) amended the school code through House Bill 4175 to provide that a nonpublic school *"may not engage in slapping or paddling a student, the prolonged maintenance of a student in a physically painful position, or the intentional infliction of bodily harm on a student;"*<sup>v</sup> (ii) become in Calendar Year 2025 the fifth (5<sup>th</sup>) state in America to prohibit the corporal punishment of children in private and public schools; [3] the April 04<sup>th</sup> 1983 decision of President Ronald Reagan (i) to recognize that *"children may be endangered by physical battering, denial of the basic necessities for life and health, sexual abuse and exploitation, or emotional cruelty;"* (ii) to recognize that *"public concern can help prevent*

*maltreatment and help protect children;*" (iii) to recognize that *"action taken after cruelty has occurred is often too late;*" (iv) to recognize that *"prevention of abuse requires that neighborhoods and communities be attentive to the problems of families in their midst and be willing to help when help is needed;*" (iv) to proclaim the month of April 1983 as *"National Child Abuse Prevention Month;*" (v) to invite *"the Governors of the States; the Commonwealth of Puerto Rico and the Territories; the Mayor of the District of Columbia; the heads of voluntary and private groups; and the offices of local, State and Federal government to"* observe the month of April as *"National Child Abuse Prevention Month;"* [4] the manner in which your local/state government has prior to Calendar Year 2025 commemorated the month of April as *"National Child Abuse Prevention Month;"* [5] the manner in which your local/state government has commemorated the month of April 2025 as *"National Child Abuse Prevention Month;"* [6] the August 21<sup>st</sup> 2023 findings of the American Academy of Pediatrics, which concluded that (i) *"almost 70 000 (seventy thousand) students are struck at least once by school personnel during the school year;"* (ii) *"among US schools that use corporal punishment, racial, gender and ability disparities exist;"* (iii) *"Black boys are nearly twice as likely to be struck as white boys" (14% vs 7.5%);* (iv) *"Black girls are more than 3 times as likely to be struck as white girls;" (5.2% vs 1.7%);* (v) *"national data show that among students who received physical punishment at school, 16.5% were served under Individuals with Disabilities Education Act (IDEA);"* (vi) *"when students with disabilities are subjected to corporal punishment for behaviors associated with their disabilities, they are unjustly and excessively punished and deprived of access to quality education and a safe learning environment;"* (vii) *"students with intellectual disability who receive corporal punishment may find it challenging to understand social rules, the consequences for their actions, or the reason behind their punishment;"* (viii) *"for students possessing more than 1 marginalized identity (eg, race and ethnicity, gender, ability, sexual orientation), the presence of these shared identities may target them for increased corporal punishment and demonstrates the unique perils described by Professor Kimberle Crenshaw's Intersectionality framework;* (ix) *"corporal punishment (...) is not an effective or ethical method for management of behavior concerns and causes harms to students;"*<sup>vi</sup> [7] Michael A. Ayele (a.k.a) W as a Black Bachelor of Arts (B.A) Degree graduate of Westminster College (Fulton, Missouri) who (i) has never sought nor solicited financial payment for people to access his correspondence with the National Council on Disability (NCD) on the subject of America's foreign policy towards disability; (ii) was very much annoyed upon learning that his correspondence with the NCD was being sold for \$29 (twenty-nine American dollars) without his consent or authorization on the Internet; (iii) strongly urges people not to make payments in order to access his correspondence with the NCD on the subject of America's foreign policy towards disability; (iv) has never signed a binding written contract with anyone to have his correspondence with the NCD redistributed in a manner that would place a paywall for people to access that correspondence; (v) never contacted employees and legal representatives of the AOL, Bing/MSN and Yahoo Internet Search Engines (ISE) for the purpose of having his correspondence with the NCD listed and featured prominently; (vi) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE go beyond the scope of their function when making unwelcome and unsolicited commentary upon the written news articles of people; (vii) is

thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE stay within their lane of function when providing a link to the written news articles of people; (viii) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE could be a nuisance for non-commercial members of the general public and representatives of the media who wish to fulfill their commitment to the United States government by disseminating / publishing newsworthy documents that are provided or not provided to them on the subject of the United Nations Convention on the Civil Rights of Persons with Disability or on other topics.<sup>vii</sup>

## II) Request for a Fee Waiver and Expedited Processing

The requested records do/will demonstrate that [1] the Illinois General Assembly recognizes that (i) *“pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees;”* (ii) *“access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest;”* (iii) *“it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government;”* [2] the State of Illinois has (i) amended the school code through House Bill 4175 to provide that a nonpublic school *“may not engage in slapping or paddling a student, the prolonged maintenance of a student in a physically painful position, or the intentional infliction of bodily harm on a student;”* (ii) become in Calendar Year 2025 the fifth (5<sup>th</sup>) state in America to outlaw the corporal punishment of children in public and private schools; [3] President Ronald Reagan has on (or around) April 04<sup>th</sup> 1983 decided (i) to recognize that *“children may be endangered by physical battering, denial of the basic necessities for life and health, sexual abuse and exploitation, or emotional cruelty;”* (ii) to recognize that *“public concern can help prevent maltreatment and help protect children;”* (iii) to recognize that *“action taken after cruelty has occurred is often too late;”* (iv) to recognize that *“prevention of abuse requires that neighborhoods and communities be attentive to the problems of families in their midst and be willing to help when help is needed;”* (iv) to proclaim the month of April 1983 as *“National Child Abuse Prevention Month;”* (v) to invite *“the Governors of the States; the Commonwealth of Puerto Rico and the Territories; the Mayor of the District of Columbia; the heads of voluntary and private groups; and the offices of local, State and Federal government to”* observe the month of April as *“National Child Abuse Prevention Month;”* [4] the American Academy of Pediatrics has on (or around) August 21<sup>st</sup> 2023 concluded that (i) *“almost 70 000 (seventy thousand) students are struck at least once by school personnel during the school year;”* (ii) *“among US schools that use corporal punishment, racial, gender and ability disparities exist;”* (iii) *“Black boys are nearly twice as likely to be struck as white boys” (14% vs 7.5%);* (iv) *“Black girls are more than 3 times as likely to be struck as white girls;” (5.2% vs 1.7%);* (v) *“national data show that among students who received physical punishment at school, 16.5%*



*were served under Individuals with Disabilities Education Act (IDEA);” (vi) “when students with disabilities are subjected to corporal punishment for behaviors associated with their disabilities, they are unjustly and excessively punished and deprived of access to quality education and a safe learning environment;” (vii) “students with intellectual disability who receive corporal punishment may find it challenging to understand social rules, the consequences for their actions, or the reason behind their punishment;” (viii) “for students possessing more than 1 marginalized identity (eg, race and ethnicity, gender, ability, sexual orientation), the presence of these shared identities may target them for increased corporal punishment and demonstrates the unique perils described by Professor Kimberle Crenshaw’s Intersectionality framework;” (ix) “corporal punishment (...) is not an effective or ethical method for management of behavior concerns and causes harms to students;” [5] Michael A. Ayele (a.k.a) W is a Black Bachelor of Arts (B.A) Degree graduate of Westminster College (Fulton, Missouri) who (i) has never sought nor solicited financial payment for people to access his correspondence with the National Council on Disability (NCD) on the subject of America’s foreign policy towards disability; (ii) was very much annoyed upon learning that his correspondence with the NCD was being sold for \$29 (twenty-nine American dollars) without his consent or authorization on the Internet; (iii) strongly urges people not to make payments in order to access his correspondence with the NCD on the subject of America’s foreign policy towards disability; (iv) has never signed a binding written contract with anyone to have his correspondence with the NCD redistributed in a manner that would place a paywall for people to access that correspondence; (v) never contacted employees and legal representatives of the AOL, Bing/MSN and Yahoo Internet Search Engines (ISE) for the purpose of having his correspondence with the NCD listed and featured prominently; (vi) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE go beyond the scope of their function when making unwelcome and unsolicited commentary upon the written news articles of people; (vii) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE stay within their lane of function when providing a link to the written news articles of people; (viii) is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE could be a nuisance for non-commercial members of the general public and representatives of the media who wish to fulfill their commitment to the United States government by disseminating / publishing newsworthy documents that are provided or not provided to them on the subject of the United Nations Convention on the Civil Rights of Persons with Disability or on other topics.*

In my judgment, the facts presented in my request for a fee waiver and expedited processing are not the sort to bolster public confidence in the activities, the engagements and the priorities of the United States government particularly in its efforts to outlaw the corporal punishment of children in private and public schools of America. As previously noted, the State of Illinois is only the 5<sup>th</sup> state of America to have banned the use of corporal punishment in private and public schools. Even though the United Nations Convention on the Rights of the Child established an obligation to “*prohibit all corporal punishment of children,*”<sup>viii</sup> the United States of America (U.S.A) is the only country in the world to not have ratified it.<sup>ix</sup> As a Black ex-immigrant of the U.S.A who has graduated from Westminster College (Fulton, Missouri) with a Bachelor’s



Degree (after going to America on an F-1 visa), I would like to take this opportunity to condemn the corporal punishment of children in private and public schools and/or elsewhere. I would also like to take this opportunity to condemn the filtering, the distortion and the unauthorized redistribution of my correspondence with the National Council on Disability (NCD) on the subject of America's foreign policy towards disability.

The core issues presented in this records request are as follows. 1) Have you had conversations about the decision of the Illinois General Assembly to recognize that *"pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees?"* If yes, will you promptly disclose those records? 2) Have you had conversations about the decision of the Illinois General Assembly to recognize that *"access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest?"* If yes, will you promptly disclose those records? 3) Have you had conversations about the decision of the Illinois General Assembly to recognize that *"it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government?"* If yes, will you promptly disclose those records? 4) Have you had conversations about the State of Illinois having amended the school code through House Bill 4175 to provide that a nonpublic school *"may not engage in slapping or paddling a student, the prolonged maintenance of a student in a physically painful position, or the intentional infliction of bodily harm on a student?"* If yes, will you promptly disclose those records? 5) Have you had conversations about the State of Illinois having become the 5<sup>th</sup> state in America to outlaw the corporal punishment of children in private and public schools? If yes, will you promptly disclose those records? 6) Has your local/state government ever formulated a formal and/or informal opinion about the corporal punishment of children in private and public schools of America after April 04<sup>th</sup> 1983? If yes, will you promptly disclose those records? 7) Have you had conversations about the April 04<sup>th</sup> 1983 decision of President Ronald Reagan to recognize that *"children may be endangered by physical battering, denial of the basic necessities for life and health, sexual abuse and exploitation, or emotional cruelty?"* If yes, will you promptly disclose those records? 8) Have you had conversations about the April 04<sup>th</sup> 1983 decision of President Ronald Reagan to recognize that *"public concern can help prevent maltreatment and help protect children?"* If yes, will you promptly disclose those records? 9) Have you had conversations about the April 04<sup>th</sup> 1983 decision of President Ronald Reagan to recognize that *"action taken after cruelty [against children] has occurred is often too late?"* If yes, will you promptly disclose those records? 10) Have you had conversations about the April 04<sup>th</sup> 1983 decision of President Ronald Reagan to recognize that *"prevention of abuse requires that neighborhoods and communities be attentive to the problems of families in their midst and be willing to help when help is needed?"* If yes, will you promptly disclose those records? 11) Have you had conversations about the April 04<sup>th</sup> 1983 decision of President Ronald Reagan to proclaim the month of April 1983 as *"National Child*

*Abuse Prevention Month?*” If yes, will you promptly disclose those records? 12) Have you had conversations about the April 04<sup>th</sup> 1983 decision of President Ronald Reagan to invite “*the Governors of the States; the Commonwealth of Puerto Rico and the Territories; the Mayor of the District of Columbia; the heads of voluntary and private groups; and the offices of local, State and Federal government to*” observe the month of April as “*National Child Abuse Prevention Month?*” If yes, will you promptly disclose those records? 13) Has your local/state government been commemorating National Child Abuse Prevention Month since April 1983? If yes, will you promptly disclose those records? 14) Has your local/state government commemorated the month of April 2025 as National Child Abuse Prevention Month? If yes, will you promptly disclose those records? 15) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*almost 70 000 (seventy thousand) students are struck at least once by school personnel during the school year?*” If yes, will you promptly disclose those records? 16) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*among US schools that use corporal punishment, racial, gender and ability disparities exist?*” If yes, will you promptly disclose those records? 17) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*Black boys are nearly twice as likely to be struck as white boys*” (14% vs 7.5%)? If yes, will you promptly disclose those records? 18) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*Black girls are more than 3 times as likely to be struck as white girls;*” (5.2% vs 1.7%)? If yes, will you promptly disclose those records? 19) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*national data show that among students who received physical punishment at school, 16.5% were served under Individuals with Disabilities Education Act (IDEA)?*” If yes, will you promptly disclose those records? 20) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*when students with disabilities are subjected to corporal punishment for behaviors associated with their disabilities, they are unjustly and excessively punished and deprived of access to quality education and a safe learning environment?*” If yes, will you promptly disclose those records? 21) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*students with intellectual disability who receive corporal punishment may find it challenging to understand social rules, the consequences for their actions, or the reason behind their punishment?*” If yes, will you promptly disclose those records? 22) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*for students possessing more than 1 marginalized identity (eg, race and ethnicity, gender, ability, sexual orientation), the presence of these shared identities may target them for increased corporal punishment and demonstrates the unique perils described by Professor Kimberle Crenshaw’s Intersectionality framework?*” If yes, will you promptly disclose those records? 23) Have you had conversations about the August 21<sup>st</sup> 2023 finding of the American Academy of Pediatrics, which concluded that “*corporal punishment (...) is not an effective or ethical method for management of behavior concerns and causes harms to students?*” If yes, will you promptly disclose those records? 24)

Have you had conversations about Michael A. Ayele (a.k.a) W as a Black Bachelor of Arts (B.A) Degree graduate of Westminster College (Fulton, Missouri) who has never sought nor solicited financial payment for people to access his correspondence with the National Council on Disability (NCD) on the subject of America's foreign policy towards disability? If yes, will you promptly disclose those records? 25) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who was very much annoyed upon learning that his correspondence with the NCD was being sold for \$29 (twenty-nine American dollars) without his consent or authorization on the Internet? If yes, will you promptly disclose those records? 26) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who strongly urges people not to make payments in order to access his correspondence with the NCD on the subject of America's foreign policy towards disability? If yes, will you promptly disclose those records? 27) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who has never signed a binding written contract with anyone to have his correspondence with the NCD redistributed in a manner that would place a paywall for people to access that correspondence? If yes, will you promptly disclose those records? 28) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who has never contacted employees and legal representatives of the AOL, Bing/MSN, Google and Yahoo Internet Search Engines (ISE) for the purpose of having his correspondence with the NCD listed and featured prominently? If yes, will you promptly disclose those records? 29) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE go beyond the scope of their function when making unwelcome and unsolicited commentary upon the written news articles of people? If yes, will you promptly disclose those records? 30) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE stay within their lane of function when providing a link to the written news articles of people? If yes, will you promptly disclose those records? 31) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who is thoroughly convinced that the AOL, Bing/MSN, Google and Yahoo ISE could be a nuisance for non-commercial members of the general public and representatives of the media who wish to fulfill their commitment to the United State government by disseminating / publishing newsworthy documents that are provided or not provided to them on the subject of the United Nations Convention on the Civil Rights of Persons with Disability or on other topics? If yes, will you promptly disclose those records? 32) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate of Westminster College (Fulton, Missouri) who was subjected to frenzy on ISE such as AOL, Bing/MSN, Google and Yahoo following his decision to publish his correspondence with the United States government on the subject of the United Nations Convention on the Civil Rights of Persons with Disability? If yes, will you promptly disclose those records? 33) Have you had conversations about Michael A. Ayele (a.k.a) W as a Black B.A Degree graduate who has had

his written content on the subject of the United Nations Convention on the Civil Rights of Persons with Disability filtered and distorted after being subjected to frenzy on ISE such as AOL, Bing/MSN, Google and Yahoo? If yes, will you promptly disclose those records?

This records request should be expedited because it puts into question the government's integrity about the way that people are treated in the U.S.A on account of their gender, their racial backgrounds, their national origins and their disability status. My request for a fee waiver should be granted because [1] I have identified operations and activities of the federal government in concert with U.S local/state government; [2] the issues presented are meaningfully informative about government operations or activities in order to be '*likely to contribute*' to and increase public understanding of those operations or activities; [3] this records request is being filed for non-commercial purposes and any records you disclose to me could be made available to the general public at no financial expense to them.

Under penalty of perjury, I hereby declare all the statements I have made to be true and accurate to the best of my knowledge. Be well. Stay well. Take care. Keep yourselves at arms distance.

Michael A. Ayele (a.k.a) W  
Anti-Racist Human Rights Activist  
Audio-Visual Media Analyst  
Anti-Propaganda Journalist



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### Work Cited

<sup>i</sup> Please be advised that I have previously disseminated a vast number of documents obtained through records request using the means of various digital publishing platforms. As a representative of the media, I would like to take this opportunity to inform you that the records you disclose to me could be made available to the general public at no financial expense to them. This records request is being filed for non-commercial purposes to inform members of the general public / representatives of the media [who may be interested in the written content of Michael A. Ayele (a.k.a) W – Association for the Advancement of Civil Liberties (AACL)] about the activities, the engagements and the priorities of the U.S government at the local, state and federal level.

<sup>ii</sup> *Children may be endangered by physical battering, denial of the basic necessities for life and health, sexual abuse and exploitation, or emotional cruelty. Public concern can help prevent maltreatment and help protect children. Action taken after cruelty has occurred is often too late. Prevention of abuse requires that neighborhoods and communities be attentive to the problems of families in their midst and be willing to help when help is needed. It requires the active concern of educational, medical, mental health, law enforcement, and social service professionals, and the efforts of volunteers and private citizens.*

*The health and well-being of our children underlie the future of our Nation. The Congress, by Senate Joint Resolution 21, has recognized the need for public attention to prevention of child abuse and has requested me to proclaim April 1983 and National Child Abuse Prevention Month.*

*Now, Therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim the month of April 1983 as "National Child Abuse Prevention Month." I urge all citizens to renew our Nation's commitment to meet the serious challenge that child abuse and child neglect pose to the welfare of our children and families.*

*I invite the Governors of the States; the Commonwealth of Puerto Rico and the Territories; the Mayor of the District of Columbia; the heads of voluntary and private groups; and the offices of local, State and Federal government to join in this observance. I also urge them to encourage activities whose purpose is to prevent and treat child abuse and child neglect. Proclamation 5039 – National Child Abuse Prevention Month, 1983.*

<sup>iii</sup> *This school year, Illinois will become just the fifth state in the Nation to prohibit corporal punishment in all schools. Legislation that Gov. JB Pritzker signed into law (...) bans physical punishment in private schools while reiterating a prohibition on the practice in public schools implemented 30 years ago. When the ban takes effect (...), Illinois will join New Jersey, Iowa, Maryland and New York in prohibiting paddling, spanking or hitting in every school.*

*State Rep. Margaret Croke, a Chicago Democrat, was inspired to take up the issue after an updated call by the American Association of Pediatrics to end the practice, which it says can increase behavior or mental health problems and impair cognitive development. The association found that it's disproportionately administered to Black males and students with disabilities. "It was an easy thing to do. I don't want a child, whether they are in private school or public school, to have a situation in which corporal punishment is being used," Croke said. Croke was also disturbed by the Cassville School District in southwest Missouri. After dropping corporal punishment in 2001, it reinstated it two years ago as an opt-in for parents. Croke wanted to send a clear message that "it never was going to be OK to inflict harm or pain on a child." Much of the world agrees.*

*The World Health Organization has decreed the practice a "violation of children's rights to respect for physical integrity and human dignity." In 1990, the United Nations Convention on the Rights of the Child established an obligation to "prohibit all corporal punishment of children." The U.S. was the convention's lone holdout. Americans seemingly take a pragmatic view of the practice, said Sarah A. Font, associate professor of sociology and public policy at Penn State University. "Even though research pretty consistently shows that corporal punishment doesn't improve kids' behavior in the long run – and it might have some negative consequences – people don't want to believe that," Font said. "People kind of rely on their own experience of, 'Well, I experienced corporal punishment. I turned out fine.' They disregard the larger body of evidence."*

*U.S. Sen. Chris Murphy, a Connecticut Democrat, last year introduced legislation, co-sponsored by Senate Majority Whip Dick Durbin of Illinois, to ban corporal punishment in any school receiving federal funds. It was assigned to a Senate committee for a public hearing in Mar 2023 but has seen no further action. The U.S. Supreme Court has also rejected constitutional claims against the practice. When junior high pupils in Dade County, Florida, filed a lawsuit challenging physical discipline, the court ruled in 1977 that Eighth Amendment protection against cruel and unusual punishment was reserved for people convicted of crimes; it did not apply to classroom discipline.*

*Today, 17 states technically allow corporal punishment in all schools, although four prohibit its use on students with disabilities. North Carolina state law doesn't preclude it but every school district in the state blocked its use in 2018. Illinois lawmakers in 1994 stopped the practice in public schools. Among states that have completely outlawed it, New Jersey took the unusual step of barring corporal punishment in all schools in 1867. Iowa eliminated it in private schools in 1989. Maryland and New York stopped private school use in 2023. Private school advocates, who vehemently oppose state intervention, did not oppose the new law. 'Hitting kids should never be allowed': Illinois bans corporal punishment in all schools. PBS.: <https://www.pbs.org/newshour/education/hitting-kids-should-never-be-allowed-illinois-bans-corporal-punishment-in-all-schools>*

<sup>iv</sup> Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest. The General Assembly hereby declares that is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act. Illinois Freedom of Information Act (FOIA). (5 ILCS 140/1).

<sup>v</sup> Illinois General Assembly House Bill 4175 “Amends the School Code. It provides that a nonpublic school may not engage in slapping or paddling a student, the prolonged maintenance of a student in a physically painful position, or in the intentional infliction of bodily harm on a student.”

<https://www.ilga.gov/legislation/BillStatus.asp?DocTypeID=HB&DocNum=4175&GAID=17&SessionID=112&LegID=150683>

<sup>vi</sup> The use of corporal punishment in schools is not an effective or ethical method for management of behavior concerns and causes harm to students. The American Academy of Pediatrics recommends that corporal punishment in all school settings be abolished in all states by law and replaced by alternative forms of student behavior management. Corporal punishment remains legal in many public and private schools in the United States and is disproportionately used among Black students and children with disabilities. (...) In *Ingraham v Wright*, the U.S. Supreme Court ruled school-based corporal punishment as constitutional, leaving states to decide on the issue. Corporal punishment in schools remains legal despite the evidence that it is ineffective and harmful and despite the availability of effective and nonviolent discipline measures. (...) Across the United States, 96% of public schools report not using corporal punishment. However, the rates of corporal punishment in schools that do use it range from 0.6% to 9.0% of students per year, with the highest rates in states located in the southern United States. These rates translate to almost 70 000 students being struck at least once by school personnel during the school year. (...)

Among US schools that use corporal punishment, racial, gender and ability disparities exist: students who have disabilities and identify as Black or male are more likely to experience corporal punishment than students who do not have disabilities and identify as white or female. “Adultification bias,” in which “adults perceive Black youth as being older than they actually are,” may be one type of bias that may lead educators to justify more harsh punishment of Black students. National data show that Black boys are nearly twice as likely to be struck as white boys (14% vs 7.5%), and Black girls are more than 3 times as likely to be struck as white girls (5.2% vs 1.7%).

MICHAEL A. AYELE (A.K.A) W – ASSOCIATION FOR THE ADVANCEMENT OF CIVIL LIBERTIES (AACL)



vs 1.7%). Analysis of state-level data shows that some states have even greater disparities in the use of corporal punishment against Black students compared with white students.

Fourteen percent of children and adolescents age 3 to 21 years are identified as having a disability, defined by receiving services under the Individuals with Disability Education Act (these are students with an Individualized Education program). National data show that among students who received physical punishment at school, 16.5% were served under Individuals with Disabilities Education Act; therefore, students with disabilities are overrepresented among students who are physically punished at school. Analysis of state-level data shows that some states have greater disparities in the use of corporal punishment against students with identified disabilities versus those without. When students with disabilities are subjected to corporal punishment for behaviors associated with their disabilities, they are unjustly and excessively punished and deprived of access to quality education and a safe learning environment. Students with intellectual disability who receive corporal punishment may find it challenging to understand social rules, the consequences of their actions, or the reason behind their punishment. In addition, they may be unable to communicate the incident to their parent(s). For students possessing more than 1 marginalized identity (eg, race and ethnicity, gender, ability, sexual orientation), the presence of these shared identities may target them for increased corporal punishment and demonstrates the unique perils described by Professor Kimberle Crenshaw's Intersectionality framework. (...)

The majority of studies about the effects of corporal punishment on children and adolescents have focused on punishment used by parents of primary caregivers and have been reviewed elsewhere. Meta-analyses conducted in 2013 and 2016 indicate that spanking by parents or primary caregivers is associated with worse, not better behaviors among children. A 2017 survey student among parents from a variety of countries and cultures suggests that use of corporal punishment is associated with more problematic, externalizing behaviors among children across cultures, regardless of parental perception of the severity of justness of the punishment. In the short-term, corporal punishment may cause a child or adolescent to be fearful and immediately obedient. However, over the long-term, corporal punishment does not improve behavior. Corporal punishment by parents or caregivers is associated with a range of negative effects among children and adolescents, including a higher incidence of behavior and mental health problems, impaired cognitive development, poor educational outcomes, impaired social-emotional development, problems with the ongoing relationship between parents and children, a higher risk for physical abuse, increased aggression and perpetration of violence, antisocial behavior, and decreased moral internalization of appropriate behavior. A meta-analysis of studies regarding spanking and child outcomes found that being spanked as a child was associated with adult antisocial behavior, adult mental health problems, and adult support for physical punishment. Studies regarding the use of physical punishment and outcomes necessarily use observational rather than experimental designs and show association rather than causation; however, the consistency of findings across studies and over time suggest that it may be appropriate to draw causal conclusions.

Based on these findings, it follows that corporal punishment inflicted on students by school personnel also causes harm. A 2019 survey of 18 to 23-year-old young adults who attended high school in US states where corporal punishment is legal found that 16% (128 of 803) had



*experienced corporal punishment at school. Among those who experienced corporal punishment, 82% reported it was painful and 22% reported they had bruises or other injuries from corporal punishment. The young adults who reported experiencing corporal punishment reported lower cumulative high school grade point averages and lower feelings of school belonging. Most studies about the effects of corporal punishment in school have been conducted in countries other than the United States. One ecological study across 88 countries found that countries that prohibited corporal punishment at home and in schools had a lower self-reported prevalence of physical fighting among male and female adolescents attending school. This effect was reduced to less physical fighting among female adolescents only when countries prohibited corporal punishment in schools but not at home. (...) Finally, a longitudinal study conducted in Ethiopia, India, Peru, and Vietnam found that in at least 2 out of the 4 countries, students who experienced corporal punishment at school had lower self-efficacy, self-esteem, and math scores over time compared with students who did not experience corporal punishment at school. Corporal Punishment in Schools. American Academy of Pediatrics.:*

<https://publications.aap.org/pediatrics/article/152/3/e2023063284/193708/Corporal-Punishment-in-Schools?autologincheck=redirected>

vii Even though Michael A. Ayele (a.k.a) W has never sought nor solicited financial payment for people to access his self-published works, unknown others seem to have circumvented the Google Internet Search Engine (ISE) to make it seem as though they were provided exclusive rights [by Michael A. Ayele (a.k.a) W] to redistribute his written content pertaining to America's foreign policy towards disability. Michael A. Ayele (a.k.a) W was very much annoyed upon learning that unknown others had somehow managed to circumvent the Google ISE for the purpose of profiteering from his name, his image, his likeness and the publication of some of his correspondence. Given this finding, it is Michael A. Ayele (a.k.a) W genuine hope that no one has paid \$29 (twenty-nine American dollars) (or whatever other amount) to access the papers he has self-published. If unknown others are requesting for you to make payments in order to access the papers published by Michael A. Ayele (a.k.a) W, please refuse to make payments. Michael A. Ayele (a.k.a) W has never signed (nor will he ever sign) a binding written contract with anyone to have his written content redistributed in a manner that would place a paywall for people to access his published work. Michael A. Ayele (a.k.a) W has also never verbally agreed with anyone to have his written content redistributed in a manner that would place a paywall for people to access his published work.

Michael A. Ayele (a.k.a) W would like to take this opportunity affirm that he had previously corresponded with the National Council on Disability (NCD) on the many reports they have published pertaining to America's foreign policy towards disability. Via email dated July 12<sup>th</sup> 2022, the NCD had contacted Michael A. Ayele (a.k.a) W to inform him that they would withhold records about the discussions they have had with the Millennium Challenge Corporation (MCC) for the purpose of their March 2018 report entitled "*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disability.*" The NCD had also contacted Michael A. Ayele (a.k.a) W on (or around) July 12<sup>th</sup> 2022 to inform him that they would disclose redacted records about the Freedom of Information Act (FOIA) request they have filed with the Peace Corps for the purpose of the same March

2018 report mentioned above.

As you may be aware, the National Council on Disability (NCD) is a federal agency of the United States government, which [1] has been “*designated by the Department of State to be the U.S government’s official contact point for disability issues;*” [2] has advocated for Section 502(b) of the Foreign Assistance Act to be amended to include the term “*disability*” along with race, sex, language and religion as appropriate for protection under the principle of human rights and fundamental freedoms; [3] has advocated for 22 U.S.C 2151 (n)(d) to be amended to “*include a new paragraph addressing the rights of people with disabilities;*” [4] has advocated for 22 U.S.C 2304 to be amended to “*include the word ‘disability’ following race, sex, language and religion;*” [5] has “*relied in the finding*” of the Government Accountability Office (GAO) 1991 report for the purpose of their 1996 study entitled “*Foreign Policy and Disability;*” [6] has in 1996 recommended for the Executive Branch of the U.S government and Congress to “*(i) create a comprehensive foreign policy on disability to advocate for people with disability through activities on international levels, (ii) extend U.S disability law by legislation or executive order to include unambiguously the international operations of the U.S government, (iii) train U.S foreign affairs agencies and their contractors to plan for programmatic accessibility, (iv) establish the principle that no U.S international activity should have a lower standard of inclusion than its domestic correlate;*” [7] recognizes that Section 116, Subsection (d) “*creates a duty for the State Department to report annually on the human rights practices of all the countries that are members of the United Nations (U.N), whether or not they receive foreign assistance;*” [8] has in 2003 expressed reservations about the State Department Country Reports on Human Rights Practices for failing to be comprehensive on the subject of human rights violations experienced by people with disabilities (PWD); [9] has in the past rejected the explanations provided by the Department of State for the reasons why their Country Reports on Human Rights Practices failed to be comprehensive on the subject of human rights violations experienced by PWD; [10] has in 2013 expressed disappointment at USAID and the DOS for having “*low level of awareness about disability issues and limited understanding of how to include people with disabilities in programs;*” [11] has in 2018 expressed “*concerns*” by USAID continued failure to make “*modifications to their solicitation process for applicants of employment;*” [12] approved of the Equal Employment Opportunity Commission (EEOC) 2009 decision in the matter of *Katz v USAID* for holding that “*DOS and USAID were in violation of Section 501 for failing to conduct an individualized assessment of an applicant for a U.S Foreign Service program;*” [13] recognizes that the structure of “*USAID Request for Proposal (RFP) and Request for Application (RFA) favor large international development organization that can respond to the broad expertise in the areas sought by USAID such as health, education, civil society, rule of law, small enterprise development or women’s issues;*” [14] has recommended for Congress to ratify the U.N Convention on the Rights of Person with Disability (CRPD).

According to a December 27<sup>th</sup> 2023 complaint filed by the New York Times (NYT), Microsoft and OpenAI generative artificial intelligence (“GENAI”) tools rely on large-language models (“LLMs”) that were built “*by copying and using millions of NYT copyrighted news articles, in-depth investigations, opinion pieces, reviews, how-to guides and more. (...) Through Microsoft’s Bing Chat (recently rebranded as ‘Copilot’) and OpenAI’s ChatGPT, both Microsoft and OpenAI seek to free-ride on the NYT massive investment in its journalism by using it to build substitutive product without permission or payment. (...) At the same time as Microsoft and*”

*OpenAI models are copying, reproducing, and paraphrasing NYT content without consent or compensation, they are also causing the NYT commercial and competitive injury by misattributing content to the NYT that it did not, in fact, publish. In AI parlance, this is called a 'hallucination.' In plain English, it's misinformation. ChatGPT defines a 'hallucination' as the 'phenomenon of a machine, such as a chatbot, generating seemingly realistic sensory experiences that do not correspond to any real-world input.' Instead of saying, 'I don't know,' Microsoft and OpenAI GPT models will confidently provide information that is, at best, not quite accurate, and, at worst, demonstrably (but not recognizably) false. And human reviewers find it very difficult to distinguish 'hallucinations' from truthful output. These 'hallucinations' mislead users as to the source of the information they are obtaining, leading them to incorrectly believe that the information provided has been vetted and published by the NYT. Users who ask a search engine what the NYT has written on a subject should be provided with neither an unauthorized copy nor an inaccurate forgery of a NYT article, but a link to the article itself."*

*The NYT have also noted in their December 27<sup>th</sup> 2023 complaint that "it takes enormous resources to publish, on average, more than 250 original articles every day. Many of these articles take months – and sometimes longer – to report. That output is the work of approximately 5,800 full-time equivalent Times employees (as of December 31<sup>st</sup> 2022), some 2,600 of whom are directly involved in the Time's journalism operation. Quite often, the most vital news reporting for society is the most resource-intensive. Some of The Time's most important journalism requires deploying teams of journalists at great cost to report on the ground around the world, providing best-in-class security and support, filing lawsuits against government entities to bring information to light, and supporting journalists through investigations that can take months or years. (...) Making great journalism is harder than ever. Over the past two decades, the traditional business models that supported quality journalism have collapsed, forcing the shuttering of newspapers all over the country. It has become more difficult for the public to sort fact from fiction in today's information ecosystem, as misinformation floods the internet, television, and other media. If The Times and other news organizations cannot produce and protect their independent journalism, there will be a vacuum that no computer or artificial intelligence can fill. The protection of the Time's intellectual property is critical to its continued ability to fund world-class journalism in the public interest. If The Times and its peers cannot control the use of their content, their ability to monetize that content will be harmed. With less revenue, news organizations will have fewer journalists able to dedicate time and resources to important, in-depth stories, which creates a risk that those stories will go untold. Less journalism will be produced and the cost to society will be enormous. The Times depends on its exclusive rights of reproduction, adaptation, publication, performance, and display under copyright law to resist these forces. (...) The Times requires third parties to obtain permission before using Times content and trademarks for commercial purposes, and for decades The Times has licensed its content under negotiated licensing agreements. These agreements help ensure that The Times controls how, where, and for how long its content and brand appears and that it receives fair compensation for third-party use. Third-parties, including large tech platforms, pay The Times significant royalties under these agreements in exchange for the right to use Times content for narrowly defined purposes. The agreements prohibit uses beyond those authorized purposes. (...) In 2019, the Times published a Pulitzer-prize winning, five-part series on predatory lending in New York City's taxi industry. The 18-month investigation included 600 interviews, with more than 100 records requests, large scale data*



analysis, and the review of thousands of pages of internal bank records and other documents, and ultimately led to criminal probes and the enactment of new laws to prevent future abuse. OpenAI had no role in the creation of this content, yet with minimal prompting, will recite large portions of it verbatim.” If you wish, you may access the full complaint filed by the NYT here.: If you wish, you may access the full complaint filed by the NYT here.: [https://nytimes.com/2023/12/NYT\\_Complaint\\_Dec2023.pdf](https://nytimes.com/2023/12/NYT_Complaint_Dec2023.pdf) .

viii In 1989, the United Nations (UN) Convention on the Rights of the Child, through its Committee on the Rights of the Child, called on all member states to ban corporal punishment of children and institute educational programs on positive discipline. In the UN report, article 19 reads, “Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of [the] parent(s) [or] legal guardian(s) or any other person who has the care of the child.”

The Global Initiative to End all Corporal Punishment of Children provided a comprehensive definition of spanking and corporal punishment: “The definition of corporal or physical punishment adopted by the Committee on the Rights of the Child in its General Comment No. 8 (2006) has the key reference point, ‘any punishment in which physical force issued and intended to cause some degree of pain or discomfort, however light.’ According to the committee, this mostly involves hitting (“smacking,” “slapping,” or “spanking”) children with the hand or with an implement (a whip, stick, belt, shoe, wooden spoon, or similar), but it can also involve, for example, kicking, shaking, or throwing children; scratching, pinching, biting, pulling hair, or boxing ears; forcing children to stay in uncomfortable positions; burning, scalding, or forced ingestion (for example, washing a child’s mouth out with soap or forcing them to swallow hot spices). Nonphysical forms of punishment that are cruel and degrading and thus incompatible with the convention include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares, or ridicules the child. In the view of the committee, corporal punishment is invariably degrading.” Effective Discipline to Raise Healthy Children. American Academy of Pediatrics.:

<https://publications.aap.org/pediatrics/article/142/6/e20183112/37452/Effective-Discipline-to-Raise-Healthy-Children?autologincheck=redirected>

ix The Convention on the Rights of the Child is the most rapidly ratified human rights treaty in history. More countries have ratified the Convention than any other human rights treaty in history – 196 countries have become State Parties to the Convention as of October 2015. Only the United States of America has not ratified the Convention. By signing the Convention, the United States has signaled its intention to ratify, but has yet to do so. United Nations International Children’s Emergency Fund (UNICEF).: <https://www.unicef.org/child-rights-convention/frequently-asked-questions>



# APPENDIX A.

Aol.

Michael Ayele

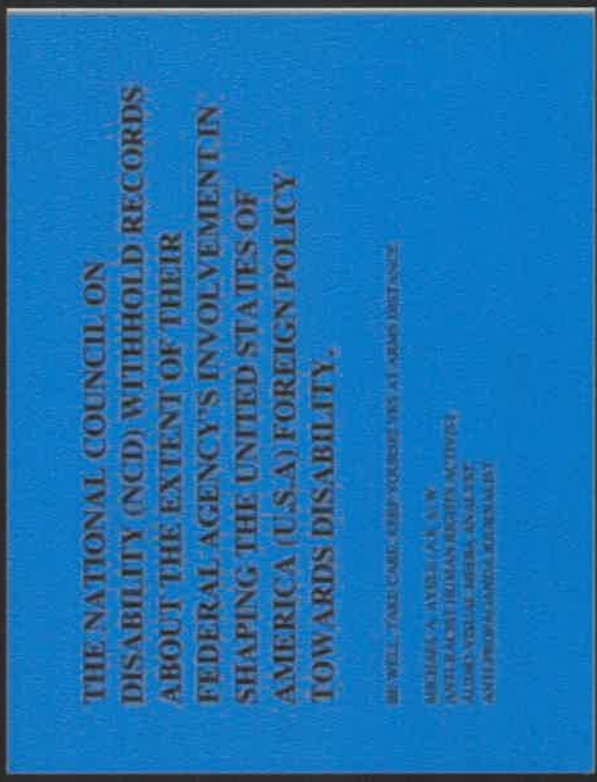
## About the National Council on Disability (NCD) and the United ... archive.org/details/united-nations-convention-on...

Michael Ayele, an anti-racist human rights activist and audio-visual media analyst, shares his critique of the National Council on Disability (NCD) and the U.S. government's foreign policy on disability. He accuses them of withholding records about their discussions with MCC and other international organizations, and of advocating for the U.N. Convention on the Rights of Persons with Disabilities (CRPD).

## Michael Ayele - Customer Success Executive - Product Sales ... www.linkedin.com/in/michael-ayele-801ba84a

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About the National Council on Disability (NCD) and the United States of America (U.S.A) Foreign Policy Towards Disability - #Michael Ayele (a.k.a) W October





accessibility); (iv) establish the principle that no U.S. international activity should have a lower standard of inclusion than its domestic correlate;" [7] recognizes that Section 116, Subsection (d) "creates a duty for the State Department to report annually on the human rights practices of all the countries that are members of the United Nations (U.N.), whether or not they receive foreign assistance;" [8] has in 2003 expressed reservations about the State Department Country Reports on Human Rights Practices for failing to be comprehensive on the subject of human rights violations experienced by people with disabilities (PWD); [9] has in the past rejected the explanations provided by the Department of State for the reasons why their Country Reports on Human Rights Practices failed to be comprehensive on the subject of human rights violations experienced by PWD; [10] has in 2013 expressed disappointment at

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# APPENDIX B.

**Michael A. Ayale (a.k.a) W Statement on the Unauthorized Redistribution of His Correspondence with the United States Government About America's Foreign Policy Towards Disability**

Even though Michael A. Ayale (a.k.a) W has never sought nor solicited financial payment for people to access his self-published works, unknown others seem to have circumvented the Google Internet Search Engine (ISE) to make it seem as though they were provided exclusive rights [by Michael A. Ayale (a.k.a) W] to redistribute his written content pertaining to America's foreign policy towards disability. Michael A. Ayale (a.k.a) W was very much annoyed upon learning that unknown others had somehow managed to circumvent the Google ISE for the purpose of profiteering from his name, his image, his likeness and the publication of some of his correspondence. Given this finding, it is Michael A. Ayale (a.k.a) W genuine hope that no one has paid \$29 (twenty-nine American dollars) (or whatever other amount) to access the papers he has self-published. If unknown others are requesting for you to make payments in order to access the papers published by Michael A. Ayale (a.k.a) W, please refuse to make payments. Michael A. Ayale (a.k.a) W has never signed (nor will he ever sign) a binding written contract with anyone to have his written content redistributed in a manner that would place a paywall for people to access his published work. Michael A. Ayale (a.k.a) W has also never verbally agreed with anyone to have his written content redistributed in a manner that would place a paywall for people to access his published work.

Michael A. Ayale (a.k.a) W would like to take this opportunity affirm that he had previously corresponded with the National Council on Disability (NCD) on the many reports they have published pertaining to America's foreign policy towards disability. Via email dated July 12<sup>th</sup> 2022, the NCD had contacted Michael A. Ayale (a.k.a) W to inform him that they would withhold records about the discussions they have had with the Millennium Challenge Corporation (MCC) for the purpose of their March 2018 report entitled "*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disability.*" The NCD had also contacted Michael A. Ayale (a.k.a) W on (or around) July 12<sup>th</sup> 2022 to inform him that they would disclose redacted records about the Freedom of Information Act (FOIA) request they have filed with the Peace Corps for the purpose of the same March 2018 report mentioned above.

As you may be aware, the National Council on Disability (NCD) is a federal agency of the United States government, which [1] has been "*designated by the Department of State to be the U.S government's official contact point for disability issues;*" [2] has advocated for Section 502(b) of the Foreign Assistance Act to be amended to include the term "*disability*" along with race, sex, language and religion as appropriate for protection under the principle of human rights and fundamental freedoms; [3] has advocated for 22 U.S.C 2151 (n)(d) to be amended to "*include a new paragraph addressing the rights of people with disabilities;*" [4] has advocated



for 22 U.S.C 2304 to be amended to “include the word ‘disability’ following race, sex, language and religion;” [5] has “relied in the finding” of the Government Accountability Office (GAO) 1991 report for the purpose of their 1996 study entitled “*Foreign Policy and Disability*,” [6] has in 1996 recommended for the Executive Branch of the U.S government and Congress to “(i) create a comprehensive foreign policy on disability to advocate for people with disability through activities on international levels, (ii) extend U.S disability law by legislation or executive order to include unambiguously the international operations of the U.S government, (iii) train U.S foreign affairs agencies and their contractors to plan for programmatic accessibility, (iv) establish the principle that no U.S international activity should have a lower standard of inclusion than its domestic correlate;” [7] recognizes that Section 116, Subsection (d) “creates a duty for the State Department to report annually on the human rights practices of all the countries that are members of the United Nations (U.N), whether or not they receive foreign assistance;” [8] has in 2003 expressed reservations about the State Department Country Reports on Human Rights Practices for failing to be comprehensive on the subject of human rights violations experienced by people with disabilities (PWD); [9] has in the past rejected the explanations provided by the Department of State for the reasons why their Country Reports on Human Rights Practices failed to be comprehensive on the subject of human rights violations experienced by PWD; [10] has in 2013 expressed disappointment at USAID and the DOS for having “low level of awareness about disability issues and limited understanding of how to include people with disabilities in programs;” [11] has in 2018 expressed “concerns” by USAID continued failure to make “modifications to their solicitation process for applicants of employment;” [12] approved of the Equal Employment Opportunity Commission (EEOC) 2009 decision in the matter of *Katz v USAID* for holding that “DOS and USAID were in violation of Section 501 for failing to conduct an individualized assessment of an applicant for a U.S Foreign Service program;” [13] recognizes that the structure of “USAID Request for Proposal (RFP) and Request for Application (RFA) favor large international development organization that can respond to the broad expertise in the areas sought by USAID such as health, education, civil society, rule of law, small enterprise development or women’s issues;” [14] has recommended for Congress to ratify the U.N Convention on the Rights of Person with Disability (CRPD).

Be well. Take care. Keep yourselves at arms distance.

Michael A. Ayele (a.k.a) W  
Anti-Racist Human Rights Activist  
Audio-Visual Media Analyst  
Anti-Propaganda Journalist



**About Michael A. Ayele (a.k.a) W**



Michael Ayele (a.k.a) W is responsible for the publications of the Association for the Advancement of Civil Liberties (AACL): a non-profit organization primarily engaged in the dissemination of public records. The recent publications/written content of the AACL encompass a wide range of intertwined issues, which include but are not limited to [1] the life and death of Jeanne Ann Clery (November 23<sup>rd</sup> 1966 – April 05<sup>th</sup> 1986); [2] the decision of Westminster College (Fulton, Missouri) to extend an invitation to then-Federal Bureau of Investigation (FBI) Director William Webster on August 29<sup>th</sup> 1986, approximately 5 (five) months after the April 05<sup>th</sup> 1986 rape and murder of Jeanne Ann Clery; [3] the decision of the Federal Bureau of Investigation (FBI) to initiate contact with the Central Intelligence Agency (CIA) on June 11<sup>th</sup> 1992 about the April 05<sup>th</sup> 1986 rape and murder of Jeanne Ann Clery; [4] the circumstances leading up to the enactment of the Jeanne Clery Act on (or around) November 08<sup>th</sup> 1990; [5] Title IX of the Education Amendments Act of 1972; [6] affirmative and effective consent in healthy sexual relationships; [7] sexual abuse as a factor increasing the risk of suicide among girls/women; [8] California's Sexual Abuse and Cover Up Accountability Act; [9] the September 12<sup>th</sup> 2012 suicide of Audrie Taylor Pott; [10] the August 04<sup>th</sup> 2020 suicide of Catherine Daisy Coleman; [11] the January 30<sup>th</sup> 2022 suicide of former Miss United States of America (U.S.A) Cheslie Corrinne Kryst; [12] the commemoration of September 10<sup>th</sup> as *World Suicide Prevention Day* (WSPD) by the United States government; [13] the commemoration of the month of May as *Mental Health Awareness Month*; [14] the commemoration of the month of April as *Sexual Assault Awareness Month*; [15] the commemoration of the month of March as *Women's History Month*; [16] the commemoration of the month of February as *Black History Month*; [17] the forcible administration of psychotropic drugs in mental asylums and elsewhere; [18] the impact of wiretap on mental health; [19] the defamation and wiretap of Jean Seberg; [20] Kristen Stewart portrayal of Jean Seberg in the 2019 biopic entitled "*Seberg*;" [21] the induction of Josephine Baker in France's Pantheon; [22] the defamation complaint filed by Eva Lopez against the New York Police Department (NYPD); [23] the bogus mental illness of "*schizophrenia*" being extensively linked with Black/African American people after the total and complete discredit of the "*drapetomania*" diagnosis; [24] the Health Insurance Portability and Accountability Act (HIPAA) and its applicability in cases of suicides after a documented incident of sexual violence as well as other incidents of racism and/or sexism; [25] the Americans with Disabilities Act (ADA); [26] Section 504 of the 1973 Rehabilitations Act; [27] the Prison Rape Elimination Act (PREA); [28] the prison rape culture within the Missouri Department of Correction (MODOC); [29] the prison rape culture at the Federal Correctional Institution (FCI), located in Dublin, California; [30] the Sixth (6<sup>th</sup>) Amendment Rights implications of filing a charge of employment discrimination pursuant to Title VII of the 1964 and 1991 Civil Rights Act; [31] the Second (2<sup>nd</sup>) Amendment Rights implications of filing a charge of employment discrimination pursuant to Title VII of the 1964 and 1991 Civil Rights Act; [32] the decision of Tara Cable not to file a charge of employment discrimination pursuant to the provisions Title VII of the 1964 and 1991 Civil Rights Act against the Village of Suffern, New York; [33] the August 03<sup>rd</sup> 2021 report published by the New York Attorney General



(NYAG) Letitia James, which made several explicit references to Title VII of the 1964 and 1991 Civil Rights Act in relations to Alyssa McGrath, Ana Liss, Charlotte Bennett, Lindsey Boylan and other women employed by the New York State government; [34] the Equal Pay Complaint filed by the United States Women's National Soccer Team (USWNT) in Calendar Year 2016; [35] Eliza Dushku forced arbitration after experiencing sexual harassment at the workplace; [36] the November 29th 2021 employment related murder of Delfina Pan in Miami Beach, Florida; [37] the June 11th 2022 employment related murder of Riley Whitelaw in the State of Colorado; [38] the decision of Teresa Williams to file a charge of employment discrimination pursuant to Title VII of the 1964 and 1991 Civil Rights Act; [39] the decision of the University of Missouri to formally and publicly admit on October 05th 2015 that they "*need help changing*" the racist culture within their university's system; [40] the decision of Greenfield High School (located Greenfield, Missouri) to terminate the employment English teacher Kim Morrisson (sometime in mid-March 2022) for teaching the book entitled "*Dear Martin*;" [41] the decision of Greenfield High School (located Greenfield, Missouri) to terminate the employment of English teacher Kim Morrison without taking into account the formal and public October 05<sup>th</sup> 2015 statement of the University of Missouri, wherein they admitted that they "*needed help changing*" the racist culture of their university system; [42] California's Fast Food Accountability Standards & Recovery Act (a.k.a) FAST Recovery Act; [43] the working conditions of tipped workers in the accommodation and food services (AFS) sector; [44] the police harassment of Amelia Powell for wearing bikinis in the City of Everett, Washington; [45] the Creating a Respectful and Open World for Natural Hair (CROWN) Act; [46] the double standards in the United States of America (U.S.A) criminal justice system; [47] the race factor in wrongful convictions issued by the judicial branch of the U.S government (the courts); [48] the June 02nd 2016 decision of the California court that handed Brock Turner a 90 (ninety) day prison sentence for the January 18th 2015 rape of Chanel Miller on the campus of Stanford University; [49] the formal/informal ties between Chanel Miller and the San Francisco Public Library (SFPL); [50] the September 06th 2022 interview of Jennifer Lawrence with Vogue Magazine (in part) on the subject of sex-offender Harvey Weinstein; [51] the #MeToo movement; [52] the Genetics Information Nondiscrimination Act (GINA); [53] the urgent need to abolish the death penalty particularly in light of the October 05th 2021 state sponsored execution of Ernest Lee Johnson in Missouri; [54] the likely impact of the Emmett Till Antilynching Act in decreasing and eliminating hate crimes in the future; [55] the use of "*cancel culture*" for the purpose of exacerbating racism in polite company and on social networks such as Twitter; [56] cybersecurity at Michigan State University (MSU) after their extensive links with the child-pornography of sex-offender Lawrence Gerard Nassar; [57] the August 31<sup>st</sup> 1994 child-marriage license of Aaliyah Dana Haughton in the State of Illinois; [58] the "*influx of child-brides*" from Afghanistan to the United States of America (U.S.A) following the U.S military withdrawal from Afghanistan on August 30<sup>th</sup> 2021; [59] the definition in use by the United Nations International Children Emergency Fund (UNICEF) for what constitutes "*child-marriage*;" [60] the folly of the eugenics movement; [61] the terrible decision of the United States Supreme Court to overturn the landmark 1973

ruling of *Roe v Wade* (particularly in light of the publicized murders of Alexandria Kostial and Jennifer Rothwell); [62] the urgent need to restore abortion rights in the U.S.A for the purpose of not exacerbating the public health crisis created as a direct consequence of *Roe v Wade* being overturned; [63] previously “*Missing*” Alexis Tiara Murphy; [64] the systemic misogyny and sexism fueling the U.S.A gun violence public health epidemic; [65] the systemic discrimination and racism fueling the U.S.A gun violence public health epidemic; [66] the entitlement of the “*involuntary celibate*” community in America; [67] the March 15<sup>th</sup> 2022 report of the Department of Homeland Security (DHS) United States Secret Service (USSS) that went on to summarize the life of racist and sexist Scott Paul Beierle; [68] the applicability of the Family Educational Rights and Privacy Act (FERPA) in cases involving gun violence on (or near) the campuses of American colleges and universities; [69] the anti-feminist rhetoric, which has in the 21<sup>st</sup> Century been vocalized through the traditional wife (“*trad-wife*”) movement; [70] the employment related mass-shooting at Santa Clara Valley Transportation Authority (VTA) on May 26<sup>th</sup> 2021; [71] the May 24<sup>th</sup> 2022 mass-shooting at Robb Elementary School in Uvalde, Texas; [72] the January 14<sup>th</sup> 2013 recommendations of the National Council on Disability (NCD) on gun violence following the December 14<sup>th</sup> 2012 mass-shooting at Sandy Hook Elementary School, located in the State of Connecticut; [73] income inequality among Bachelor Degree graduates on the basis of race; [74] the U.S.A conflicting domestic/foreign policy on marijuana; [75] Brittney Griner’s incarceration in Russia; [76] the U.S.A counterproductive and unconditional support to the State of Israel; [77] the U.S.A foreign policy towards disability; [78] the perturbing conservatorship of Britney Spears; [79] the vital records of Jessica Alba given her May 16<sup>th</sup> 2023 public admission that she was previously referred to as “*delusional*” and “*paranoid*”; [80] the American Psychological Association (APA) October 29<sup>th</sup> 2021 apology for promoting racial discrimination and pseudoscience in healthcare services; [81] the xenophobia on WordPress, which has in the past been linked with the name, the image, the likeness and the correspondence of Michael A. Ayele (a.k.a) W; [82] the September 07<sup>th</sup> 2022 report of the University of California, Los Angeles (UCLA), which has gone on to interpret the letter and spirit of the 1986 Immigration Reform and Control Act (IRCA); [83] Michael A. Ayele (a.k.a) W strategy for combating the fraudulent “*white replacement theory*” with the Smithsonian National Museum of the American Indian (NMAI); [84] the decision of Emma Roberts to condemn America’s culture of anonymous Internet trolling on (or around) July 05<sup>th</sup> 2024; [85] the freshman undergraduate retention rate at Sarah Lawrence College (located in Bronxville, New York); [86] the freshman undergraduate retention rate among American colleges/universities; [87] the December 27<sup>th</sup> 2023 complaint filed by the New York Times against Microsoft and Open Artificial Intelligence (AI)...

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Summer July 24, 2023

# About the National Council on Disability (NCD) and the United States of America (U.S.A) Foreign Policy Towards Disability - #Michael Ayele (a.k.a) W October 2017 - #United Nations (U.N) Convention on the Rights of Persons With Disabilities (CRPD)

Michael A. Ayele (a.k.a) W



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**THE NATIONAL COUNCIL ON  
DISABILITY (NCD) WITHHOLD RECORDS  
ABOUT THE EXTENT OF THEIR  
FEDERAL AGENCY'S INVOLVEMENT IN  
SHAPING THE UNITED STATES OF  
AMERICA (U.S.A) FOREIGN POLICY  
TOWARDS DISABILITY.**

BE WELL. TAKE CARE. KEEP YOURSELVES AT ARMS DISTANCE.

MICHAEL A. AYELE (A.K.A) W  
ANTI-RACIST HUMAN RIGHTS ACTIVIST  
AUDIO-VISUAL MEDIA ANALYST  
ANTI-PROPAGANDA JOURNALIST



## National Council on Disability

An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

July 12, 2022

W (AACL)  
Michael A. Ayele  
PO Box 20438  
Addis Ababa, Ethiopia

### Re: FOIA Request NCD-2022-11

Dear W:

This letter is in response to your Freedom of Information Act (FOIA) inquiry, dated June 10, 2022. Your initial request dated May 13, 2022 you requested:

"What I am requesting for prompt disclosure are records documenting [1] your discussions about the National Council on Disability (NCD) as a federal agency, which *"was designated by the Department of State to be the U.S government's official contact point for disability issues;"* vii [2] your discussions about the NCD as a federal agency, which has in 2018 made public *their examination* of the Millennium Challenge Corporation (MCC) on the subject of their *disability policies* and practices;<sup>viii</sup> [3] your discussions about the NCD as a federal agency, which has *in 2018* made public their recommendations for the MCC to *"extend their comprehensive social and gender policy to include people with disabilities;"* ix [4] your discussions about the NCD recommendation (to MCC) being consistent with their position that *"Section 502(b) of the Foreign Assistance Act should be amended to include disability along with race, sex, language, and religion as appropriate for protection under the principles of human rights and fundamental freedoms;"* x [5] your discussions about the NCD recommendation (to MCC) being consistent with their position that 22 U.S.C 2151 (n)(d) should be amended to *"include a new paragraph addressing the rights of people with disabilities;"* [6] your discussions about the NCD recommendation (to MCC) being consistent with their position that 22 U.S.C 2304 should be amended *"to include the word 'disability' following race, sex, language, and religion;"* xi [7] *disability along with race, sex, language and religion as appropriate for protection under the principles of human rights and fundamental freedoms* despite the NCD recommendation;<sup>xii</sup> [8] your discussions about 22 U.S.C 2151 (n)(d) and 22 U.S.C 2304 not having been *amended despite* the NCD recommendation that they be so for the purpose of expanding the rights of *people with disabilities (PWD)* in foreign assistance programs provided by the U.S government; <sup>xiii</sup> [9] your discussions about the NCD as a federal agency, which *"relied in the findings of"* the Government Accountability Office (GAO) 1991 report for the purpose of their 1996 *study entitled: "Foreign Policy and Disability;"* <sup>xiv</sup> [10] your discussions about the NCD as a federal agency, which has in 2003 recommended for the GAO to *"expand their investigation to examine whether there are barriers to people*

with disabilities in policymaking, program development, and implementation of U.S. programs abroad;" [11] your discussions about the NCD as a federal agency, which has in 2003 expressed disappointment at the failure of the GAO to follow through on their own 1991 recommendation by publishing a "report on the procedures and directives that guide the Department of State in the construction and renovation of facilities abroad to ensure accessibility to people with disabilities;" <sup>xv</sup> [12] your discussions about the NCD as a federal agency, which has in 1996 recognized that U.S embassies (throughout the world) are "complex bureaucracies capable of presenting many different faces to both foreign nationals and U.S citizens seeking services;" <sup>xvi</sup> [13] your discussions about the NCD as a federal agency, which has in 1996 recommended for the Executive Branch of the U.S government and Congress to "(i) create a comprehensive foreign policy on disability to advocate for people with disabilities through activities on international levels, (ii) extend U.S disability law by legislation or executive order to include unambiguously the international operations of the U.S. government, (iii) train U.S foreign affairs agencies and their contractors to plan for programmatic accessibility, (iv) establish the principle that no U.S international activity should have a lower standard of inclusion than its domestic correlate;" <sup>xvii</sup> [14] your discussions about the NCD as a federal agency, which has in 1996 praised the Peace Corps for having "the most accomplished record of placing Americans with disabilities in its programs;" <sup>xviii</sup> [15] your discussions about the NCD as a federal agency, which has in 2018 admitted to filing a Freedom of Information Act (FOIA) request to collect data on the subject of the Peace Corps disability policies and practices; [16] the FOIA request(s) submitted by the NCD for the purpose of their March 2018 report entitled: "US Foreign Policy and Disability 2017: Progress and Promise;" [17] the responses issued by the Peace Corps to the FOIA request submitted by the NCD; <sup>xix</sup> [18] your discussions about the NCD as a federal agency, which recognizes that Section 116, Subsection (d) "creates a duty for the State Department to report annually on the human rights practices of all the countries that are members of the United Nations (U.N), whether or not they receive foreign assistance;" <sup>xx</sup> [19] your discussions about the NCD as a federal agency, which has in 2003 expressed reservations about the State Department Country Reports on Human Rights Practices for failing to be comprehensive on the subject of human rights violations experienced by people with disabilities (PWD); <sup>xxi</sup> [20] your discussions about the NCD as a federal agency, which has rejected the explanation provided by the DOS for the reasons why their Country Reports on Human Rights Practices fail to be comprehensive on the subject of human rights violations experienced by PWD; <sup>xxii</sup> [21] your discussions about the NCD as a federal agency, which has in 2003 recommended for the DoS to "create a disability advisor at the U.S Department of State to serve as a leader in the development of U.S international disability policy, to ensure that respect for disability rights is included as a priority in U.S. bilateral and multilateral policies and programs (including United Nations programs and activities), to advise and assist the State Department Office of Democracy, Human Rights and Labor (DRL) in preparing a section on disability rights in the Country Reports on Human Rights Practices, to ensure the inclusion of people with disabilities in policymaking, program

development, and implementation within the United States and abroad, and to coordinate the work of the Department of State with the Inter-Agency Task Force on Foreign Policy and Disability;" [22] your discussions about the NCD as a federal agency, which has in 2003 recommended for the State Department Country Report on Human Rights "to include information on the rights of people with disabilities, such as information about improper detention in institutions and conditions of confinement in psychiatric and or mental retardation facilities, orphanages, and other institutions where human rights abuses may be particularly egregious;" <sup>xxiii</sup> [23] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has on September 02<sup>nd</sup> 2020 filed a FOIA request with the DOS on issues very much pertinent to sections 116(d) and 502(b) of the Foreign Assistance Act of 1961; [24] your discussions about the DOS as a federal agency, which has assigned Michael A. Ayele (a.k.a) W records request on issues pertinent to sections 116 (d) and 502 (b) the following Case Number: 2020 – F – 054; [25] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided the DOS documents certifying his identity for the purpose of obtaining audio and video footage of an incident at the U.S Embassy in Addis Ababa, Ethiopia in 2018; [26] your discussions about the DOS as a federal agency, which hasn't included the issues raised in the FOIA Request Case No.: 2020 – F – 054 in the Country Report on Human Rights published about Ethiopia; [27] your discussions about Michael A. Ayele (a.k.a) W as a Black man, whose name isn't included in the DOS Country Report on Human Rights for the issues raised in FOIA request Case No.: 2020 – F - 054; [28] your discussions about the NCD as a federal agency, which has in 1996 recommended for USAID to "(i) develop goals and timelines in close cooperation with U.S. and other disability organizations; (ii) develop mission strategic objectives that are disability specific in conjunction with indigenous organizations of people with disabilities; (iii) broadly increase participation by people with disabilities in all aspects of the development process; (iv) identify and incorporate the successful strategies of other nations into U.S.-sponsored development projects; and (v) routinely evaluate the agency's progress in achieving goals and time lines;" <sup>xxiv</sup> [29] your discussions about the NCD as a federal agency, which has in 2003 expressed disappointment at USAID and the DOS for failing to follow-through on their 1996 recommendations;<sup>xxv</sup> [30] your discussions about the NCD as a federal agency, which has in 2013 expressed disappointment with many USAID employees for having "low levels of awareness about disability issues and limited understanding of how to include people with disabilities in programs;" <sup>xxvi</sup> [31] your discussions about the NCD as a federal agency, which has in 2018 expressed "concerns" by USAID continued failure to make "modifications to their solicitation process for applicants of employment;" <sup>xxvii</sup> [32] your discussions about the Equal Employment Opportunity Commission (EEOC) 2009 decision in *Katz v USAID and DOS*, which "held that DOS and USAID were in violation of Section 501 for failing to conduct an individualized assessment of an applicant for a U.S Foreign Service position;" <sup>xxviii</sup> [33] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has applied for USAID solicitation seeking to fill the vacant role of Development Program Specialist in Ethiopia; [34] your discussions about the USAID as a federal agency, which required for prospective employees to have at the minimum "a bachelor's degree at a college or university in a relevant field, such as public policy, public administration, business administration, international relations, economics or



*development*” for the purpose of their March 16<sup>th</sup> 2022 solicitation; [35] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided *records attesting* that he has graduated with a Bachelor of Arts (B.A) degree from Westminster College (Fulton, Missouri) for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [36] your discussions about Michael A. Ayele (a.k.a) W as Black man, who has provided records attesting that he has graduated with double-majors in Economics and Political Science for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [37] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records attesting that he has taken several classes deemed to be “*reading and writing intensive*,” in Economics, Accounting, Business Administration, Finance, Management and Political Science for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [38] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records attesting that that the most pertinent college classes he has taken (for USAID March 16<sup>th</sup> 2022 solicitation) include but are not limited to Microeconomics, Macroeconomics, Price Theory (Intermediate Microeconomics), Intermediate Macroeconomics, Statistics, Business Calculus, Research Method in Business, Business Law, Fundamentals of Management, Money and Banking, International Trade and Finance, Public Finance, Sports Economics, Managerial Economics, Political Theory, Political Thought/Modern Society, International Politics, U.S Government and Politics, American Jurisprudence, Legal Advocacy, Middle Eastern Politics, Post-Soviet Politics, Europe Since 1945 and Model United Nations (U.N); [39] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records to USAID (for the purpose of their March 16<sup>th</sup> 2022 solicitation) proving that he had earned (i) the letter grade of “**B**” in Microeconomics, (ii) the letter grade of “**A**” in Macroeconomics, (iii) the letter grade of “**B**” in Intermediate Microeconomics, (iv) the letter grade of “**B**” in Intermediate Macroeconomics, (v) the letter grade of “**B**” in Statistics, (vi) the letter grade of “**C**” in Research Method in Business, (vii) the letter grade of “**B**” in Business Law, (viii) the letter grade of “**A**” in Fundamentals of Management, (ix) the letter grade of “**A**” in Corporate Finance/Management, (x) the letter grade of “**A**” in Money and Banking, (xi) the letter grade of “**B**” in International Trade and Finance, (xii) the letter grade of “**A**” in Public Finance, (xiii) the letter grade of “**A**” in Sports Economics, (xiv) the letter grade of “**A**” in Managerial Economics, (xv) the letter grade of “**A**” in Political Theory, (xvi) the letter grade of “**B**” in Political Thought/Modern Society, (xvii) the letter grade of “**A**” in International Politics, (xviii) the letter grade of “**B**” in U.S Government and Politics, (xix) the letter grade of “**A**” in American Jurisprudence, (xx) the letter grade of “**A**” in Legal Advocacy, (xx) the letter grade of “**C**” in Middle Eastern Politics, (xxi) the letter grade of “**B**” in Post-Soviet Politics, (xxii) the letter grade of “**A**” in Comparative and International Politics, (xxiii) the letter grade of “**B**” in West European Government and Politics, (xxiv) the letter grade of “**A**” in Model United Nations (U.N); [40] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has informed USAID (for the purpose of their March 16<sup>th</sup> 2022 solicitation) that he could help them (i) serving as programmatic officer and project management specialist, (ii) serving on the operating unit (OU) strategic team, (iii) taking the lead in an extensive amount of USAID Program Cycle – Operational Plan, Performance Plan Report and Congressional Budget Justification, (iv) leading the OU in mission resource request (MRR) preparation as well as coordination of the Integrated Country Strategy for the U.S Mission to the

AU. (v) managing grants and contracts, (vi) integrating their portfolio to achieve a coherent and strategic set of OU activities, (vii) coordinating with senior African Union Commission officials in carrying out the position's basic functions, (viii) providing occasional administrative work, (ix) providing input, (x) shape the OU's policy by interacting with the U.S. Ambassador to the AU; [41] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has previously been invited to submit a request for proposal (RFP) and a request for application (RFA) with USAID in response to an application he had submitted for the purpose of securing an employment; [42] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has opted not to submit a RFP/RFA for USAID funded projects; [43] your discussions about the NCD as a federal agency, which has in 2003 noted that *"the structure of USAID RFPs and RFAs favors large international development organization that can respond to the broad expertise in the areas sought by USAID, such as health, education, civil society, rule of law, small-enterprise development, or women's issues;"* <sup>xxix</sup> [44] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who should be included in the Civilian Labor Force (CLF) for making good-faith efforts to secure a paying job with the U.S Government; <sup>xxx</sup> [45] your discussions about the NCD as a federal agency, which has recommended for Congress to ratify the U.N Convention on the Rights of Persons with Disability (CRPD); <sup>xxxi</sup> [46] your discussions about the NCD as a federal agency, which has in 2014 provided convincing arguments for the ratification of the CRPD; <sup>xxxii</sup> [47] the discussions held between your city/county/state/federal government and the NCD for the purpose of better processing a complaint submitted pursuant to the 1990 Americans with Disabilities Act (ADA) and/or the 1973 Rehabilitation Act; [48] the policy of your city/county/state/federal government on retaining as a matter of record a complaint filed pursuant to the ADA and/or the Rehabilitation Act; [49] the name(s), the academic background(s), the professional responsibility(ies) and annual salary(ies) of employees responsible for processing the complaints of discrimination filed pursuant to the ADA and/or the Rehabilitation Act in your city/county/state/federal government; [50] the formal/informal opinions held by your city/county/state/federal government about the possibility of the Joe Biden / Kamala Harris White House administration ratifying the CRPD."

In that correspondence, you stated the request was in response to a prior NCD FOIA response and provided a tracking number from another federal agency. Therefore, NCD reasonably believed the information requested above was accidentally transmitted to NCD and stated as such in our response on May 27, 2022, "It appears that NCD is not the intended agency for this FOIA request."

In your most recent correspondence dated June 10, 2022 you stated:

"I am writing this letter in response to your correspondence dated May 27th 2022 to express concerns about the adequacy of the search you have performed for the FOIA Request, which was assigned by the National Council on Disability (NCD) the following Case No.: 2022 - 11. Specifically, I am worried with your failure to disclose records detailing [1] your discussions with the Millennium Challenge Corporation (MCC) for the purpose of the NCD March 2018 report entitled *"Foreign Policy and Disability:*

*Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities;*" i [2] the FOIA request(s) submitted by the NCD with the Peace Corps for the purpose of their March 2018 report entitled "*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities;*" [3] the response issued by the Peace Corps in response to the FOIA request(s) submitted by the NCD for the purpose of their March 2018 report entitled "*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities;*"ii [4] whether the Department of State (DOS) informed the NCD about the issues presented by Michael A. Ayele (a.k.a) W in his FOIA request, which was assigned by the DOS the following Case No.: 2020 – F – 054."

NCD has no responsive records for your inquiries labeled 1 and 4. Please find attached all responsive records for inquiries 2 and 3. Several redactions were made, pursuant to 5 USC § 552(b)(6). Section 552(b)(6) allows redactions of "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

For tracking purposes, your tracking number is **NCD-2022-11**.

If you need further assistance, you may contact Amy Nicholas, NCD's FOIA Public Liaison at 202-731-2313 or [anicholas@ncd.gov](mailto:anicholas@ncd.gov). Please include your tracking number with any correspondence. If needed, it is your right to seek dispute resolution services from NCD's Public Liaison or the Office of Government Information Services (OGIS). OGIS may be reached at:

Office of Government Information Services (OGIS)  
National Archives and Records Administration  
8601 Adelphi Road -  
College Park, MD 20740-6001  
[OGIS@Nara.gov](mailto:OGIS@Nara.gov)  
202-741-5770  
fax 202-741-5769

NCD's appeal process allows you to appeal withheld information or the adequacy of NCD's search by writing within 90 days of your receipt of this letter to:

Anne Sommers McIntosh  
Executive Director  
National Council on Disability  
1331 F St. NW.  
Suite 850  
Washington DC 20004

Your appeal must be in writing and should contain a brief statement of the reasons why you believe the requested information should be released. Enclose a copy of your initial

request, request number and a copy of this letter. Both the appeal letter and envelope should be prominently marked "Freedom of Information Act Appeal."

After processing, actual fees must be equal to or exceed \$25 for the Council to require payment of fees. See 5 CFR §10,00010k. The fulfillment of your request did not exceed \$25, therefore there is no billable fee for the processing of this request.

Respectfully,

A handwritten signature in cursive script that reads "Joan Durocher".

Joan Durocher  
Chief FOIA Officer





Since 1961.

March 28, 2017

Krista Geden

(b) (6)

RE: FOIA Request No. 17-0046

Dear Ms. (b) (6):

This is an interim response to your Freedom of Information Act (FOIA) request. Specifically, "The National Council on Disability...has contracted with our research team to compile the 2017 Foreign Policy and Disability Report. [...] [W]e are in search of any reports, documents and supporting materials related to the current state of knowledge, attitudes, and practices toward people with disabilities in the areas of American overseas development, facilities, programs, and employment. Our three main focus areas are:

1. Physical accessibility of U.S.-funded overseas construction and infrastructure projects \_
2. Inclusion of PWDs in projects (threshold/compact agreements and implementation)
3. Equal opportunity employment at the Peace Corps (i.e., employing PWDs at the PC)"

Let me start by referencing a central source which is available on the agency website. There is a wealth of information to be found in a document called "Peace Corps Manual" and manual sections [MS] deal with a range of policies and procedures. It is posted -- <https://www.peacecorps.gov/about/open-government/peace-corps-manual/> -- for access to the document. Below is a list of responsive manual sections.

- MS 243 Responding to Sexual Assault FAQs
- MS 262 Peace Corps Medical Services Program
- MS 266 Post-Service Medical Benefits for Volunteers, Trainees, and Dependents
- MS 284 Early Termination of Service
- MS 293 Applicant, Trainee, Volunteer Discrimination Complaint Procedure
- MS 543 Use of IT Systems by Volunteers, Trainees, and Returned Peace Corps Volunteers
  - Attachment C – Mandatory Guidelines for RPCV Use of Peace Corps Provided IT Equipment
- MS 547 Use of Government Technology Service and Equipment

- MS 601 Administration of the Peace Corps Direct Hire Personnel System
- MS 602 Foreign Service National (FSN) Personnel Administration
- MS 620 Direct Hire Merit, Selection and Promotion Procedures
- MS 635 Staff Absence and Leave
- MS 635 Staff Absence and Leave Procedures
- MS 643 Limited Personal Use of Government Office Equipment
- MS 645 Prevention and Elimination of Harassment, Including Sexual Harassment
- MS 653 Equal Employment Opportunity and Affirmative Employment
  - Attachment A – Part 1614 Federal Sector Equal Employment Opportunity
  - Attachment C – Executive Order 13548, 75 Fed. Reg. 45039 (July 30, 2010)
  - Attachment D – Peace Corps Standard Operating Procedure for Providing Reasonable Accommodation
- MS 654 Non-American Citizen Discrimination Complaint Policy - (Issuance email to the agency sent on January 26, 2017)
- MS 681 Transit Benefits Program
  - Attachment A – Peace Corps Application for Transit Benefits (PC-803)
- MS 682 Staff Safety and Health Program
  - Attachment A – Request for Examination and/or Treatment
  - Attachment B – Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation
  - Attachment C – Federal Employee's Notice of Occupational Disease and Claim for Compensation
  - Attachment E – Claim for Compensation on Account of Traumatic Injury or Occupational Disease
  - Attachment F – Claim for Compensation on Account of Occupational Disease
  - Attachment G – Attending Physician's Report
  - Attachment H – Claim for Continuing Compensation on Account of Disability
  - Attachment I – Duty Status Report
  - Attachment J – Report of Termination of Disability and/or Payment
  - Attachment K – Recurrence of Disability
  - Attachment M – Claim for Compensation by Widow, Widower, and/or Children
- MS 691 Direct Hire Employment of Foreign Service National Employees (FSNs)
- MS 775 Settlement of Claims Arising from Abroad
- MS 776 Claims Against the U.S. Government Under the Federal Tort Claims Act
- MS 812 Staff Travel Procedures
- MS 899 Breach Notification Response Plan

Below, find each of your main focus areas restated, and followed by our direct response which appears in bold-type.

"1. Physical accessibility of U.S.-funded overseas construction and infrastructure projects."

**Searching for material which is responsive is continuing. Item #1 will be addressed with the next interim response. We anticipate you will have it or have a status update by April 14, 2017.**

“2. Inclusion of PWDs in projects (threshold/compact agreements and implementation)”

**Searching for material which is responsive is continuing. Item #2 will be addressed with the next interim response. We anticipate you will have it or have a status update by April 14, 2017.**

“3. Equal opportunity employment at the Peace Corps (i.e., employing PWDs at the PC)”

**We have found material (15 pages) which is responsive, and it is attached. Note that 1 draft memo (4 pages) will be withheld from disclosure pursuant to 5 U.S.C. § 552(b)(5). Exemption 5 protects documents from disclosure while in the stage of being pre-decisional and deliberative.**

**Searching for additional material for Item #3 continues. We anticipate sending another interim response or a status update by April 14, 2017.**

If you are not satisfied with this response, you may administratively appeal within 90 business days of your receipt of this letter. The appeal should be addressed to William L. Stoppel, Acting Associate Director – Management, Peace Corps, 1111 20th Street NW, Washington, DC 20526. Your appeal must include the FOIA request number and a statement explaining what you are appealing. It is possible to submit the appeal by U.S. mail (see above) or fax or email. Note that our fax number is 202-692-1385 and email is [foia@peacecorps.gov](mailto:foia@peacecorps.gov). Also, however you submit the appeal, “Freedom of Information Act Appeal” should be clearly marked on the appeal letter and envelope, or the email subject line, or the fax cover sheet.

If you have any questions regarding this response, please contact Candice Allgaier, FOIA/Privacy Act Specialist, at 202-692-1904 or [foia@peacecorps.gov](mailto:foia@peacecorps.gov).

Sincerely,

Denora Miller  
FOIA/PA Officer

Attachment

# ARE YOU A PERSON WITH A DISABILITY?

You may be eligible for the non-competitive hiring process at the Peace Corps.

To apply, please email your: 1) resume; 2) schedule A letter; and 3) a link to the position that you are interested in to Enrique Colon, Peace Corps Human Resources and Diversity Specialist [ecolon@peacecorps.gov](mailto:ecolon@peacecorps.gov) (202) 692-1238.

# ARE YOU A PERSON WITH A DISABILITY?

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# FY14 Diversity Dashboard

The following table lists demographic/diversity statistics for the Agency's workforce broken down by grade level. Demographic statistics are also shown for the positions of Country Director, Director of Management and Operations and Director of Programming and Training. As a basis for comparison, demographic/diversity statistics from the Civilian Labor Force (CLF) and the Federal Workforce (FW) are also shown. All statistics are displayed as whole numbers and percentages.

mil=millions; K=thousand (only used in CLF and FW)	TOTAL		WOMEN		AM. INDIAN		ASIAN & PACIFIC ISL.		BLACK		HISPANIC <sup>1</sup>		WHITE		MULTI- RACIAL	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
FP <sup>2</sup> -01, 02	249	50.6%	126	50.6%	0	0%	19	7.6%	22	8.8%	1	.40%	201	80.7%	6	2.4%
FP-03, 04, 05	516	59.5%	307	59.5%	4	.78%	28	5.4%	78	15.1%	8	1.6%	372	72.1%	26	5.0%
FP-06, 07, 08, 09 <sup>3</sup>	146	68.5%	100	68.5%	2	1.4%	5	3.4%	29	19.7%	0	0%	99	67.8%	11	7.5%
FE, EE, EX <sup>4</sup>	91	64.8%	59	64.8%	0	0%	2	2.2%	6	6.5%	1	1.1%	80	87.9%	2	2.2%
Total Employees <sup>5</sup>	1002	59.0%	591	59.0%	6	.60%	54	5.4%	135	13.5%	10	1.0%	751	75.0%	45	4.5%
Country Directors <sup>6</sup>	59	49.2%	29	49.2%	0	0%	3	5.1%	4	6.8%	0	0%	50	84.7%	2	3.4%
DMO	53	43.3%	23	43.3%	0	0%	2	3.7%	7	13.2%	0	0%	42	79.2%	2	3.7%
DPT	53	60.4%	32	60.4%	0	0%	1	1.9%	1	1.9%	0	0%	51	96.2%	0	0%
Civilian Labor Force <sup>7</sup>	151.7mil	46.6%	71.6mil	46.6%	1.1mil	0.8%	7.7mil	5.0%	17.1mil	11.1%	22.9mil	14.9%	103.3mil	67.3%	n/a	1.4%
Federal Workforce <sup>8</sup>	1.95mil	43.6%	848.3K	43.6%	33.8K	1.7%	109.9K	5.6%	345.7K	17.8%	157.6K	8.1%	1.3mil	65.9%	16.0k	0.8%

The following table lists demographic/diversity statistics for the Agency's Volunteers. As a basis for comparison, demographic/diversity statistics from the Civilian Labor Force (CLF) and the Federal Workforce (FW) are also shown. All statistics are displayed as whole numbers and percentages.

mil=millions; K=thousand (only used in CLF and FW)	TOTAL		WOMEN		AM. INDIAN		ASIAN & PACIFIC ISL.		BLACK		HISPANIC		WHITE		MULTI- RACIAL	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total Volunteers <sup>9</sup>	6818	63%	4321	63%	10	<1%	307	5%	441	7%	661	10%	4850	75%	237	4%
Civilian Labor Force	151.7mil	46.6%	71.6mil	46.6%	1.1mil	0.8%	7.7mil	5.0%	17.1mil	11.1%	22.9mil	14.9%	103.3mil	67.3%	n/a	1.4%
Federal Workforce	1.95mil	43.6%	848.3K	43.6%	33.8K	1.7%	109.9K	5.6%	345.7K	17.8%	157.6K	8.1%	1.3mil	65.9%	16.0k	0.8%

<sup>1</sup> The actual number and percentage of Hispanic employees is likely higher than what appears in this column, however employees who identify as Hispanic may appear in the "Multi-racial" column if they choose both Hispanic and a race.

<sup>2</sup> FP - Foreign Service Personnel

<sup>3</sup> Includes AD employees which are paid at a level equivalent to FP 06, 07, 08, 09

<sup>4</sup> FE- Sr. Foreign Service, EE- Expert, AD- Administratively Determined

<sup>5</sup> Provided by HRM; data as of 10/10/14

<sup>6</sup> Provided by ORSS as of 10/21/14

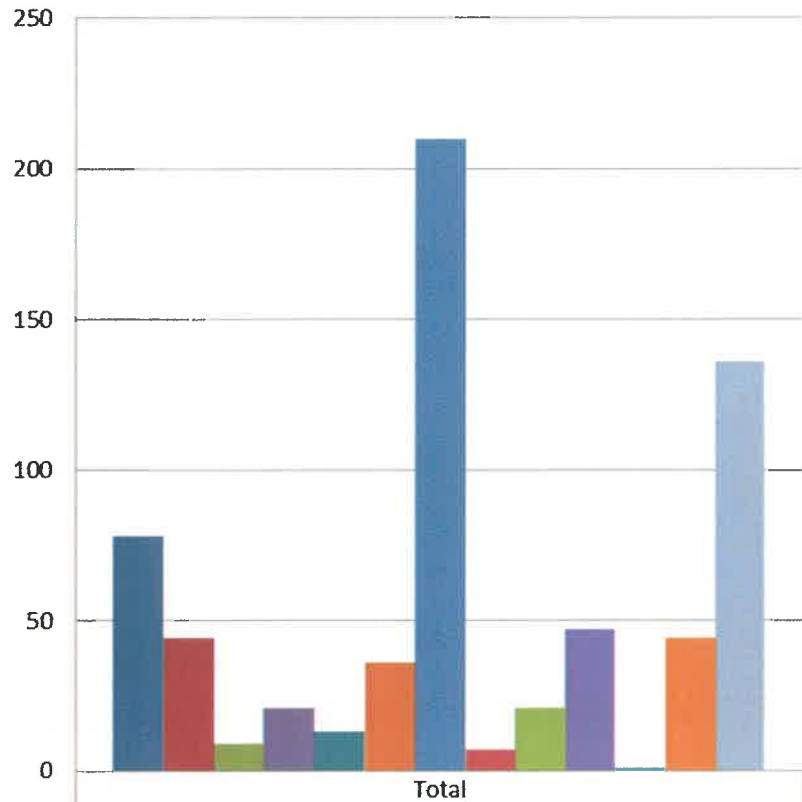
<sup>7</sup> Civilian Labor Force statistics as of 12/2011

<sup>8</sup> Federal Workforce (FW) statistics extracted from FY2011 U.S.

<sup>9</sup> 312 Volunteers did not report a race/ethnicity; Provided by OSIRP as of 10/17/14

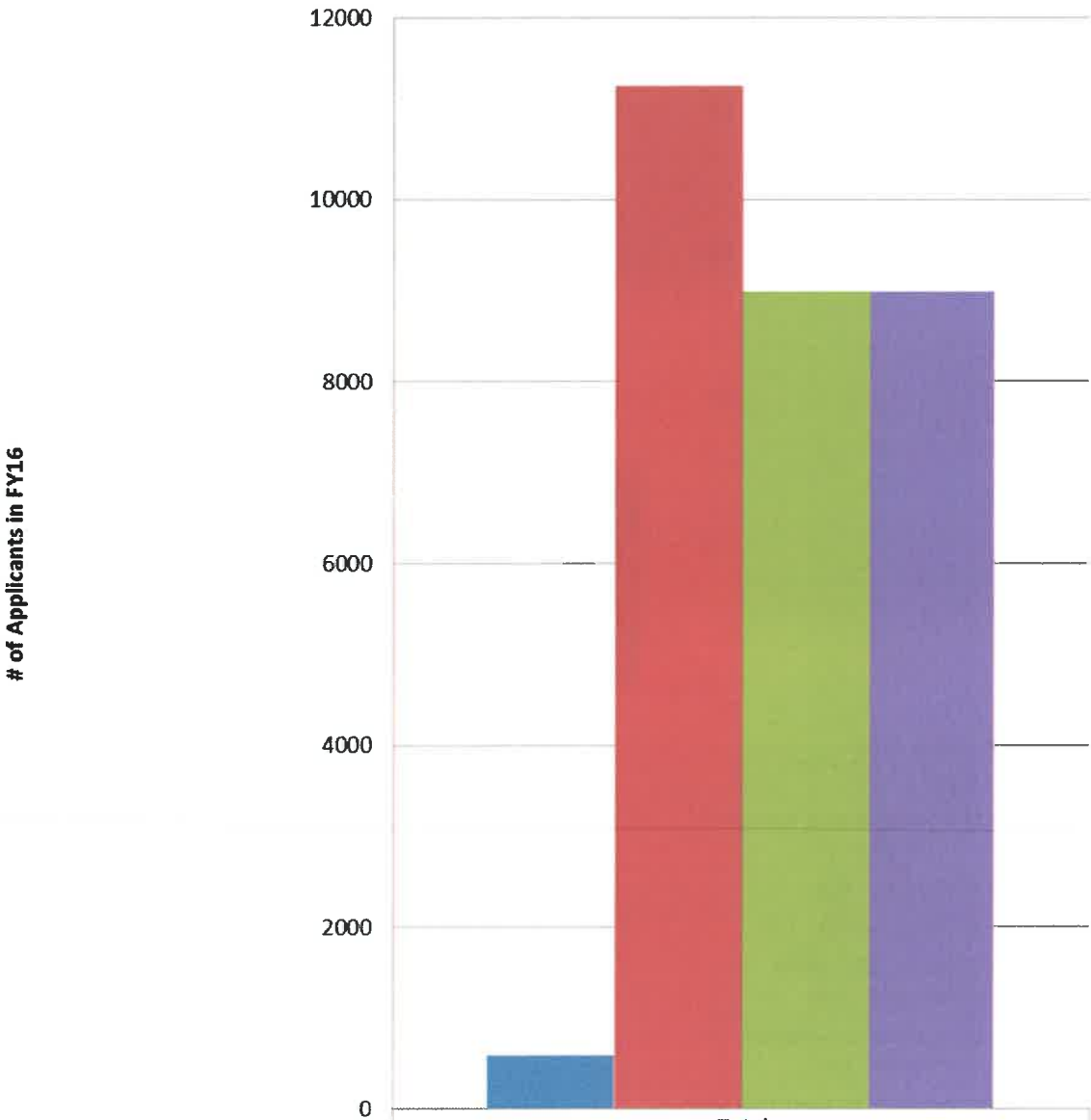
## Total Applicants Who Self-Selected a Disability

# of Applicants in FY16



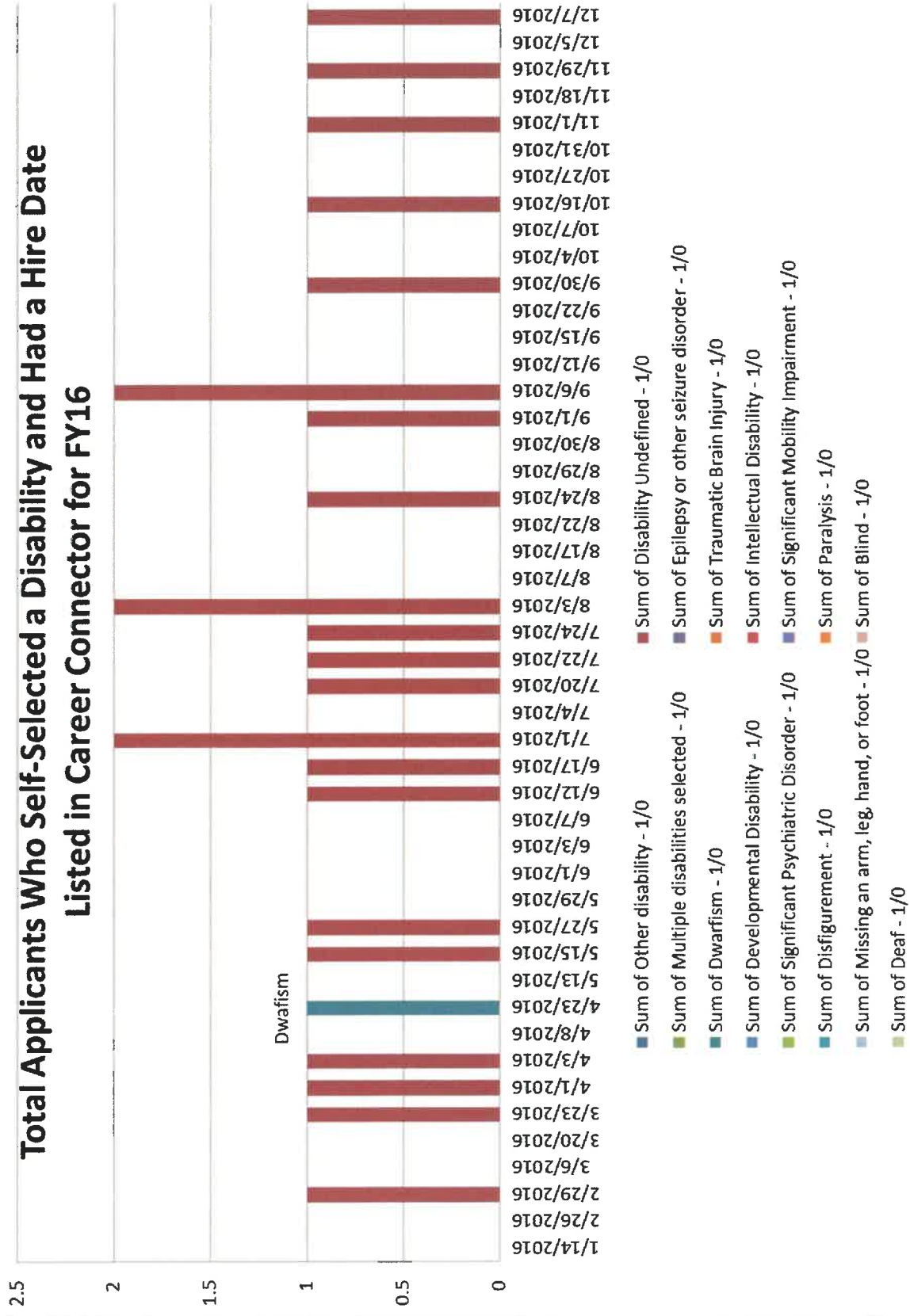
Sum of Deaf - 1/0	78
Sum of Blind - 1/0	44
Sum of Missing an arm, leg, hand, or foot - 1/0	9
Sum of Paralysis - 1/0	21
Sum of Disfigurement - 1/0	13
Sum of Significant Mobility Impairment - 1/0	36
Sum of Significant Psychiatric Disorder - 1/0	210
Sum of Intellectual Disability - 1/0	7
Sum of Developmental Disability - 1/0	21
Sum of Traumatic Brain Injury - 1/0	47
Sum of Dwarfism - 1/0	1
Sum of Epilepsy or other seizure disorder - 1/0	44
Sum of Multiple disabilities selected - 1/0	136

# Total Applicants Who Self-Selected Without Identifying a Specific Disability



	Total
Sum of Other disability - 1/0	588
Sum of None of the conditions - 1/0	11253
Sum of Do not wish to answer - 1/0	8981
Sum of Disability Undefined - 1/0	8987

## Total Applicants Who Self-Selected a Disability and Had a Hire Date Listed in Career Connector for FY16





## **FEORP Part 5: Strategic activities or actions related to the employment of people with disabilities**

### **Self-identification, benchmarking, analysis, and accountability**

The Peace Corps' existing systems for self-identification, benchmarking, and analysis have been examined during FY 2016 and will be improved during FY 2017. Data regarding whether or not an employee has a disability is gathered primarily through the SF-256 form when an employee on-boards after hiring. In FY 2017, the Peace Corps will initiate a campaign to encourage applicants to update their SF-256 form either in person or through MyEPP. The campaign will take place in accordance with best practices recommended by OPM.

Additionally, data analysis methods for Schedule A applicants and hires will be improved. Currently, data regarding applicants is collected both through applicants who apply via Career Connector and through direct emails to Human Resource's Diversity Hiring Specialist. Human resources will ensure that the data is cross-referenced so that name duplications do not occur and we can obtain accurate information.

Because the majority of Peace Corps employees are former Peace Corps Volunteers, data tracking for Volunteers with disabilities is critical. There are no current existing systems for tracking data regarding applicants and Volunteers with disabilities. In FY 2016, OCRD will advocate with senior leadership and other stakeholders to initiate systems for tracking data regarding Volunteers with disabilities.

### **Outreach and recruitment**

OCRD will continue to support Human Resources in their outreach and recruitment efforts by accompanying them to career fairs and providing them with disability hiring resources.

### **Hiring**

In FY17 OCRD and Human Resources will continue to collaborate on multiple initiatives to increase the hiring of individuals with disabilities to include the disabled veteran community. Human Resources in collaboration with OCRD regularly attend recruitment events, employment workshops and develop targeted social media campaigns specifically geared towards the disabled community by regularly attending events and interacting with Gallaudet University and other disability friendly universities and organizations. We have successfully hired people with targeted and non-targeted disabilities including disabled veterans for staff positions and internships in FY16 and HR had made this a priority in FY17 by promoting our disability hiring program throughout the agency.

Together, both teams have worked together to create one page informational brochures to explain our agency's Schedule A application and hiring flexibilities process to Peace Corps hiring officials and outside potential applicants. OCRD also invited Human Resources to participate in diversity statistics meetings with Peace Corps offices, where offices were encouraged to utilize non-competitive hiring authorities for individuals with disabilities. In FY17, OCRD will expand upon these efforts by continuing to hold diversity statistics meetings and developing, in collaboration with Human Resources.

In FY16, Human Resources examined and improved its processes for providing hiring officials with resumes for open positions to ensure that hiring managers prioritize Schedule A applicants. To address this item, an internal Schedule A resume bank was created and available on our shared drive where resumes are regularly added and reviewed by HR staff and hiring officials.

## **Peace Corps FY2016**

## **FEORP Part 5: Strategic activities or actions related to the employment of people with disabilities**

Qualified applicants are regularly referred to hiring officials for non-competitive appointment consideration. In addition, HR staff regularly utilizes and identifies qualified applicants by actively sourcing disabled candidates from resume banks such as The OPM Shared List of People with Disabilities (Bender List), Ability Jobs, and other job banks associated with disability friendly organizations we partner with.

### **Career development, advancement, and retention**

In FY 2016 OCRD spearheaded the establishment of AVID (Awareness of Visible and Invisible Disabilities) Corps, an employee resource group focused on disability issues. OCRD facilitated their founding meetings, the drafting of their charter, the election of their board, and the execution of their first events. This group lists mentorship as one of their core functions and will serve to promote a more inclusive and accessible environment for people with disabilities which will positively impact employee career development, advancement, and retention in FY17.

### **Reasonable accommodations**

Information about the agency's reasonable accommodations policy is available on the intranet and can be accessed as needed by office staff. Trainings are offered in every New Employee Orientation (NEO) to make on-boarding staff aware of their rights and responsibilities. In addition, OCRD trains supervisors on how to process requests for accommodations from staff and Volunteers quarterly. Furthermore, trainings are available to individuals and offices by request. In FY 2017, OCRD will finalize an online training on reasonable accommodations for supervisors to be made available through the agency's PC Live platform.

In FY16 OCRD hired a staff American Sign Language interpreter to provide enhanced services to Deaf employees. Additionally, in collaboration with the Center for Computer and Electronic Accommodations Program (CAP), OCRD acquired approximately \$15,000 worth of technology for testing with our internet networks to promote the more speedy provision of assistive technology to employees. In FY17 OCRD will continue to collaborate with CAP to increase the assistive technology that is used at the agency by, for example, equipping our training spaces with assistive listening devices for individuals who are hard of hearing.

OCRD has moved forward with refining the agency's reasonable accommodation processes to ensure that they are as effective as possible. To achieve that goal, OCRD meets regularly with key staff to promote efficient operation of the reasonable accommodation process throughout the agency and will be finalizing updates on key reasonable accommodation procedures and processes as described in Section 5f below.

### **Internal and external communications**

Internally, in FY 17 OCRD will complete the drafting of internal standard operating procedures for reasonable accommodation requests, update OCRD's supervisor handbook, and finalize a drafted guidebook on accessible events. OCRD also plans to advocate for the implementation of an agency-wide plan for Section 508 compliance to ensure that all of our communications are accessible to individuals with disabilities.

### **Training and education**

## **FEORP Part 5: Strategic activities or actions related to the employment of people with disabilities**

The agency will continue to offer learning opportunities and training to supervisors and employees on reasonable accommodations in the workplace as described in Section 5e above. In FY16 OCRD hosted and developed a training “Deaf in the Peace Corps” in collaboration with the Peace Corps’ Deaf Education Expert. We also organized in collaboration with AVID Corps, a disability simulation exercise and brown bag discussion for the agency on accessibility. For employees who requested training on assistive technology, we organized trainings on ZVRS relay service as well as Zoomtext software in collaboration with CAP. As in FY 16, in FY 17 we will plan to hold in-person and remote trainings on reasonable accommodations other important disability issues. OCRD, in collaboration with the Disability Working Group, will assemble a calendar of disability-related commemorative days to plan further educational events. The agency remains steadfast in its commitment to agency initiatives that will increase accessibility.



## ***NON-COMPETITIVE HIRING OPTIONS & PROCESS***

### **Why use non-competitive (NCE) hiring options?**

- Hire top talent faster and more efficiently without posting.
- Eliminates the traditional posting of vacancy announcement and selection procedures.
- Provides for diversity recruitment and hiring.
- Meets agency's recruitment goal to build a workforce equipped to meet the demanding needs of its increasingly diverse customer base.

### **Steps to using non-competitive hiring options:**

1. Please call the Office to notify your designated HR Staffing Spec. that you have a position to fill.
2. HR Spec. will consult with the Hiring Official to explain the available hiring options and make a recommendation as to which option(s) may best suit their hiring need.
3. Hiring Official will make a decision on hiring method to be used (vacancy announcement vs NCE)
4. HR will work with Hiring Official to update or create position description (PD) as necessary.
5. The HR Staffing Spec. will consult with our Diversity Recruitment Spec. (Coordinator of Hiring Flexibility Programs), ([Enrique Colon](#)) and provide vacancy requirements in order to provide Hiring Official(s) with qualified resumes.
6. Resumes will be sourced from the following locations: OPM's Resume Bank of Disabled Applicants (Bender List), HR's existing resume library of Veterans and disabled candidates, Veterans Affairs counselors and/or other appropriate organizations.
7. Hiring Official reviews resumes for consideration and schedules interviews. Upon selection, Hiring Official submits required Veteran/Passover and Selection memo to HR Staffing Specialist.
8. HR Staffing Specialist will then extend the job offer.

### **Available non-competitive hiring options:**

- [Current and Former Competitive Service Employees](#) - Peace Corps may hire a current or former Federal career and career-conditional employee by reinstatement. MS 620 5.3
- [RPCV](#) — Former Peace Corps volunteers are eligible to be considered for positions without posting vacancy announcement for a position up to FP-5 grade level without higher-level approval. A non-competitive selection of an RPCV at the FP-4 and above level requires the signature of the Director, HRM on the Selection Memo. MS 601.8.4
- [Temporary Appointment](#) — Peace Corps may hire an individual under a temporary limited appointment for a specific period of time (usually 12 months or less). Once on board, temporary employees may apply for internal vacancy announcements. MS 601.5.2
- [Hiring people with severe physical disabilities, psychiatric disabilities, and intellectual disabilities.](#) Peace Corps may hire persons with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. Severe physical disabilities include but are not limited to blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism, etc. 5 CFR 213.3102(u)
- [Hiring readers, interpreters, and personal assistants.](#) This excepted authority is used to appoint readers, interpreters, and personal assistants for employees with severe disabilities as reasonable accommodations. 5 CFR 213.3102(11)

### **Other programs that can be used to find temporary employees:**

- [Operation Warfighter Program \(OWP\)](#) — a temporary assignment/internship program that provides training opportunities. There is no cost and no risk because assignment can be terminated at any time. The average length of an assignment is 3-5 months.
- [Non-paid Work Experience Program \(NPWEP\)](#) — veterans in this program are eligible to obtain training and practical job experience consistent with their vocational rehabilitation goals. The VA pays participants a stipend and length of service is up to 18 months. There is no cost and no risk because assignment can be terminated at any time.
- [Intern program](#) - a great opportunity to allow students to immerse themselves in gaining federal experience through the federal work study grants and individuals interested in an unpaid internship program.



## FEORP Part 6: Strategic activities or actions related to the employment of people with disabilities

### Part 6a: Self-identification, benchmarking, analysis and accountability

The agency follows OPM guidelines to gather demographic information from both Volunteers and employees who self-identify as having one or more disabilities. Peace Corps is evaluating its D&I initiatives through a interdepartmental inquiry that will help increase the agency's commitments to recruiting and retaining people with disabilities by highlighting the lack of diversity by department. A continued dialogue about access managed by senior staff will hold each department and its hiring managers accountable for utilizing streamlined outreach, recruitment and hiring initiatives.

### Part 6b: Outreach and recruitment

The Peace Corps is committed to developing a Volunteer Corps and employee community reflective of the rich diversity across the nation. In collaboration with the Office of Human Resources Management (HRM), the Office of Diversity and National Outreach (ODNO) and OCRD will support the agency in development and revision of a targeted recruitment plan for people with disabilities. The agency will continue to maintain direct partnerships with Gallaudet University and vocational rehabilitation centers, and will expand its connections and efforts to additional colleges and communities.

### Part 6c: Hiring

The agency has a marketing and recruitment plan that will be shared with all hiring managers. A shared Diversity Governance Council (DGC) work plan will support the recruitment plan in effectively holding all departments and hiring officials accountable for using the agency's parallel Schedule A hiring practices and for ensuring hiring managers are trained.

### Part 6d. Career development, advancement and retention

The agency maintains a Disabilities Working group. The group convenes to host disabilities related events and programs. The group is also a community of thought leaders that makes recommendations to the agency toward inclusion of people with disabilities.

### Part 6e: Reasonable accommodations

Information about the agency's reasonable accommodations policy is available on the intranet. Trainings are offered in every New Employee Orientation (NEO) and can be accessed as needed from the office staff. In addition to the NEO trainings, OCRD offered six additional training opportunities this year and shared materials at a disabilities awareness month event highlighting accessibility and resources. OCRD maintains responsibility for servicing, documenting and analyzing all of the agencies reasonable accommodations requests. All approved requests are

maintained and documented for analysis and trending. Trainings are available to individuals and offices by request.

#### Part 6g: Training and education

In FY14, the agency planned a presentation about disabilities and employment open to all employees and managers in FY15. OPM's disabilities and employment expert, Michael Murray, joined the agency this October during the National Disability Awareness month to speak to the barrier to federal employment for people with disabilities. The presentation focused on the importance of eradicating hidden biases and highlighted crucial statistics and considerations for the Executive Order 13548. Supported by the Management team, HRM, OCRD and the Disabilities Working Group, the agency will continue to offer learning opportunities and training to Supervisors and employees to increase employment opportunities for people with disabilities. The agency remains steadfast in its commitment to all-agency initiatives that will increase accessibility.

# Peace Corps Non-Competitive Hiring Process for People with Disabilities



PEACE CORPS  
*Office of Human Resource  
Management*

**ARE YOU A PERSON WITH A DISABILITY SEEKING EMPLOYMENT?** If so, You may be eligible for the non-competitive hiring (NCE) process at the Peace Corps.

Peace Corps offers the following Non-Competitive hiring options for people with disabilities and those who support them such as readers, interpreters and personal assistants:

1. **Disabled candidates with a current Schedule A letter signed by their Physician.**
2. **Hiring People with severe physical, psychiatric disabilities, and intellectual disabilities.** Peace Corps may hire persons with severe disabilities, psychiatric disabilities, and intellectual disabilities. Severe physical disabilities include but are not limited to blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism and more. 5CFR213.3102(u)
3. **Hiring Readers, interpreters, and personal assistants.** This excepted authority is used to appoint readers, interpreters, and personal assistants for employees with severe disabilities as reasonable accommodations. 5CFR213.3102(II)

**To apply, please email your request to apply via the NCE channel to Enrique Colon, Diversity Recruitment Specialist, Peace Corps Human Resources [ecolon@peacecorps.gov](mailto:ecolon@peacecorps.gov) (202) 692-1238. Please also include the following: 1) resume; 2) schedule A letter; and 3) Vacancy Title & Announcement number**

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*Please contact the Office of Human Resources Front Desk at (202) 692-1200, if you have questions about the NCE process and/or have questions about any announcement(s).*



## Peace Corps Hiring Flexibilities (Schedule A Equivalent)

### What is Schedule A Hiring Authority?

- Schedule A, 5 CFR 213.3102(u), for hiring people with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. This excepted authority is used to appoint persons with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. Such individuals may qualify for conversion to permanent status after two years of satisfactory service. Severe physical disabilities include but are not limited to blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism, and more.
- Schedule A, 5 CFR 213.3102(11) for hiring readers, interpreters, and personal assistants. This excepted authority is used to appoint readers, interpreters, and personal assistants for employees with severe disabilities as reasonable accommodations

### Executive Order 13548--100,000 disability hires in 5 years (July 26, 2010, Obama Administration) & Executive Order 13163 – Increasing Hiring of People with Disabilities in the Federal Government) July 26, 2000, Clinton Administration).

- Read Executive Order 13548: <https://www.dol.gov/oasam/programs/crc/EO13548.pdf>
- Read Executive Order 13163: <https://www.dol.gov/oasam/programs/crc/EO13163.pdf>

### What does Schedule A equivalent mean?

- Non-competitive eligibility (NCE) is a special mechanism through which Returned Peace Corps Volunteers (RPCVs) and current and former Peace Corps staff can be appointed to certain federal positions without competing with the general public in order to be hired. re

### Who is eligible for Non-competitive Hiring through our Disability hiring program?

- Federal agencies can hire an RPCV or current/former Peace Corps staff .

### How does the program benefit you?

- Federal employers are not required to hire non-competitively; the decision whether or not to do so is at the discretion of the hiring agency. However, federal agencies are often very interested in this method of hiring due to the special qualifications of Peace Corps employees and RPCVs, and the speed and ease with which they may be hired. NCE can be used to fill both posted (advertised) and non-posted vacancies, depending upon the individual Agency's personnel policies.
- NCE also gives you the ability to apply to federal job announcements by stating that you have this eligibility, and provides you with the "status" to apply to positions that are only open to "Current Federal Employees".

### How do you use it and what are the steps?

Returned Peace Corps Volunteers (RPCVs) who have successfully completed their service are granted one year of NCE status eligibility for federal appointments, under Executive Order 11103. This special eligibility is of particular use to federal employers due to the special qualifications of RPCVs and the speed and ease with which they may be hired. The certification for NCE status is contained in the RPCV's description of Peace Corps Service (DOS).

- Peace Corps Staff Members are granted NCE status under Title 5 of the U.S. Code of Federal Regulations (Part 315.607). Peace Corps staff members who have successfully completed 36 months of continuous service without a break in service of three days or more earn NCE status in applying for other federal positions.
- You are eligible for NCE status to Federal Executive branch positions as long as you meet the following criteria:
- Successfully completed 36 consecutive months of satisfactory employment.



- ✚ No part of the 36 months was served as an Expert.
- ✚ You are within 36 months after the end of your term appointment.
- ✚ Eligible employees can receive a “Non-Competitive Eligibility” letter to provide to potential federal employers by contacting the address listed on the back of this brochure (“For Staff”).

**How long does it take to process an NCE Hire?**

- ✚ Dependent upon the responsiveness of an applicant and an accurate security clearance, processing an NCE Hire varies on a case-by-case basis

**Reasonable Accommodations (OCR/D)?**

- ✚ The Peace Corps is committed to providing access, equal opportunity, and reasonable accommodations in its programs, activities, volunteer service, and employment for individuals with disabilities. Please contact [Sarah Pauly](#) regarding any requests for reasonable accommodation.





## NON-COMPETITIVE HIRING OPTIONS & PROCESS

### Why use non-competitive (NCE) hiring options?

- Hire top talent faster and more efficiently without posting.
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- Meets agency's recruitment goal to build a workforce equipped to meet the demanding needs of its increasingly diverse customer base.

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4. HR will work with Hiring Official to update or create position description (PD) as necessary.
5. The HR Staffing Spec. will consult with our Diversity Recruitment Spec. (POC for Hiring Flexibility Programs), ([Enrique Colon](#)) in order to provide qualified resumes.
6. Resumes will be sourced from the following locations: OPM's Resume Bank of Disabled Applicants (Bender List), HR's existing resume library of Veterans and disabled candidates, Veterans Affairs counselors and/or other appropriate organizations.
7. Hiring Official reviews resumes for consideration and schedules interviews. Upon selection, Hiring Official submits required Selection memo to HR Staffing Specialist.
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### Available non-competitive hiring options:

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- [RPCV](#) — Former Peace Corps volunteers are eligible to be considered for positions without posting vacancy announcement for a position up to FP-5 grade level without higher-level approval. A non-competitive selection of an RPCV at the FP-4 and above level requires the signature of the Director, HRM on the Selection Memo. MS 601.8.4
- [Temporary Appointment](#) — Peace Corps may hire an individual under a temporary limited appointment for a specific period of time (usually 12 months or less). Once on board, temporary employees may apply for internal vacancy announcements. MS 601.5.2
- [Hiring people with severe physical disabilities, psychiatric disabilities, and intellectual disabilities.](#) Peace Corps may hire persons with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. Severe physical disabilities include but are not limited to blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism, etc. 5 CFR 213.3102(u)
- [Veterans eligible for NCE hire under the Veterans' Recruitment Appointment \(VRA\) and 30% or More Disabled Veteran rule.](#) (Click on links for more information from OPM). Veterans are not entitled to appointment under any of these authorities but we encourage hiring officials to consider these options.
- [Hiring readers, interpreters, and personal assistants.](#)  
This excepted authority is used to appoint readers, interpreters, and personal assistants for employees with severe disabilities as reasonable accommodations. 5 CFR 213.3102(11)

### Other programs that can be used to find temporary employees:

- [Operation Warfighter Program \(OWP\)](#) — a temporary assignment/internship program that provides training opportunities. There is no cost and no risk because assignment can be terminated at any time. The average length of an assignment is 3-5 months.
- [Non-paid Work Experience Program \(NPWEP\)](#) — veterans in this program are eligible to obtain training and practical job experience consistent with their vocational rehabilitation goals. The VA pays participants a stipend and length of service is up to 18 months. There is no cost and no risk because assignment can be terminated at any time.
- [Intern program](#) - a great opportunity for students to immerse themselves in gaining federal exp. through the federal work study grants and individuals interested in an unpaid internship program.

W (AACL)

Date.: June 10<sup>th</sup> 2022

Michael A. Ayele

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Addis Ababa, Ethiopia

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Freedom of Information Act (FOIA) Appeal Request Case No.: 2022 - 11

Hello,

This is Michael A. Ayele sending this message though I now go by W. You may call me W. I am writing this letter in response to your correspondence dated May 27<sup>th</sup> 2022 to express concerns about the adequacy of the search you have performed for the FOIA Request, which was assigned by the National Council on Disability (NCD) the following Case No.: 2022 - 11. Specifically, I am worried with your failure to disclose records detailing [1] your discussions with the Millennium Challenge Corporation (MCC) for the purpose of the NCD March 2018 report entitled “*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities;*”<sup>i</sup> [2] the FOIA request(s) submitted by the NCD with the Peace Corps for the purpose of their March 2018 report entitled “*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities;*” [3] the response issued by the Peace Corps in response to the FOIA request(s) submitted by the NCD for the purpose of their March 2018 report entitled “*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities;*”<sup>iii</sup> [4] whether the Department of State (DOS) informed the NCD about the issues presented by Michael A. Ayele (a.k.a) W in his FOIA request, which was assigned by the DOS the following Case No.: 2020 – F – 054.

As a Black man with a U.S college degree (who has previously lived and worked in the U.S), I would like to take this opportunity to express concerns about the manner in which the DOS processed my FOIA request, which they had assigned Case No.: 2020 – F – 054. As I have previously informed you, I was detained at the U.S Embassy in Addis Ababa, Ethiopia towards the end of calendar year 2017. At the time, I had gone to the U.S Embassy (in Addis Ababa, Ethiopia), I did so in good faith and had a scheduled appointment. Shortly after my arrival at the U.S Embassy in Addis Ababa, Ethiopia; a very loud siren went off and everyone around me began shouting: “**GET DOWN! GET DOWN! GET DOWN!**” My first thought {after hearing the loud siren and everyone screaming “**GET DOWN! GET DOWN! GET DOWN!**”} was that there was an active shooter inside the U.S Embassy in Addis Ababa, Ethiopia. So, to protect myself from being injured, I placed myself in an area of the U.S Embassy, where I thought I would be less likely to suffer a gunshot wound. After waiting a few moments in that area of the U.S Embassy (where I thought I would be less likely to suffer a gunshot wound), I ran to the front door to just get out of there. However, the doors of the U.S Embassy were bolted shut and I couldn’t get out. Panic set in me because I had previously been trained that the best thing to do in circumstances of an active shooter was to [1] run to a safe place; [2] barricade myself in the event I could not run and [3] fight to protect myself if the shooter was nearby. At that specific moment, to the people around me, I (in turn) began to shout: “**HEY! OPEN THE DOOR! I WANT TO LEAVE!**” As I was struggling to open the door of the front entrance of the U.S

Embassy, others (some in military clothing) appeared from nowhere and detained me. They took off my shoes and placed me in a prone position for what seemed like an eternity. Even though I tried to remain calm, the prone position from which I was on the ground from made it difficult for me to breathe (after what seemed to be an eternity). I was finally let go. Since, I have asked the DOS to disclose audio and video footage of that incident. As of this writing, the DOS don't deny that [1] I was detained at the U.S Embassy in Addis Ababa, Ethiopia toward the end of Calendar Year 2017; [2] I had a scheduled appointment at the U.S Embassy in Addis Ababa, Ethiopia before I had been detained; [3] a siren had gone off and everyone was screaming "**GET DOWN! GET DOWN! GET DOWN!**" before my detention. I regret the failure of the DOS to disclose audio and video footage of my detention at the U.S Embassy in Addis Ababa, Ethiopia. In addition to being physically harmed, I suffered from mental anguish and distress over that incident. Before my detention in 2017, I never really thought that I would witness an active shooter incident: I hope I don't.

One of the main reasons I decided to contact the NCD is because your federal agency has previously recommended for the DOS to be inclusive of the human rights violations experienced by people with disabilities (in their Country Reports on Human Rights Practices).<sup>iii</sup> As a representative of the media and a member of the general public, I do believe that the NCD should issue a recommendation to the DOS encouraging for the disclosure of detention records at their U.S Embassies throughout the world if such things have previously occurred. In conclusion, I ask that you perform a more thorough search for responsive records detailing [1] your discussions with the Millennium Challenge Corporation (MCC) for the purpose of the NCD March 2018 report entitled "*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities*;" [2] the FOIA request(s) submitted by the NCD with the Peace Corps for the purpose of their March 2018 report entitled "*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities*;" [3] the response issued by the Peace Corps in response to the FOIA request(s) submitted by the NCD for the purpose of their March 2018 report entitled "*Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities*;" [4] whether the Department of State (DOS) informed the NCD about the issues presented by Michael A. Ayele (a.k.a) W in his FOIA request, which was assigned by the DOS the following Case No.: 2020 – F – 054.

I sincerely hope you reconsider your response. Be well. Take care. Keep yourselves at arms distance.

W (AACL)  
Michael A. Ayele  
Anti-Racist Human Rights Activist  
Audio-Visual Media Analyst  
Anti-Propaganda Journalist

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## Work Cited

<sup>i</sup> *Communications with staff at MCC reveal that while there is not a formal disability policy, implementation workshops also include a focus on social inclusion topics; including the exclusion of groups based on income level, age, geographic location, ethnicity and disability. To ensure equal and consistent representation of people with disabilities, MCC would benefit from formalizing its curriculum and making the contents of the implementation workshops publically available. US Foreign Policy and Disability 2017: Progress and Promise.:*

<https://ncd.gov/publications/2018/us-foreign-policy-and-disability-progress-2017>

<sup>ii</sup> *The Peace Corps is subject to the Freedom of Information Act (FOIA), including provisions of the act providing individuals with the right to request records created by the Peace Corps and other federal agencies. Given the absence of publicly available, disability-specific information accessible via the Peace Corps website, the research team attempted to use the FOIA process to collect additional data for analysis. While the FOIA is designed to support transparency and accessibility, in this instance the process was time consuming and yielded a very limited amount of usable information. Researchers attempted to contact multiple staff members but were consistently redirected to the FOIA process, thus negatively impacting access to information. (...)*

*Of the agencies targeted in this report, the Peace Corps' commitment to "building a culture of inclusion" is the most clearly stated, and their efforts to measure progress in this area should be highlighted. However, while the Peace Corps has clearly invested institutional resources in improving diversity and inclusion efforts, there is room for improvement in the way they report data to the public.*

*For example, the agency set a goal for achieving a ninety percent rating on having an "open and inclusive organizational culture" by FY 2016 (Performance goal 6.2), which would be assessed by asking the Peace Corps volunteers to rate of the organization's "level of inclusivity and openness with respect to race, ethnicity, age, sex, disability, religion, sexual orientation, veteran status, family status, and gender identity or expression." In its 2015 Peace Corps Performance and Accountability Report, the agency states that this goal was met among host country staff, but not United States direct hires or volunteers. Further probing into the data shows that while the question posed to the staff allows for reporting specifically on the demographic sub-categories noted above, the public-facing content does not distinguish between demographic groups. This makes it more challenging to evaluate agency progress with regards to specific, underrepresented populations. US Foreign Policy and Disability 2017: Progress and Promise.:*

<https://ncd.gov/publications/2018/us-foreign-policy-and-disability-progress-2017>

<sup>iii</sup> *One major source of evidence that guides U.S. human rights policy is the State Department Country Reports on Human Rights Practices. In recent years, the State Department Bureau of Democracy, Human Rights and Labor (DRL), has made an important step in the right direction by adding a section on disability rights to the Country Reports. This documentation has already*



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*had a valuable impact on promoting the rights of people with disabilities. But the information about disability rights in Country Reports is extremely limited and does not begin to paint a full picture of the scope of human rights violations to which people with disabilities are subjected throughout the world today: de jure discrimination against people with disabilities that excludes them from jobs; de facto discrimination that permits exclusion from inaccessible public services or transportation systems; physical and linguistic barriers to participation in public life; denial of public education to people with developmental disabilities; failure to provide medical care to children with disabilities; and arbitrary detention in psychiatric or social facilities where people with disabilities are left to languish in some of the most inhuman and degrading conditions known to humankind. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD.: <https://ncd.gov/publications/2003/Sept92003>*





## National Council on Disability

An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

May 27, 2022

W (AACL)  
Michael A. Ayele  
PO Box 20438  
Addis Ababa, Ethiopia

### Re: FOIA Request NCD-2022-11

Dear W:

This letter is in response to your Freedom of Information Act (FOIA) request, dated May 13, 2022, in which you requested:

"What I am requesting for prompt disclosure are records documenting [1] your discussions about the National Council on Disability (NCD) as a federal agency, which *"was designated by the Department of State to be the U.S government's official contact point for disability issues;"* vii [2] your discussions about the NCD as a federal agency, which has in 2018 made public *their examination* of the Millennium Challenge Corporation (MCC) on the subject of their *disability policies* and practices; viii [3] your discussions about the NCD as a federal agency, which has *in 2018* made public their recommendations for the MCC to *"extend their comprehensive social and gender policy to include people with disabilities;"* ix [4] your discussions about the NCD recommendation (to MCC) being consistent with their position that *"Section 502(b) of the Foreign Assistance Act should be amended to include disability along with race, sex, language, and religion as appropriate for protection under the principles of human rights and fundamental freedoms;"* x [5] your discussions about the NCD recommendation (to MCC) being consistent with their position that 22 U.S.C 2151 (n)(d) should be amended to *"include a new paragraph addressing the rights of people with disabilities;"* [6] your discussions about the NCD recommendation (to MCC) being consistent with their position that 22 U.S.C 2304 should be amended *"to include the word 'disability' following race, sex, language, and religion;"* xi [7] *disability along with race, sex, language and religion as appropriate for protection under the principles of human rights and fundamental freedoms* despite the NCD recommendation; xii [8] your discussions about 22 U.S.C 2151 (n)(d) and 22 U.S.C 2304 not having been *amended despite* the NCD recommendation that they be so for the purpose of expanding the rights of *people with disabilities* (PWD) in foreign assistance programs provided by the U.S government; xiii [9] your discussions about the NCD as a federal agency, which *"relied in the findings of" the Government Accountability Office (GAO) 1991 report* for the purpose of their 1996 *study entitled: "Foreign Policy and Disability;"* xiv [10] your discussions about the NCD as a federal agency, which has in 2003 recommended for the GAO to *"expand their investigation to examine whether there are barriers to people*

with disabilities in policymaking, program development, and implementation of U.S. programs abroad;" [11] your discussions about the NCD as a federal agency, which has in 2003 expressed disappointment at the failure of the GAO to follow through on their own 1991 recommendation by publishing a "report on the procedures and directives that guide the Department of State in the construction and renovation of facilities abroad to ensure accessibility to people with disabilities;" <sup>xv</sup> [12] your discussions about the NCD as a federal agency, which has in 1996 recognized that U.S embassies (throughout the world) are "complex bureaucracies capable of presenting many different faces to both foreign nationals and U.S citizens seeking services;" <sup>xvi</sup> [13] your discussions about the NCD as a federal agency, which has in 1996 recommended for the Executive Branch of the U.S government and Congress to "(i) create a comprehensive foreign policy on disability to advocate for people with disabilities through activities on international levels, (ii) extend U.S disability law by legislation or executive order to include unambiguously the international operations of the U.S. government, (iii) train U.S foreign affairs agencies and their contractors to plan for programmatic accessibility, (iv) establish the principle that no U.S international activity should have a lower standard of inclusion than its domestic correlate;" <sup>xvii</sup> [14] your discussions about the NCD as a federal agency, which has in 1996 praised the Peace Corps for having "the most accomplished record of placing Americans with disabilities in its programs;" <sup>xviii</sup> [15] your discussions about the NCD as a federal agency, which has in 2018 admitted to filing a Freedom of Information Act (FOIA) request to collect data on the subject of the Peace Corps disability policies and practices; [16] the FOIA request(s) submitted by the NCD for the purpose of their March 2018 report entitled: "US Foreign Policy and Disability 2017: Progress and Promise;" [17] the responses issued by the Peace Corps to the FOIA request submitted by the NCD; <sup>xix</sup> [18] your discussions about the NCD as a federal agency, which recognizes that Section 116, Subsection (d) "creates a duty for the State Department to report annually on the human rights practices of all the countries that are members of the United Nations (U.N), whether or not they receive foreign assistance;" <sup>xx</sup> [19] your discussions about the NCD as a federal agency, which has in 2003 expressed reservations about the State Department Country Reports on Human Rights Practices for failing to be comprehensive on the subject of human rights violations experienced by people with disabilities (PWD); <sup>xxi</sup> [20] your discussions about the NCD as a federal agency, which has rejected the explanation provided by the DOS for the reasons why their Country Reports on Human Rights Practices fail to be comprehensive on the subject of human rights violations experienced by PWD; <sup>xxii</sup> [21] your discussions about the NCD as a your discussions about the Foreign Assistance Act of 1961 not having been "amended to include It appears that NCD is not the intended party for this FOIA appeal. NCD did not correspond with you on February 22 and NCD has never been in possession of any of the records you request. federal agency, which has in 2003 recommended for the DoS to "create a disability advisor at the U.S Department of State to serve as a leader in the development of U.S international disability policy, to ensure that respect for disability rights is included as a priority in U.S. bilateral and multilateral policies and programs (including United Nations programs and activities), to advise and assist the State Department Office of Democracy, Human Rights and Labor (DRL) in preparing a section on disability rights in the Country Reports on Human Rights Practices, to ensure the inclusion of people with disabilities in policymaking, program

development, and implementation within the United States and abroad, and to coordinate the work of the Department of State with the Inter-Agency Task Force on Foreign Policy and Disability;" [22] your discussions about the NCD as a federal agency, which has in 2003 recommended for the State Department Country Report on Human Rights "to include information on the rights of people with disabilities, such as information about improper detention in institutions and conditions of confinement in psychiatric and or mental retardation facilities, orphanages, and other institutions where human rights abuses may be particularly egregious;" <sup>xxiii</sup> [23] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has on September 02<sup>nd</sup> 2020 filed a FOIA request with the DOS on issues very much pertinent to sections 116(d) and 502(b) of the Foreign Assistance Act of 1961; [24] your discussions about the DOS as a federal agency, which has assigned Michael A. Ayele (a.k.a) W records request on issues pertinent to sections 116 (d) and 502 (b) the following Case Number: 2020 – F – 054; [25] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided the DOS documents certifying his identity for the purpose of obtaining audio and video footage of an incident at the U.S Embassy in Addis Ababa, Ethiopia in 2018; [26] your discussions about the DOS as a federal agency, which hasn't included the issues raised in the FOIA Request Case No.: 2020 – F – 054 in the Country Report on Human Rights published about Ethiopia; [27] your discussions about Michael A. Ayele (a.k.a) W as a Black man, whose name isn't included in the DOS Country Report on Human Rights for the issues raised in FOIA request Case No.: 2020 – F - 054; [28] your discussions about the NCD as a federal agency, which has in 1996 recommended for USAID to "(i) develop goals and timelines in close cooperation with U.S. and other disability organizations; (ii) develop mission strategic objectives that are disability specific in conjunction with indigenous organizations of people with disabilities; (iii) broadly increase participation by people with disabilities in all aspects of the development process; (iv) identify and incorporate the successful strategies of other nations into U.S.-sponsored development projects; and (v) routinely evaluate the agency's progress in achieving goals and time lines;" <sup>xxiv</sup> [29] your discussions about the NCD as a federal agency, which has in 2003 expressed disappointment at USAID and the DOS for failing to follow-through on their 1996 recommendations;<sup>xxv</sup> [30] your discussions about the NCD as a federal agency, which has in 2013 expressed disappointment with many USAID employees for having "low levels of awareness about disability issues and limited understanding of how to include people with disabilities in programs;" <sup>xxvi</sup> [31] your discussions about the NCD as a federal agency, which has in 2018 expressed "concerns" by USAID continued failure to make "modifications to their solicitation process for applicants of employment;" <sup>xxvii</sup> [32] your discussions about the Equal Employment Opportunity Commission (EEOC) 2009 decision in *Katz v USAID and DOS*, which "held that DOS and USAID were in violation of Section 501 for failing to conduct an individualized assessment of an applicant for a U.S Foreign Service position;" <sup>xxviii</sup> [33] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has applied for USAID solicitation seeking to fill the vacant role of Development Program Specialist in Ethiopia; [34] your discussions about the USAID as a federal agency, which required for prospective employees to have at the minimum "a bachelor's degree at a college or university in a relevant field, such as public policy, public administration, business administration, international relations, economics or

*development*” for the purpose of their March 16<sup>th</sup> 2022 solicitation; [35] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided *records attesting* that he has graduated with a Bachelor of Arts (B.A) degree from Westminster College (Fulton, Missouri) for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [36] your discussions about Michael A. Ayele (a.k.a) W as Black man, who has provided records attesting that he has graduated with double-majors in Economics and Political Science for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [37] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records attesting that he has taken several classes deemed to be “*reading and writing intensive*,” in Economics, Accounting, Business Administration, Finance, Management and Political Science for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [38] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records attesting that that the most pertinent college classes he has taken (for USAID March 16<sup>th</sup> 2022 solicitation) include but are not limited to Microeconomics, Macroeconomics, Price Theory (Intermediate Microeconomics), Intermediate Macroeconomics, Statistics, Business Calculus, Research Method in Business, Business Law, Fundamentals of Management, Money and Banking, International Trade and Finance, Public Finance, Sports Economics, Managerial Economics, Political Theory, Political Thought/Modern Society, International Politics, U.S Government and Politics, American Jurisprudence, Legal Advocacy, Middle Eastern Politics, Post-Soviet Politics, Europe Since 1945 and Model United Nations (U.N); [39] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records to USAID (for the purpose of their March 16<sup>th</sup> 2022 solicitation) proving that he had earned (i) the letter grade of “**B**” in Microeconomics, (ii) the letter grade of “**A**” in Macroeconomics, (iii) the letter grade of “**B**” in Intermediate Microeconomics, (iv) the letter grade of “**B**” in Intermediate Macroeconomics, (v) the letter grade of “**B**” in Statistics, (vi) the letter grade of “**C**” in Research Method in Business, (vii) the letter grade of “**B**” in Business Law, (viii) the letter grade of “**A**” in Fundamentals of Management, (ix) the letter grade of “**A**” in Corporate Finance/Management, (x) the letter grade of “**A**” in Money and Banking, (xi) the letter grade of “**B**” in International Trade and Finance, (xii) the letter grade of “**A**” in Public Finance, (xiii) the letter grade of “**A**” in Sports Economics, (xiv) the letter grade of “**A**” in Managerial Economics, (xv) the letter grade of “**A**” in Political Theory, (xvi) the letter grade of “**B**” in Political Thought/Modern Society, (xvii) the letter grade of “**A**” in International Politics, (xviii) the letter grade of “**B**” in U.S Government and Politics, (xix) the letter grade of “**A**” in American Jurisprudence, (xx) the letter grade of “**A**” in Legal Advocacy, (xx) the letter grade of “**C**” in Middle Eastern Politics, (xxi) the letter grade of “**B**” in Post-Soviet Politics, (xxii) the letter grade of “**A**” in Comparative and International Politics, (xxiii) the letter grade of “**B**” in West European Government and Politics, (xxiv) the letter grade of “**A**” in Model United Nations (U.N); [40] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has informed USAID (for the purpose of their March 16<sup>th</sup> 2022 solicitation) that he could help them (i) serving as programmatic officer and project management specialist, (ii) serving on the operating unit (OU) strategic team, (iii) taking the lead in an extensive amount of USAID Program Cycle – Operational Plan, Performance Plan Report and Congressional Budget Justification, (iv) leading the OU in mission resource request (MRR) preparation as well as coordination of the Integrated Country Strategy for the U.S Mission to the

AU. (v) managing grants and contracts, (vi) integrating their portfolio to achieve a coherent and strategic set of OU activities, (vii) coordinating with senior African Union Commission officials in carrying out the position's basic functions, (viii) providing occasional administrative work, (ix) providing input, (x) shape the OU's policy by interacting with the U.S. Ambassador to the AU; [41] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has previously been invited to submit a request for proposal (RFP) and a request for application (RFA) with USAID in response to an application he had submitted for the purpose of securing an employment; [42] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has opted not to submit a RFP/RFA for USAID funded projects; [43] your discussions about the NCD as a federal agency, which has in 2003 noted that "*the structure of USAID RFPs and RFAs favors large international development organization that can respond to the broad expertise in the areas sought by USAID, such as health, education, civil society, rule of law, small-enterprise development, or women's issues,*" <sup>xxix</sup> [44] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who should be included in the Civilian Labor Force (CLF) for making good-faith efforts to secure a paying job with the U.S Government; <sup>xxx</sup> [45] your discussions about the NCD as a federal agency, which has recommended for Congress to ratify the U.N Convention on the Rights of Persons with Disability (CRPD); <sup>xxxi</sup> [46] your discussions about the NCD as a federal agency, which has in 2014 provided convincing arguments for the ratification of the CRPD; <sup>xxxii</sup> [47] the discussions held between your city/county/state/federal government and the NCD for the purpose of better processing a complaint submitted pursuant to the 1990 Americans with Disabilities Act (ADA) and/or the 1973 Rehabilitation Act; [48] the policy of your city/county/state/federal government on retaining as a matter of record a complaint filed pursuant to the ADA and/or the Rehabilitation Act; [49] the name(s), the academic background(s), the professional responsibility(ies) and annual salary(ies) of employees responsible for processing the complaints of discrimination filed pursuant to the ADA and/or the Rehabilitation Act in your city/county/state/federal government; [50] the formal/informal opinions held by your city/county/state/federal government about the possibility of the Joe Biden / Kamala Harris White House administration ratifying the CRPD."

It appears that NCD is not the intended agency for this FOIA request.

For tracking purposes, your tracking number is **NCD-2022-11**.

If you need further assistance, you may contact Amy Nicholas, NCD's FOIA Public Liaison at 202-731-2313 or [anicholas@ncd.gov](mailto:anicholas@ncd.gov). Please include your tracking number with any correspondence. If needed, it is your right to seek dispute resolution services from NCD's Public Liaison or the Office of Government Information Services (OGIS). OGIS may be reached at:

Office of Government Information Services (OGIS)  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001



OGIS@Nara.gov  
202-741-5770  
fax 202-741-5769

NCD's appeal process allows you to appeal withheld information or the adequacy of NCD's search by writing within 90 days of your receipt of this letter to:

Anne Sommers McIntosh  
Executive Director  
National Council on Disability  
1331 F St. NW.  
Suite 850  
Washington DC 20004

Your appeal must be in writing and should contain a brief statement of the reasons why you believe the requested information should be released. Enclose a copy of your initial request, request number and a copy of this letter. Both the appeal letter and envelope should be prominently marked "Freedom of Information Act Appeal."

After processing, actual fees must be equal to or exceed \$25 for the Council to require payment of fees. See 5 CFR §10,00010k. The fulfillment of your request did not exceed \$25, therefore there is no billable fee for the processing of this request.

Respectfully,



Joan Durocher  
Chief FOIA Officer

W (AACL)

Date.: May 13<sup>th</sup> 2022

Michael A. Ayele

P.O.Box 20438

Addis Ababa, Ethiopia

E-mail : [waac113@gmail.com](mailto:waac113@gmail.com) ; [waac11313@gmail.com](mailto:waac11313@gmail.com) ; [waac142913@gmail.com](mailto:waac142913@gmail.com)

Request for Records

Hello,

This is Michael A. Ayele sending this message though I now go by W. You may call me W. I am writing this letter to file a request for records with your office.<sup>i</sup> The bases for this records request are [1] the National Council on Disability (NCD) 1996 report entitled: *“Foreign Policy and Disability;”*<sup>ii</sup> [2] the NCD 2003 report entitled: *“Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People With Disabilities (PWD);”*<sup>iii</sup> [3] the NCD 2013 Report entitled: *“Toward the Full Inclusion of People With Disabilities: Examining the Accessibility of Overseas Facilities and Programs Funded by the United States;”*<sup>iv</sup> [4] the NCD 2018 report entitled: *“U.S Foreign Policy and Disability 2017: Progress and Promise;”*<sup>v</sup> [5] the application for employment submitted by Michael A. Ayele (a.k.a) W in response to the United States Agency for International Development (USAID) solicitation, which was assigned on March 16<sup>th</sup> 2022 the following number: 72066321R10002.<sup>vi</sup>

I) Requested Records

What I am requesting for prompt disclosure are records documenting [1] your discussions about the National Council on Disability (NCD) as a federal agency, which *“was designated by the Department of State to be the U.S government’s official contact point for disability issues;”*<sup>vii</sup> [2] your discussions about the NCD as a federal agency, which has in 2018 made public their examination of the Millennium Challenge Corporation (MCC) on the subject of their disability policies and practices;<sup>viii</sup> [3] your discussions about the NCD as a federal agency, which has in 2018 made public their recommendations for the MCC to *“extend their comprehensive social and gender policy to include people with disabilities;”*<sup>ix</sup> [4] your discussions about the NCD recommendation (to MCC) being consistent with their position that *“Section 502(b) of the Foreign Assistance Act should be amended to include disability along with race, sex, language, and religion as appropriate for protection under the principles of human rights and fundamental freedoms;”*<sup>x</sup> [5] your discussions about the NCD recommendation (to MCC) being consistent with their position that 22 U.S.C 2151 (n)(d) should be amended to *“include a new paragraph addressing the rights of people with disabilities;”* [6] your discussions about the NCD recommendation (to MCC) being consistent with their position that 22 U.S.C 2304 should be amended *“to include the word ‘disability’ following race, sex, language, and religion;”*<sup>xi</sup> [7] your discussions about the Foreign Assistance Act of 1961 not having been *“amended to include*

disability along with race, sex, language and religion as appropriate for protection under the principles of human rights and fundamental freedoms” despite the NCD recommendation;<sup>xii</sup> [8] your discussions about 22 U.S.C 2151 (n)(d) and 22 U.S.C 2304 not having been amended despite the NCD recommendation that they be so for the purpose of expanding the rights of people with disabilities (PWD) in foreign assistance programs provided by the U.S government;<sup>xiii</sup> [9] your discussions about the NCD as a federal agency, which “*relied in the findings of*” the Government Accountability Office (GAO) 1991 report for the purpose of their 1996 study entitled: “*Foreign Policy and Disability*,”<sup>xiv</sup> [10] your discussions about the NCD as a federal agency, which has in 2003 recommended for the GAO to “*expand their investigation to examine whether there are barriers to people with disabilities in policymaking, program development, and implementation of U.S. programs abroad*,” [11] your discussions about the NCD as a federal agency, which has in 2003 expressed disappointment at the failure of the GAO to follow through on their own 1991 recommendation by publishing a “*report on the procedures and directives that guide the Department of State in the construction and renovation of facilities abroad to ensure accessibility to people with disabilities*,”<sup>xv</sup> [12] your discussions about the NCD as a federal agency, which has in 1996 recognized that U.S embassies (throughout the world) are “*complex bureaucracies capable of presenting many different faces to both foreign nationals and U.S citizens seeking services*,”<sup>xvi</sup> [13] your discussions about the NCD as a federal agency, which has in 1996 recommended for the Executive Branch of the U.S government and Congress to “*(i) create a comprehensive foreign policy on disability to advocate for people with disabilities through activities on international levels, (ii) extend U.S disability law by legislation or executive order to include unambiguously the international operations of the U.S. government, (iii) train U.S foreign affairs agencies and their contractors to plan for programmatic accessibility, (iv) establish the principle that no U.S international activity should have a lower standard of inclusion than its domestic correlate*,”<sup>xvii</sup> [14] your discussions about the NCD as a federal agency, which has in 1996 praised the Peace Corps for having “*the most accomplished record of placing Americans with disabilities in its programs*,”<sup>xviii</sup> [15] your discussions about the NCD as a federal agency, which has in 2018 admitted to filing a Freedom of Information Act (FOIA) request to collect data on the subject of the Peace Corps disability policies and practices; [16] the FOIA request(s) submitted by the NCD for the purpose of their March 2018 report entitled: “*US Foreign Policy and Disability 2017: Progress and Promise*,” [17] the responses issued by the Peace Corps to the FOIA request submitted by the NCD;<sup>xix</sup> [18] your discussions about the NCD as a federal agency, which recognizes that Section 116, Subsection (d) “*creates a duty for the State Department to report annually on the human rights practices of all the countries that are members of the United Nations (U.N), whether or not they receive foreign assistance*,”<sup>xx</sup> [19] your discussions about the NCD as a federal agency, which has in 2003 expressed reservations about the State Department Country Reports on Human Rights Practices for failing to be comprehensive on the subject of human rights violations experienced by people with disabilities (PWD);<sup>xxi</sup> [20] your discussions about the NCD as a federal agency, which has rejected the explanation provided by the DOS for the reasons why their Country Reports on Human Rights Practices fail to be comprehensive on the subject of human rights violations experienced by PWD;<sup>xxii</sup> [21] your discussions about the NCD as a

federal agency, which has in 2003 recommended for the DoS to “*create a disability advisor at the U.S Department of State to serve as a leader in the development of U.S international disability policy, to ensure that respect for disability rights is included as a priority in U.S. bilateral and multilateral policies and programs (including United Nations programs and activities), to advise and assist the State Department Office of Democracy, Human Rights and Labor (DRL) in preparing a section on disability rights in the Country Reports on Human Rights Practices, to ensure the inclusion of people with disabilities in policymaking, program development, and implementation within the United States and abroad, and to coordinate the work of the Department of State with the Inter-Agency Task Force on Foreign Policy and Disability;*” [22] your discussions about the NCD as a federal agency, which has in 2003 recommended for the State Department Country Report on Human Rights “*to include information on the rights of people with disabilities, such as information about improper detention in institutions and conditions of confinement in psychiatric and or mental retardation facilities, orphanages, and other institutions where human rights abuses may be particularly egregious;*” <sup>xxiii</sup> [23] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has on September 02<sup>nd</sup> 2020 filed a FOIA request with the DOS on issues very much pertinent to sections 116(d) and 502(b) of the Foreign Assistance Act of 1961; [24] your discussions about the DOS as a federal agency, which has assigned Michael A. Ayele (a.k.a) W records request on issues pertinent to sections 116 (d) and 502 (b) the following Case Number: 2020 – F – 054; [25] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided the DOS documents certifying his identity for the purpose of obtaining audio and video footage of an incident at the U.S Embassy in Addis Ababa, Ethiopia in 2018; [26] your discussions about the DOS as a federal agency, which hasn’t included the issues raised in the FOIA Request Case No.: 2020 – F – 054 in the Country Report on Human Rights published about Ethiopia; [27] your discussions about Michael A. Ayele (a.k.a) W as a Black man, whose name isn’t included in the DOS Country Report on Human Rights for the issues raised in FOIA request Case No.: 2020 – F – 054; [28] your discussions about the NCD as a federal agency, which has in 1996 recommended for USAID to “*(i) develop goals and timelines in close cooperation with U.S. and other disability organizations; (ii) develop mission strategic objectives that are disability-specific in conjunction with indigenous organizations of people with disabilities; (iii) broadly increase participation by people with disabilities in all aspects of the development process; (iv) identify and incorporate the successful strategies of other nations into U.S.-sponsored development projects; and (v) routinely evaluate the agency’s progress in achieving goals and time lines;*” <sup>xxiv</sup> [29] your discussions about the NCD as a federal agency, which has in 2003 expressed disappointment at USAID and the DOS for failing to follow-through on their 1996 recommendations;<sup>xxv</sup> [30] your discussions about the NCD as a federal agency, which has in 2013 expressed disappointment with many USAID employees for having “*low levels of awareness about disability issues and limited understanding of how to include people with disabilities in programs;*” <sup>xxvi</sup> [31] your discussions about the NCD as a federal agency, which has in 2018 expressed “*concerns*” by USAID continued failure to make “*modifications to their solicitation process for applicants of employment;*” <sup>xxvii</sup> [32] your discussions about the Equal Employment Opportunity Commission (EEOC) 2009 decision in *Katz v USAID and DOS*, which



*“held that DOS and USAID were in violation of Section 501 for failing to conduct an individualized assessment of an applicant for a U.S Foreign Service position;”* <sup>xxviii</sup> [33] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has applied for USAID solicitation seeking to fill the vacant role of Development Program Specialist in Ethiopia; [34] your discussions about the USAID as a federal agency, which required for prospective employees to have at the minimum *“a bachelor’s degree at a college or university in a relevant field, such as public policy, public administration, business administration, international relations, economics or development”* for the purpose of their March 16<sup>th</sup> 2022 solicitation; [35] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records attesting that he has graduated with a Bachelor of Arts (B.A) degree from Westminster College (Fulton, Missouri) for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [36] your discussions about Michael A. Ayele (a.k.a) W as Black man, who has provided records attesting that he has graduated with double-majors in Economics and Political Science for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [37] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records attesting that he has taken several classes deemed to be *“reading and writing intensive,”* in Economics, Accounting, Business Administration, Finance, Management and Political Science for the purpose of USAID March 16<sup>th</sup> 2022 solicitation; [38] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records attesting that that the most pertinent college classes he has taken (for USAID March 16<sup>th</sup> 2022 solicitation) include but are not limited to Microeconomics, Macroeconomics, Price Theory (Intermediate Microeconomics), Intermediate Macroeconomics, Statistics, Business Calculus, Research Method in Business, Business Law, Fundamentals of Management, Money and Banking, International Trade and Finance, Public Finance, Sports Economics, Managerial Economics, Political Theory, Political Thought/Modern Society, International Politics, U.S Government and Politics, American Jurisprudence, Legal Advocacy, Middle Eastern Politics, Post-Soviet Politics, Europe Since 1945 and Model United Nations (U.N); [39] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has provided records to USAID (for the purpose of their March 16<sup>th</sup> 2022 solicitation) proving that he had earned (i) the letter grade of **“B”** in Microeconomics, (ii) the letter grade of **“A”** in Macroeconomics, (iii) the letter grade of **“B”** in Intermediate Microeconomics, (iv) the letter grade of **“B”** in Intermediate Macroeconomics, (v) the letter grade of **“B”** in Statistics, (vi) the letter grade of **“C”** in Research Method in Business, (vii) the letter grade of **“B”** in Business Law, (viii) the letter grade of **“A”** in Fundamentals of Management, (ix) the letter grade of **“A”** in Corporate Finance/Management, (x) the letter grade of **“A”** in Money and Banking, (xi) the letter grade of **“B”** in International Trade and Finance, (xii) the letter grade of **“A”** in Public Finance, (xiii) the letter grade of **“A”** in Sports Economics, (xiv) the letter grade of **“A”** in Managerial Economics, (xv) the letter grade of **“A”** in Political Theory, (xvi) the letter grade of **“B”** in Political Thought/Modern Society, (xvii) the letter grade of **“A”** in International Politics, (xviii) the letter grade of **“B”** in U.S Government and Politics, (xix) the letter grade of **“A”** in American Jurisprudence, (xx) the letter grade of **“A”** in Legal Advocacy, (xx) the letter grade of **“C”** in Middle Eastern Politics, (xxi) the letter grade of **“B”** in Post-Soviet Politics, (xxii) the letter grade of **“A”** in Comparative and International Politics, (xxiii) the letter grade of **“B”** in West European Government and Politics, (xxiv) the



letter grade of “A” in Model United Nations (U.N); [40] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has informed USAID (for the purpose of their March 16<sup>th</sup> 2022 solicitation) that he could help them (i) serving as programmatic officer and project management specialist, (ii) serving on the operating unit (OU) strategic team, (iii) taking the lead in an extensive amount of USAID Program Cycle – Operational Plan, Performance Plan Report and Congressional Budget Justification, (iv) leading the OU in mission resource request (MRR) preparation as well as coordination of the Integrated Country Strategy for the U.S Mission to the AU. (v) managing grants and contracts, (vi) integrating their portfolio to achieve a coherent and strategic set of OU activities, (vii) coordinating with senior African Union Commission officials in carrying out the position’s basic functions, (viii) providing occasional administrative work, (ix) providing input, (x) shape the OU’s policy by interacting with the U.S. Ambassador to the AU; [41] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has previously been invited to submit a request for proposal (RFP) and a request for application (RFA) with USAID in response to an application he had submitted for the purpose of securing an employment; [42] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who has opted not to submit a RFP/RFA for USAID funded projects; [43] your discussions about the NCD as a federal agency, which has in 2003 noted that *“the structure of USAID RFPs and RFAs favors large international development organization that can respond to the broad expertise in the areas sought by USAID, such as health, education, civil society, rule of law, small-enterprise development, or women’s issues;”* <sup>xxix</sup> [44] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who should be included in the Civilian Labor Force (CLF) for making good-faith efforts to secure a paying job with the U.S Government; <sup>xxx</sup> [45] your discussions about the NCD as a federal agency, which has recommended for Congress to ratify the U.N Convention on the Rights of Persons with Disability (CRPD); <sup>xxxi</sup> [46] your discussions about the NCD as a federal agency, which has in 2014 provided convincing arguments for the ratification of the CRPD; <sup>xxxii</sup> [47] the discussions held between your city/county/state/federal government and the NCD for the purpose of better processing a complaint submitted pursuant to the 1990 Americans with Disabilities Act (ADA) and/or the 1973 Rehabilitation Act; [48] the policy of your city/county/state/federal government on retaining as a matter of record a complaint filed pursuant to the ADA and/or the Rehabilitation Act; [49] the name(s), the academic background(s), the professional responsibility(ies) and annual salary(ies) of employees responsible for processing the complaints of discrimination filed pursuant to the ADA and/or the Rehabilitation Act in your city/county/state/federal government; [50] the formal/informal opinions held by your city/county/state/federal government about the possibility of the Joe Biden / Kamala Harris White House administration ratifying the CRPD.

## II) Request for a Fee Waiver and Expedited Processing

The requested records have demonstrated that [1] the National Council on Disability (NCD) *“was designated by the Department of State to be the U.S government’s official contact point for disability issues;”* [2] the NCD has made recommendations to the MCC, which are consistent with their formal positions that *“Section 502(b) of the Foreign Assistance Act should be amended*

to include disability along with race, sex, language, and religion as appropriate for protection under the principles of human rights and fundamental freedoms;" [3] the NCD has made recommendations to the MCC, which are consistent with their formal positions that 22 U.S.C 2151 (n)(d) should be amended to "include a new paragraph addressing the rights of people with disabilities;" [4] the NCD has made recommendations to the MCC, which are consistent with their formal positions that 22 U.S.C 2304 should be amended "to include the word 'disability' following race, sex, language, and religion;" [5] Section 502 (b) of the Foreign Assistance Act, 22 U.S.C 2151 (n)(d) and 22 U.S.C 2304 have not been amended despite the NCD recommendation; [6] Section 116, Subsection (d) of the Foreign Assistance Act "creates a duty for the State Department to report annually on the human rights practices of all countries that are members of the United Nations (U.N), whether or not they receive foreign assistance;" [7] the NCD has previously asked the DOS to be comprehensive in their annual human rights report by being inclusive of people with disabilities (PWD); [8] the NCD has rejected the explanation provided by the DOS for the reasons why their report fail to be comprehensive on the subject of human rights violations experienced by PWD; [9] Michael A. Ayele (a.k.a) W is a Black man who has previously filed a FOIA request with the DOS on issues very much pertinent to sections 116 (d) and 502 (b) of the Foreign Assistance Act of 1961; [10] the FOIA request submitted by Michael A. Ayele (a.k.a) W on issues very much pertinent to sections 116 (d) and 502 (b) of the Foreign Assistance Act was assigned Case No.: 2020 – F – 054; [11] the DOS is a federal agency, which has failed to be transparent in the processing of the FOIA request submitted by Michael A. Ayele (a.k.a) W, which was assigned Case No.: 2020 – F – 054; [12] the NCD is a federal agency, which has previously submitted a FOIA request with the Peace Corps for the purpose of inquiring on their disability policies and practices; [13] the NCD is a federal agency, which has expressed disappointment at the manner in which their FOIA request with the Peace Corps was processed; [14] the NCD is a federal agency, which has expressed disappointment with USAID at their disability policies and practices; [15] Michael A. Ayele (a.k.a) W has applied for vacant job positions at the USAID; [16] Michael A. Ayele (a.k.a) W is a Black man who should be included in the Civilian Labor Force (CLF) for making good-faith efforts to secure a paying job with the U.S Government; [17] Michael A. Ayele (a.k.a) W is a Black man who has opted not submit a request for proposal (RFP) and a request for application (RFA) for USAID funded projects in Ethiopia; [18] the NCD is a federal agency, which has previously recognized that there existed "barriers to entry" for USAID RFPs and RFAs; [19] Michael A. Ayele (a.k.a) W has found the arguments presented by the NCD in favor of ratifying the Convention on the Rights of Persons with Disability (CRPD) to be convincing.

In my judgment, the facts presented in my request for a fee waiver and expedited processing are not the sort to bolster public confidence in the activities of the U.S government (and particularly in the engagements of the DOS and USAID). In their 1996 report, the NCD has noted that U.S embassies (throughout the world) are entities capable of "*presenting many different faces to both foreign national and U.S citizens seeking services.*" As a Black man with a U.S Degree (who has previously lived and worked in the U.S), I hope that the CRPD is approved in Congress and signed into law by the Joe Biden/Kamala Harris White House administration because I believe it

would expand the rights of people with disabilities (PWD) throughout the world. The core issues presented in this records request are as follows. 1) Who are the people in your city/county/state/federal government responsible for processing complaints of discrimination filed pursuant to the ADA and the Rehabilitation Act? Which undergraduate, graduate and law schools have they previously attended? What are their annual salaries? 2) Has your city/county/state/federal government previously reached out to the NCD for the purpose of better processing a complaint of discrimination filed pursuant to the ADA and/or the Rehabilitation Act? If yes, will you disclose the conversations you have had with the NCD about better processing a complaint of discrimination filed pursuant to the ADA and/or the Rehabilitation Act? 3) Has your city/county/state/federal government previously held internal discussions about the impact of the CRPD if it is approved in Congress and signed into law by U.S President Joe Biden? If yes, will you disclose the conversations you have had about the CRPD?

This records request should be expedited because it puts into question the government's integrity about the manner in which women, racial minorities and PWD are treated in the U.S.A and elsewhere in the world. My request for a fee waiver should be granted because [1] I have identified operations and activities of the federal government in concert with U.S city/county/state government as well as non-profit and for-profit organizations; [2] the issues presented are meaningfully informative about government operations or activities in order to be '*likely to contribute*' to and increase public understanding of those operations or activities. Under penalty of perjury, I hereby declare all the statements I have made to be true and accurate. Be well. Take care. Keep yourselves at arms distance.

W (AACL)

Michael A. Ayele

Anti-Racist Human Rights Activist

Audio-Visual Media Analyst

Anti-Propaganda Journalist

## Work Cited

<sup>i</sup> Please be advised that I have previously disseminated a vast number of documents obtained through records request via Archive.org, Scribd.com, Medium.com and YouTube.com. These documents have been made available to the public at no financial expense to them. As a member of the media, I would like to take this opportunity to inform you that the records you disclose to me could be made available to the general public through the means I have mentioned above or other ones. On December 10<sup>th</sup> 2021, I have launched a website on Wordpress.com for the purpose of making the records previously disclosed to me by the U.S government further accessible to members of the general public interested in the activities of their elected and non-elected representatives. You can find out more about the recent publications of the Association for the Advancement of Civil Liberties (AACL) here.: <https://michaelayeleaocl.wordpress.com/>

<sup>ii</sup> *Does the United States maintain a coherent disability policy within its foreign policy? In 1995 the National Council on Disability (NCD) was designated by the Department of State to be the official contact point within the U.S. government for disability issues. Through this study, NCD has sought to measure the extent to which U.S. disability rights laws are extended in international settings through the activities of three key U.S. foreign policy agencies: Department of State, Agency for International Development (AID), and United States Information Agency (USIA). The study examined the employment, accessibility, and outreach policies and programs of these agencies and the attitudes of their officials in light of U.S. disability rights law and democratic principles. The primary objective was to assess the impact of American foreign policy and programs on individuals with disabilities, both U.S. citizens and residents of other nations. (...)*

*This study sought to (1) discover if the United States maintains a coherent disability policy within its foreign policy and (2) assess how this policy, or its absence, affects individuals with disabilities, both U.S. citizens and foreign nationals. To this end the study asked the following questions: Do laws protecting people with disabilities at home extend to U.S.-sponsored activities abroad? Do officials of U.S. overseas agencies understand U.S. disability law and how it affects their activities? Does U.S.-sponsored international programming ensure accessibility for and seek to involve participants with disabilities? Do U.S. agencies abroad treat people with disabilities in other countries in the spirit of U.S. commitment to full equality? (...)*

*The study found that the United States does not have a comprehensive foreign policy on disability. Those responsible for creating and implementing U.S. overseas policies and programs generally lack awareness of disability issues, cannot articulate our national policies with respect to people with disabilities, do not incorporate the interests of people with disabilities into U.S. foreign policy objectives, and do not see the importance of U.S. disability advances and achievements for people with disabilities in other countries. (...)*

*Particularly contrary to U.S. antidiscrimination policy is Title VIII, Section 1182 of the United States Code. This provision authorizes the Immigration and Naturalization Service to exclude admission and deny visas to classes of aliens who "have a physical or mental disorder and*



*behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others" or "have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior." This provision, and another that specifically bars entry to the United States of foreign nationals with HIV/AIDS, are directly at odds with the protections of ADA. Under this section, people with disabilities from outside the United States are subject to discrimination by the U.S. government that is thoroughly illegal at home. Foreign Policy and Disability. National Council on Disability (NCD).:*

[https://ncd.gov/publications/1996\\_Publications/08011996#1](https://ncd.gov/publications/1996_Publications/08011996#1)

*<sup>iii</sup> Seven years after NCD's initial Report on Foreign Policy and Disability, NCD issues this follow-up paper to examine legislative options and civil rights protections to ensure inclusion of people with disabilities in U.S. foreign policy. NCD has come to the conclusion that legislation is necessary to ensure the inclusion of people with disabilities in foreign affairs. This report reviews a number of models that Congress has adopted for linking human rights and foreign policy. These laws provide models that can be adapted to ensure the inclusion of people with disabilities. The legislative reforms and new foreign assistance programs proposed by NCD do not amount to special privileges for people with disabilities. The principles of nondiscrimination, access, and inclusion of people with disabilities have been established as civil rights. The new initiatives NCD proposes are similar to programs already established by the United States for women and vulnerable populations. These reforms are needed to ensure that people with disabilities can fully contribute to U.S. foreign policies and programs abroad as they have done so effectively at home. (...)*

*This report is a follow-up to the 1996 report. This paper documents the lack of progress in developing new policies since 1996 to ensure the inclusion of people with disabilities within U.S. foreign programs. This paper offers legislative and policy recommendations to ensure a legally enforceable right of access to people with disabilities—as participants in policymaking and as subjects or beneficiaries of policies and programs. Unlike the 1996 NCD Foreign Policy and Disability report, this paper is not an empirical analysis of the operation of programs in the field. Such an analysis is needed, and NCD recommends that Congress request the General Accounting Office (GAO) to conduct a thorough examination of the extent to which people with disabilities have access to U.S. programs abroad. This paper does draw on the field experiences and policy recommendations of a working group of disability rights, women's rights, and international human rights experts convened by NCD in 2000 and 2002. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities. National Council on Disability (NCD).:*

<https://ncd.gov/publications/2003/Sept92003>

*<sup>iv</sup> NCD undertook this study to advance understanding and to promote accessibility and inclusion of people with disabilities in foreign assistance programs funded by the United*



*States. The report reviews U.S. federal disability laws, the United States Agency for International Development's (USAID) disability policy, and the Convention on the Rights of Persons with Disabilities (CRPD) and discusses their application to U.S. foreign assistance programs. It examines the work of USAID, the U.S. Department of State (DOS), and the U.S. Department of Defense (DOD), and provides recommendations that will strengthen the operation of these agencies by ensuring that U.S. government funding is accessible to and inclusive of people with disabilities.*

*The purpose of this report is to assess the implementation of disability inclusion in U.S. Government-funded overseas facilities, programs, and employment opportunities. In particular, the report analyzes how U.S. federal disability law and policy applies to U.S. foreign assistance work and reviews the application of disability inclusion in three specific areas of U.S. foreign assistance: (1) accessibility of U.S.-funded overseas construction and infrastructure projects; (2) access to and inclusion of people with disabilities in U.S.-funded international development programs; and (3) employment opportunities for people with disabilities. The report also reviews the relevance of international development provisions under the CRPD, of which the United States is a signatory and may ratify in the future. Given the ratification of the CRPD in more than 100 countries around the world, including many countries where the U.S. Government is a major donor of foreign assistance, the CRPD provisions on disability inclusive development assume particular significance.*

*In the development of a comprehensive overview of the current state of knowledge, attitudes, and practices toward people with disabilities in U.S.-funded overseas facilities, programs, and employment opportunities, the study was designed to elicit information from a range of stakeholders who work in the field of international development. The research methodology included key informant interviews, focus groups, in-country assessments, and extensive desk-based document review. The research design also included a legal analysis of the extraterritorial application of U.S. federal disability laws and the implications of the CRPD for U.S. foreign assistance programs. While the research was focused on compiling information on whether and how U.S. Government agencies ensure accessibility and inclusion for people with disabilities in foreign assistance, it does not attempt to provide a comprehensive review of the multitude of U.S. Government-funded foreign assistance efforts. The three primary U.S. Government agencies that were reviewed for the purposes of this report were USAID, DOS, and DOD. The scope of research had slight variations for each agency in an effort to review the broad array of U.S.-Government funded foreign assistance work and develop concrete recommendations that are applicable to all U.S. Government agencies working overseas.*

*In the early stages of research, 20 countries<sup>17</sup> were selected for in-country assessments of U.S.-Government funded facilities, programs, and employment practices. The following criteria were used in the selection in order to achieve a diverse group of countries representative of where the United States currently invests in foreign assistance programming: (1) geographic diversity; (2) diversity in development programming; (3) the amount of U.S. Government foreign assistance funding; and (4) strength of local DPOs. While a limited number of countries were selected for the in-country reviews, the more general, sector-specific analyses included desk-based document review. Other research into many additional countries was conducted with the intention of generating as broad an overview as possible of current policy and practice. Local*

disability rights advocates (local advocates) conducted in-country assessments in 14 of the 20 countries studied. The local advocates visited U.S. embassies and USAID missions, where they conducted interviews and accessibility assessments. The interview questions were semistructured and geared toward learning whether and how people with disabilities are included in development programs, as well as gaining a sense of USAID and DOS employee knowledge about disability issues. There were separate questions for embassy and mission personnel. Furthermore, local advocates conducted brief assessments of embassy premises to determine how accessible they were to people with various types of disabilities. Accessibility assessments included coverage of, among other things, the accessibility of entrances, hallways, and bathrooms; the availability of sign language interpreters; and whether information and materials were provided or available in accessible formats. In addition to in-country research, a series of interviews, meetings, and focus groups were conducted in Washington, DC, to elicit additional information about disability inclusion and accessibility in the foreign development projects and policies implemented by the three agencies reviewed in this study. This study examined four major sectors of international development funded by the U.S. Government: (1) humanitarian assistance and disaster relief; (2) democracy and governance; (3) economic growth; and (4) cultural exchange programs. In-country interviews of USAID personnel were specifically geared toward democracy and governance programming. The other sectors were reviewed through extensive desk-based research, interviews with agency personnel in Washington, DC, and government contractors, and a roundtable event with inclusive development program implementers. Toward the Full Inclusion of People with Disabilities: Examining the Accessibility of Overseas Facilities and Programs Funded by the United States. National Council on Disability.: <https://ncd.gov/publications/2013/032013>

<sup>v</sup> In previous studies on US foreign policy, NCD sought to advance understanding and to promote accessibility and inclusion of people with disabilities in foreign assistance programs funded by the United States by examining the extent to which US disability rights laws were extended in international settings through the activities of the Department of State (DOS), the United States Agency for International Development (USAID), the Department of Defense (DOD), and the Peace Corps. The studies examined the employment, accessibility, and outreach policies and programs of these agencies. US Foreign Policy and Disability: Progress and Promise 2017 follows-up on NCD's previous foreign policy studies by providing a current assessment of the application of federal disability laws in US foreign aid programs administered by DOS, USAID, and the Peace Corps, detailing the extent to which these agencies have developed new planning or programs to ensure the inclusion of people with disabilities and removed the barriers to access to people with disabilities identified in NCD's prior reports. It also provides NCD's first examination of the policies and practices of the Millennium Challenge Corporation regarding disability inclusion.

Unfortunately, while mainstreamed inclusion of disability in development has the potential to improve social and economic inclusion; findings from this study suggest that improvements still need to be made to ensure that people with disabilities are not left behind in US foreign aid programs. This report finds across all agencies examined: nonexistent or outdated formal disability policies; significant underrepresentation of employees with disabilities; unclear

*recruitment and retention policies and supports for employees with disabilities; inadequate human and fiscal resources dedicated to the institutionalization of system-wide inclusion; absence of accountability due to inadequate monitoring of the number of people with disabilities included in foreign aid programs from design to implementation and evaluation; unclear public information related to disability access and inclusion on agency webpages; inconsistent physical accessibility to structures and programs overseas, and disparate implementation of international standards. There is still work to be done.*

*This report provides an up-to-date review of the inclusion of people with disabilities in US foreign policy efforts. This includes a current analysis of federal disability rights law, executive orders and implementing regulations, and foreign assistance and human rights related to disability inclusion. In addition, the policies and practices of four federal agencies responsible for either funding or executing US foreign assistance activities, were reviewed for inclusion of disability. The agencies of interest were the Department of State (DOS), the United States Agency for International Development (USAID), the Peace Corps and the Millennium Challenge Corporation (MCC).*

*Evaluation methods included an extensive desk review of each agency and applicable legal and policy documents, key informant interviews with agency staff members and program participants, and a survey assessing the accessibility of agency programs and facilities, including informational, attitudinal, and physical access. Core areas of investigation were:*

- 1. employment of people with disabilities within federal agencies;*
- 2. access to information and physical accessibility of federal agencies; and*
- 3. the inclusion of people with disabilities in foreign assistance programs.*

*Results of the data analysis show that some progress has been made in regard to the inclusion of people with disabilities (e.g., establishing and appointing a Special Advisor for International Disability Rights at the DOS), yet efforts often suffer from the “silo effect” and lack sustained and coordinated engagement. In addition, a persistent lack of accountability—through data collection, monitoring, and evaluation—diffuses responsibility for ensuring the inclusion of people with disabilities in programs and policies agency-wide.*

*Key findings relevant to all agencies (the DOS, USAID, the Peace Corps, and MCC) include:*

- nonexistent or outdated formal disability policies;*
- significant underrepresentation of employees with disabilities;*
- unclear recruitment and retention policies and supports for employees with disabilities;*
- inadequate human and fiscal resources dedicated to the institutionalization of system-wide inclusion (i.e., the progress made within some programs is not universally applied);*
- absence of accountability through disability-disaggregated data and monitoring and evaluation practices (e.g., adequately monitoring the number of persons with disabilities (PWDs) included in foreign aid programs from design to implementation and evaluation);*



- *public information related to disability access and inclusion lacking in clarity (i.e., agency webpages are difficult to navigate, and information relating to disability is difficult to find); and*
- *physical accessibility is inconsistently achieved overseas, and the implementation of international standards is disparate.*

U.S. Foreign Policy and Disability: Progress and Promise 2017. National Council on Disability (NCD).: <https://ncd.gov/publications/2018/us-foreign-policy-and-disability-progress-2017>

<sup>vi</sup> Solicitation Number: 72066321R10002; USAID.:

[https://www.usaid.gov/sites/default/files/documents/Solicitation\\_USAID\\_Development\\_Program\\_Specialist\\_0.pdf](https://www.usaid.gov/sites/default/files/documents/Solicitation_USAID_Development_Program_Specialist_0.pdf)

<sup>vii</sup> *In 1995, NCD was designated by the Department of State to be the U.S. government's official contact point for disability issues. Specifically, NCD interacts with the special rapporteur of the United Nations Commission for Social Development on disability matters. (...)*

*Although many government agencies deal with issues and programs affecting people with disabilities, NCD is the only federal agency charged with addressing, analyzing and making recommendations on issues of public policy that affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, veteran status or other individual circumstance. NCD recognizes its unique opportunity to facilitate independent living, community integration and employment opportunities for people with disabilities by ensuring an informed and coordinated approach to addressing the concerns of people with disabilities and eliminating barriers to their active participation in community and family life.*

*NCD plays a major role in developing disability policy in America. In fact, NCD originally proposed what eventually became the Americans with Disabilities Act. NCD's present list of key issues includes improving personal assistance services, promoting health-care reform, including students with disabilities in high-quality programs in typical neighborhood schools, promoting equal employment and community housing opportunities, monitoring the implementation of ADA, improving assistive technology and ensuring that those persons with disabilities who are members of diverse cultures fully participate in society. (...)*

*NCD was initially established in 1978 as an advisory board within the Department of Education (P.L. 95-602). The Rehabilitation Act Amendments of 1984 (P.L. 98-221) transformed NCD into an independent agency. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities, NCD.:*  
<https://ncd.gov/publications/2003/Sept92003>

viii *This is the first examination made by the National Council on Disability of the Millennium Challenge Corporation (MCC); therefore, no previous recommendations for the inclusion of people with disabilities have been made.* U.S Foreign Policy and Disability 2017: Progress and Promise. NCD.: <https://ncd.gov/publications/2018/us-foreign-policy-and-disability-progress-2017>

ix *It is no surprise that MCC has detailed policies and guidance related to gender inclusion. The marginalization of women and girls is a prominent issue not only in development, but also in organizations, classrooms, and communities across the globe. As one of the primary agencies responsible for managing and facilitating US foreign assistance, MCC is well placed to emerge as a leader in disability inclusion by extending their comprehensive social and gender policy to include people with disabilities. Similar findings for the other agencies profiled in this report show that making small semantic changes to explicitly include disability has the potential to create big results in areas of data collection and investment tracking, workplace diversity and inclusion, and access to programs and projects.* US Foreign Policy and Disability 2017: Progress and Promise.: <https://ncd.gov/publications/2018/us-foreign-policy-and-disability-progress-2017>

\* *The first main article concerning human rights and foreign assistance is Section 502b of the 1961 Foreign Assistance Act, which starts off with this proclamation:*

(a) (1) *The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.*

*The statute continues and specifies as follows:*

(2) *...no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights...unless the President certifies in writing [to Congress] that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. The President is instructed to "formulate and conduct international security assistance programs" in a manner that "will promote and advance human rights" (Section (3)).<sup>64</sup> The allocation of funds given under this article or under the Arms Export Control Act<sup>65</sup> needs to take into account significant improvement of the human rights record of the foreign country.*

*The definition of "gross violations of internationally recognized Human Rights" is as follows:*

(d) (1) *the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person.*



*In practice, human rights conditionality under Section 502(b) of the Foreign Assistance Act is rarely invoked—yet the threat of its use has provided powerful political leverage to influence governments. Indeed, this provision can be applied to gross violations of human rights abuses against people with disabilities. Section 502(b) should be amended to include disability along with race, sex, language, and religion as appropriate for protection under the principles of human rights and fundamental freedoms. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD: <https://ncd.gov/publications/2003/Sept92003>*

<sup>xi</sup> *Ensure inclusion in foreign assistance programs—Create a broad mandate to “mainstream” people with disabilities into all aspects of U.S. foreign assistance and human rights programs. In addition to guaranteeing that all programs be accessible to people with disabilities, legislation should require planning to ensure that the concerns of people with disabilities are among the priorities of U.S. foreign assistance programs. This will require amending 22 U.S.C. 2151(n)(d) to include a new paragraph (10) addressing the rights of people with disabilities to be free from human rights abuses and discrimination; and by amending 22 U.S.C. 2304 (1)(1) to include the word “disability” following race, sex, language, and religion. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD: <https://ncd.gov/publications/2003/Sept92003>*

<sup>xii</sup> *The U.S. National Council on Disability (NCD) calls on the Executive Branch and Congress to create a new foreign policy that ensures access by people with disabilities to the benefits of democracy and economic development around the world. All U.S. foreign operations abroad (including foreign assistance efforts) would be greatly improved if the principles established in U.S. civil rights law—under the Rehabilitation Act and the ADA—were applied to U.S. operations abroad. Such a policy would require U.S. foreign assistance funding to be used in a manner that is accessible to people with disabilities. Such protections would also ensure that U.S. citizens and contractors with disabilities would be protected against discrimination in the implementation of U.S. programs abroad. Leadership by U.S. citizens with disabilities in our foreign operations would greatly improve our ability to respond to the concerns of people with disabilities in other countries. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD: <https://ncd.gov/publications/2003/Sept92003>*

Foreign Assistance Act of 1961 enacted February 15<sup>th</sup> 2019 by the U.S Senate.:  
<https://www.foreign.senate.gov/imo/media/doc/Foreign%20Assistance%20Act%20Of%201961.pdf>

<sup>xiii</sup> 22 U.S Code 2151 (n) – Human Rights and development assistance. Cornell University.:  
<https://www.law.cornell.edu/uscode/text/22/2151n>

22 U.S. Code 2304 – Human rights and security assistance. Cornell University.:

<https://www.law.cornell.edu/uscode/text/22/2304>

<sup>xiv</sup> *In 1991, the GAO conducted an investigation of U.S. foreign assistance programs in developing countries. The GAO report found that while many foreign assistance programs did affect the lives of people with disabilities, inclusion of people with disabilities in such programs was “sporadic.” GAO found that the major U.S. foreign assistance agency, USAID, “does not generally attempt to target the disabled in its regular bilateral assistance programs....” In the absence of planning or directives from its central office in Washington, DC, USAID officials observed that USAID Missions abroad could take the initiative to include people with disabilities, since USAID Missions have broad discretion as to how to program approximately percent of U.S. foreign assistance funds. As of 1991, however, the GAO report documented the lack of such programs at the Mission level. The GAO report found that “other than small, random efforts, the missions had not provided any assistance to the disabled during the past three years and that missions have no assistance projects planned for the future.” To address this problem, USAID officials recommended programs for “heightening awareness of disability issues” among USAID Mission staff and foreign government counterparts, including a number of proactive measures, such as providing support for NGOs to “establish sub-offices in developing countries to assist in the development of disability organizations.” GAO recommended further study of the problem of physical access and other accommodations for people with disabilities at U.S. Missions abroad. (...)*

*The 1991 GAO report on disability and foreign assistance provided a valuable description of the barriers to access by people with disabilities in U.S. agency activities abroad. The 1996 NCD Report relied heavily on these findings, which led to the establishment of a USAID Disability Policy. While no formal policy directives have been established by other U.S. government agencies operating abroad, these agencies have had ample opportunity to improve practices. A new GAO investigation would provide an opportunity to determine the extent to which U.S. agencies operating abroad have (1) developed new planning or programs to ensure the inclusion of people with disabilities as recipients of U.S. foreign assistance and (2) overcome the specific barriers to access by people with disabilities identified in the GAO study, the 1996 NCD Report, and this report. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD:*

<https://ncd.gov/publications/2003/Sept92003>

<sup>xv</sup> *NCD recommends that GAO’s new investigation be expanded to examine whether there are barriers to people with disabilities in policymaking, program development, and implementation of U.S. programs abroad. The 1991 GAO Report recommended a follow-up report on the procedures and directives that guide the Department of State in the construction and renovation of facilities abroad to ensure accessibility to people with disabilities. Apparently, this report has never been done. In addition to examining physical access to U.S. buildings abroad, NCD now recommends that GAO conduct a broad investigation of access for people with disabilities to full participation in U.S. policymaking and programs abroad. Foreign Policy and Disability:*

Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD: <https://ncd.gov/publications/2003/Sept92003>

<sup>xvi</sup> *As representatives of the United States in other countries, U.S. embassies are at the center of official U.S. overseas activities. The embassy is headed by a chief of mission, and its staff may include specialists in commerce, economics, natural resources, agriculture, animal and plant health inspection, the environment, science and technology, financial affairs, consular activities, immigration and naturalization, regional security, AID, politics, labor, post administration and information systems, military assistance, and public affairs. Thus the embassy is a complex bureaucracy capable of presenting many different faces to both foreign nationals and U.S. citizens seeking services. Foreign Policy and Disability. NCD.: [https://ncd.gov/publications/1996\\_Publications/08011996#1](https://ncd.gov/publications/1996_Publications/08011996#1)*

<sup>xvii</sup> Foreign Policy and Disability. NCD.: [https://ncd.gov/publications/1996\\_Publications/08011996#1](https://ncd.gov/publications/1996_Publications/08011996#1)

<sup>xviii</sup> *Among U.S. agencies with an overseas mandate, the Peace Corps has the most accomplished record of placing Americans with disabilities in its programs. The Peace Corps is the only U.S. international agency to have a disability- specific program area, i.e., special education. It also places volunteers with disabilities in-country to staff its programs. People with disabilities in the communities where Americans with disabilities serve as Peace Corps volunteers have benefited immensely from these role models. The overwhelming number of Peace Corps volunteers with disabilities have visual or hearing disabilities. When deciding whether to place a candidate with a disability, the Peace Corps informs and confers with medical authorities, the Peace Corps office in the host country, and host country officials to determine the suitability of a given post.----- In this respect the Peace Corps treats disability differently from other considerations in that host countries may not reject proposed volunteers on the basis of race, gender, religion, or other protected status. Foreign Policy and Disability. NCD.: [https://ncd.gov/publications/1996\\_Publications/08011996#1](https://ncd.gov/publications/1996_Publications/08011996#1)*

<sup>xix</sup> *The Peace Corps is subject to the Freedom of Information Act (FOIA), including provisions of the act providing individuals with the right to request records created by the Peace Corps and other federal agencies. Given the absence of publicly available, disability-specific information accessible via the Peace Corps website, the research team attempted to use the FOIA process to collect additional data for analysis. While the FOIA is designed to support transparency and accessibility, in this instance the process was time consuming and yielded a very limited amount of usable information. Researchers attempted to contact multiple staff members but were consistently redirected to the FOIA process, thus negatively impacting access to information. (...)*

*Of the agencies targeted in this report, the Peace Corps' commitment to "building a culture of inclusion" is the most clearly stated, and their efforts to measure progress in this area should be*



*highlighted. However, while the Peace Corps has clearly invested institutional resources in improving diversity and inclusion efforts, there is room for improvement in the way they report data to the public.*

*For example, the agency set a goal for achieving a ninety percent rating on having an “open and inclusive organizational culture” by FY 2016 (Performance goal 6.2), which would be assessed by asking the Peace Corps volunteers to rate of the organization’s “level of inclusivity and openness with respect to race, ethnicity, age, sex, disability, religion, sexual orientation, veteran status, family status, and gender identity or expression.” In its 2015 Peace Corps Performance and Accountability Report, the agency states that this goal was met among host country staff, but not United States direct hires or volunteers. Further probing into the data shows that while the question posed to the staff allows for reporting specifically on the demographic sub-categories noted above, the public-facing content does not distinguish between demographic groups. This makes it more challenging to evaluate agency progress with regards to specific, underrepresented populations. US Foreign Policy and Disability 2017: Progress and Promise.: <https://ncd.gov/publications/2018/us-foreign-policy-and-disability-progress-2017>*

*<sup>xx</sup> The evaluation of any country’s human rights record requires an objective foundation of documentation regarding its record of enforcing human rights. The most important source of information for U.S. government policy is the U.S. Department of State’s Country Reports on Human Rights Practices. Section 116, Subsection (d) creates a duty for the State Department to report annually on the human rights practices of all the countries that are members of the UN, whether or not they receive foreign assistance. The report must include information on the government’s conduct in many human rights issues: freedom from torture and other cruel or inhuman punishment, detention without charge, disappearances, denial of right to life or liberty, religious freedom, human rights of children, trafficking of women, and treatment of refugees. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD.: <https://ncd.gov/publications/2003/Sept92003>*

*<sup>xxi</sup> One major source of evidence that guides U.S. human rights policy is the State Department Country Reports on Human Rights Practices. In recent years, the State Department Bureau of Democracy, Human Rights and Labor (DRL), has made an important step in the right direction by adding a section on disability rights to the Country Reports. This documentation has already had a valuable impact on promoting the rights of people with disabilities. But the information about disability rights in Country Reports is extremely limited and does not begin to paint a full picture of the scope of human rights violations to which people with disabilities are subjected throughout the world today: de jure discrimination against people with disabilities that excludes them from jobs; de facto discrimination that permits exclusion from inaccessible public services or transportation systems; physical and linguistic barriers to participation in public life; denial of public education to people with developmental disabilities; failure to provide medical care to children with disabilities; and arbitrary detention in psychiatric or social facilities where people with disabilities are left to languish in some of the most inhuman and degrading conditions known to humankind. Foreign Policy and Disability: Legislative Strategies and Civil Rights*

Protections to Ensure Inclusion of People with Disabilities (PWD). NCD.:  
<https://ncd.gov/publications/2003/Sept92003>

<sup>xxii</sup> *There is now a growing body of evidence that people with disabilities are deprived of their liberty in life-threatening conditions in psychiatric institutions, mental retardation facilities, orphanages, jails, and prisons around the world, and they are often subjected to inhuman treatment or punishment. Officials at the Office of Democracy, Human Rights, and Labor (DRL) in the State Department who write the Country Reports have explained that they obtain most of their information from NGOs that document abuses. One of the main reasons the State Department does not include evidence of human rights abuses against people with disabilities in most countries, DRL officials explain, is that they are not aware of any disability rights groups documenting these abuses. In part, this is a failure of outreach, as there are some disability rights organizations in most countries.* Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD.:  
<https://ncd.gov/publications/2003/Sept92003>

<sup>xxiii</sup> *DRL should be required to establish guidelines for staff abroad to assist them in identifying human rights abuses against people with disabilities. These guidelines should require that U.S. human rights officers abroad make contact with nongovernmental disability rights organizations abroad representing the major groups of people with physical, mental, and sensory disabilities.* Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD). NCD.:  
<https://ncd.gov/publications/2003/Sept92003>

<sup>xxiv</sup> Foreign Policy and Disability. National Council on Disability (NCD).:  
[https://ncd.gov/publications/1996\\_Publications/08011996#1](https://ncd.gov/publications/1996_Publications/08011996#1)

<sup>xxv</sup> *In response to the 1996 NCD Report Foreign Policy and Disability, USAID adopted a Disability Policy in consultation with U.S. disability rights organizations. The Disability Policy states a commitment to “promote the inclusion of people with disabilities both within USAID programs and in host countries where USAID has programs.” USAID summarizes its approach as one to “avoid discrimination against people with disabilities in programs which USAID funds and to stimulate an engagement of host country counterparts, governments, implementing organizations and other donors....” The USAID Disability Policy falls short of addressing NCD’s 1996 recommendations in a number of key areas. It creates no measurable goals or timelines, nor does it require the creation of any disability-specific programs by USAID’s central office or U.S. Missions abroad. The Policy recommends “engagement” with disability organizations in host countries, but it does not suggest any framework for consultation. There is no requirement that U.S. Missions consult with disability organizations in the United States or abroad to develop or implement programs or to ensure access to existing programs. (...)*

*It has been difficult to identify and engage staff members from USAID or the Department of W (AACL) – MICHAEL A. AYELE*



State, and some gains have been reversed by the lack of coordination within agencies—Officials were designated by the Department of State and USAID on a short-term basis to coordinate with NCD on the implementation of the new Disability Policy. When these officials were transferred, no one was assigned to pick up their responsibilities. As a result, different parts of the State Department do not collaborate on this issue. At a 2000 NCD conference on disability and foreign affairs, numerous disability experts working abroad reported frustration with the lack of support or interest by Department of State and USAID officials. A high-level USAID official attending the meeting suggested an educational and outreach effort by the disability community to educate and sensitize U.S. foreign service and development employees to disability issues. In response to this request, NCD conducted a series of roundtable discussions in 2000 and 2001 with USAID and State Department staff to develop plans for technical assistance and cooperation between the disability community and those people responsible for overseas program planning and execution. One State Department staff member with a personal interest in disability participated, but there was no official engagement of the State Department in the project. Apart from the USAID staff member assigned to liaise with NCD on this, USAID participants were generally not supportive, even indicating during the meeting that the USAID Disability Policy was never intended to become agency policy, only a “resource” for staff with an interest in disability issues. The liaison who had been supportive left USAID the week after the first roundtable, and no further events were scheduled due to lack of interest. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD).: <https://ncd.gov/publications/2003/Sept92003>

<sup>xxvi</sup> USAID has initiated various efforts to promote disability-inclusive development. Although USAID has advanced disability inclusion, many USAID employees have low levels of awareness about disability issues and limited understanding of how to include people with disabilities in programs. Many USAID personnel are unaware of the Disability Policy. Personnel who are aware of the policy are unable to clearly articulate its relevance or impact on their work. (...) USAID should review and update its Disability Policy. The current policy, drafted in 1997, is outdated and provides minimal guidance on how USAID programs can be made inclusive across all sectors of its development portfolio. (...) USAID should provide adequate resources for the Coordinator on Disability and Inclusive Development to accomplish the goals of the USAID Disability Policy. (...) USAID should issue a policy directive that requires meaningful disability inclusion in the statements of work and program descriptions of RFPs and RFAs. (...) USAID should include people with disabilities in the technical approach section of evaluation criteria for RFAs and RFPs. Such an approach will compel applicants and offerors to emphasize their technical approach to disability inclusion and implementation of the Disability Policy. (...) USAID should provide specific instructions for applicants and offerors in the preparation of the budget proposal in all USAID solicitations for costing reasonable accommodations and modifications for people with disabilities. A line item in the cost proposal for proper budgeting of reasonable accommodations should be specified in these instructions and in accompanying charts or spreadsheets. Toward the Full Inclusion of People with Disabilities: Examining the Accessibility of Overseas Facilities and Programs Funded by the United States. National Council on Disability.: <https://ncd.gov/publications/2013/032013>

<sup>xxvii</sup> Unfortunately, for current and/or prospective employees (with or without a disability), or even just for those interested in understanding the agency's approach to disability inclusive employment, navigating multiple landing pages may prove difficult. While there is a plethora of information available for those willing and able to conduct a thorough web search, diversity and inclusion information (including reporting and policies and procedures) is not represented on the agency's careers page, nor is there a link to the OCRD page, which contains additional links to demographic data and EEO reporting. Additionally, the Disability Inclusive Development webpage makes no mention of the agency's having a diverse (disability inclusive) workforce as part of its overall agency strategy. (...)

The intersectionality of disability with other agency priority areas has the potential to strengthen inclusive programs and policies. However, at this time, the absence of a systemic approach to disability inclusive development at USAID makes tracking investments and outcomes extremely difficult. The lack of a disability coordinator, existence of multiple funding sources and presence of an outdated agency policy combined, create a perfect storm that fuels unintended exclusion. For disability to effectively be mainstreamed across all sectors of USAID work, there must be a clear systemic approach to identifying the actors and streamlining their work.

At the request of the USAID Disability Team, InterAction, led by researchers from the Perkins School for the Blind, completed a two-phase study that reviewed 85 public USAID solicitations (available within a six-month period during 2012–2013) to assess (1) how disability inclusive language is used in solicitations, and (2) correlations between the presence of said language and reported disability inclusive programming in the sectors of education, health, and democracy and human rights and governance.

#### Key findings:

- Of the 85 solicitations reviewed, forty-eight percent do not mention disability within the scope of work
- Ten percent had zero mention and failed to meet USAID's minimal requirement for including disability in clausal language
- Of those that did include a mention of disability, only fourteen percent had what the study's expert review panel considered to be "significant" language
- In the second phase of the project, accessing follow-up reporting proved especially challenging because only thirteen percent of those contracted to implement the projects were in compliance with USAID's reporting mandates

Despite the findings presented in the InterAction study described above, and previous NCD recommendations that noted the need for additional policy directives aimed at improving "meaningful disability inclusion", USAID has not made any modifications to their solicitations process, nor has the agency added disability to the evaluation criteria for potential collaborations. This is especially concerning because, as previously noted in the 2013 NCD

report, the agency's gender requirements (ADS 2005) provide a template for designing modifications and provide justification for the value of this metric. US Foreign Policy and Disability 2017: Progress and Promise.: <https://ncd.gov/publications/2018/us-foreign-policy-and-disability-progress-2017>

<sup>xxviii</sup> In its 2009 decision, *Katz v. USAID and Department of State*, the Equal Employment Opportunity Commission (EEOC) held that DOS and USAID were in violation of Section 501 for failing to conduct an individualized assessment of an applicant for a U.S. Foreign Service position. The complainant in *Katz* alleged that DOS and USAID discriminated against her on the basis of disability when she was denied a Class 1 Medical Clearance after applying for a U.S. Foreign Service position in USAID's Democracy and Governance Office. The Department of State's Office of Medical Services (MED) denied the complainant the Class 1 Clearance because she did not meet its definition of "worldwide availability," which was considered an essential function of the position. According to USAID, "worldwide availability is both an affirmed willingness to serve anywhere in the world and a matter of being medically qualified to do so; both are essential requirements for appointment to the Foreign Service." In cases where an individual does not receive a Class 1 Clearance, USAID's Medical Review Committee can grant a waiver if the applicant can work in more than 51 percent of worldwide posts. In *Katz*, the waiver was not granted, and therefore USAID did not hire the complainant, notwithstanding medical evidence provided by her longtime physician stating that she could indeed live and work at the post in question and irrespective of the fact that she had already worked in a difficult post-conflict environment in a previous position that was, incidentally, funded by the U.S. Government.

In *Katz*, the EEOC shifted the burden of proof to the agencies and provided guidance on how the agencies must conduct assessments: "when making its individualized assessment the agency must gather information and base its decision on substantial information regarding the individual's work and medical history." Despite a number of letters from the complainant's physicians providing evidence that she did indeed meet the "worldwide availability" standard, two physicians at the Department of State Office of Medical Services (MED) who reviewed the complainant's medical record admitted that they never saw those letters. Furthermore, the EEOC found that the MED grounded its decisions on assumptions about the complainant concerning her medical condition and did not undertake an investigation to assess whether the assumptions were true. The EEOC upheld the administrative judge's (AJ's) decision and stated: "The AJ found the State Department failed to conduct an individualized assessment and hence, did not satisfy its burden of establishing complainant was a direct threat." The *Katz* decision provides a salient example of how Section 501 has been applied to prohibit discrimination against federal employees with disabilities working abroad. The *Katz* decision illustrates ongoing challenges in ensuring that employment opportunities are open to people with disabilities. In this regard, it stands to reason that Congress should instruct DOS and USAID that Section 501 applies abroad and that agencies must issue clear guidance to missions and embassies. In comparing Section 501 to Title 1 of the ADA, it is important to note that Congress made it clear in the CRA Amendments that Title I applies overseas, and thus Title I does indeed apply to private contractors who receive U.S. Government funding to implement programs. It is



*equally clear that Congress also intends for government employees to have the same protections, rights, and remedies as private employees working on government-funded programs and thus Congress should provide clear instructions to DOS and USAID that they must adhere to the provisions set out in Section 501. Toward the Full Inclusion of People with Disabilities: Examining the Accessibility of Overseas Facilities and Programs Funded by the United States. National Council on Disability.: <https://ncd.gov/publications/2013/032013>*

<sup>xxix</sup> *Lack of disability-specific mandates undercuts participation by international disability organizations—In the absence of disability-specific mandates, most large USAID requests for proposals (RFPs), requests for applications (RFAs), technical cooperation contracts, cooperative agreements, or other programs lack any mention or consideration of disability as a priority. The structure of USAID RFPs and RFAs favors large international development organizations that can respond to the broad expertise in the areas sought by USAID, such as in health, education, civil society, rule of law, small-enterprise development, or women's issues. While a number of disability rights organizations have developed an excellent international track record within the disability area, they are at a disadvantage in applying for these larger contracts or cooperative agreements—even in the rare cases when disability is one of many parts of a larger program. In theory, disability organizations can form partnerships with large mainstream development organizations. In practice, however, without any requirement that disability issues be included in RFPs and RFAs, mainstream development organizations have no incentive for including disability groups in leading roles. The development of large USAID proposals is prohibitively expensive for most disability organizations that lack other funding sources for international activities. Given these barriers to entry into international affairs by disability groups, mainstream international development and civil society organizations do not benefit from the tremendous expertise of U.S disability rights organizations. Foreign Policy and Disability: Legislative Strategies and Civil Rights Protections to Ensure Inclusion of People with Disabilities (PWD).: <https://ncd.gov/publications/2003/Sept92003>*

<sup>xxx</sup> *The basic concepts involved in identifying the employed and unemployed are quite simple:*

- *People with jobs are employed.*
- *People who are jobless, looking for a job, and available for work are unemployed.*
- *The labor force is made up of the employed and the unemployed.*
- *People who are neither employed nor unemployed are not in the labor force.*

Labor Force Statistics from the Current Population Survey, Department of Labor (DOL) Bureau of Labor Statistics.: <https://www.bls.gov/cps/faq.htm>

<sup>xxxi</sup> *The U.S. Senate, upon receipt of the ratification package, should consider and expeditiously provide its advice and consent to ratification of the Convention on the Rights of Persons with Disabilities. (...)*

*The United States is a signatory to the Convention on the Rights of Persons with Disabilities (CRPD), and significantly, the CRPD requires that international development programs be inclusive of people with disabilities. As the world's largest bilateral development donor<sup>13</sup> and a world leader in domestic disability rights law and policy, the United States should ensure that taxpayer dollars support foreign assistance programs that are inclusive of and accessible to people with disabilities. (...)*

*The Convention on the Rights of Persons with Disabilities (CRPD or the Convention), adopted on December 13, 2006, and entered into force on May 3, 2008, is the first legally binding international human rights convention specifically applying human rights to the situation of people with disabilities. It marks a paradigm shift in attitudes and approaches to people with disabilities in international instruments and has been celebrated as the "Declaration of Independence" for people with disabilities worldwide. Notably, the CRPD reflects principles and aims of American disability laws and marks a departure from more traditional medical or charitable models of disability that are still, unfortunately, embedded in many national domestic law and policy frameworks. Historically, in the United States and throughout the world, people with disabilities were seen as objects in need of medical treatment, pity, social benefits, or rehabilitation, as opposed to claimants of rights capable of living independent, productive lives. The CRPD recognizes that people with disabilities are active agents and holders of rights, thus adopting the social model perspective of disability "as an evolving concept...that...results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others" and not as an inherent limitation. To break down these barriers, the Convention utilizes the concept of universal design, which is defined as "the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."*

*The Convention sets forth general principles that inform its overall approach and that apply across the treaty: (1) dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (2) nondiscrimination, participation, and inclusion in society; (3) respect for difference; (4) equality of opportunity; (5) accessibility; (6) equality between men and women; and (7) respect for the evolving capacities of children with disabilities. The Convention recognizes that many people with disabilities live in poverty and thus underscores "the critical need to address the negative impact of poverty on persons with disabilities" and acknowledges that many people with disabilities experience multiple forms of discrimination based on economic or other statuses. The CRPD clearly makes nondiscrimination and equal access for people with disabilities a human rights issue and with its enforcement, it has the power to change the way people with disabilities are treated around the world. The CRPD provides the United States with a tool to promote nondiscrimination and equality for people with disabilities worldwide through its foreign assistance programs. It should also be noted that the United States has signed the CRPD, and while it has not as yet ratified the treaty, its signature does have some important legal implications relevant to the pursuit of disability-inclusive development and the themes outlined in this report. (...)*

*The United States signed the CRPD on July 30, 2009. The obligation on a state that has signed a*



treaty but whose consent is subject to ratification is clear. In such cases, the signatory state is required to refrain from acts which would defeat the object and purpose of the treaty. The signatory state is thus not obligated to comply with all the terms of the treaty, for such a result would render ratification of little purpose or consequence since international legal obligation is clearly triggered and dependent upon ratification (and entry into force). The obligation is to "refrain" from acts that would "defeat" the object and purpose of the treaty. Therefore, the United States, as a signatory state, must not act in a manner that would prevent it from being able to fully comply with the treaty on ratification/entry into force and must refrain from conduct that would invalidate the basic purpose of the treaty. A leading commentator suggests that "[t]he test is objective, and it is not necessary to prove bad faith." The following examples, by no means exhaustive, would surely constitute a breach of the United States' obligations in relation to the CRPD: (1) adoption of policy regarding foreign assistance programming that requires separate programs for people with disabilities or that purports to exclude people with disabilities as beneficiaries; (2) adoption of a law that excludes people with disabilities from voting on the basis of their disability; (3) adoption of a law requiring children with disabilities to be educated in separate schools; (4) funding institutions that segregate people with disabilities from mainstream society; and (5) adoption of a law or policy that strips the autonomy or legal rights of people with disabilities. The CRPD would enter into force in the United States following ratification. The U.S. Constitution establishes that treaty power is shared between the Executive Branch and the Senate. The President negotiates treaties; however, treaties are also subject to the advice and consent of two-thirds of the Senate. Once a treaty is so approved by the Senate, the President may ratify the treaty. When the President ratifies a treaty, it becomes binding law in all 50 States under the Supremacy Clause. The existing domestic disability rights legal framework in the United States, combined with its ratification of the CRPD, would send a clear message to the international community that the United States is not only committed, but remains the leader in the global effort to promote disability rights, nondiscrimination, and equality for people with disabilities. The aims and obligations of U.S. disability rights law are consistent with those outlined in the CRPD, including respect for human dignity, nondiscrimination, reasonable accommodation, autonomy, and equal participation. Note that much of the treaty derives from U.S. disability law. (...)

The CRPD is the first international human rights convention to explicitly recognize disability as a prohibited ground of discrimination, together with the obligation to ensure that reasonable accommodations are made to facilitate human rights enjoyment by people with disabilities. In so doing, it brings into the international legal framework the core principles of nondiscrimination and equality first introduced into U.S. disability rights law and now reflected in other domestic disability law frameworks, especially through ongoing legal reform as a result of CRPD ratification. The nondiscrimination and equality provisions in the CRPD are elaborated in Article 5. They require States Parties to ensure the equality of people with disabilities and prohibit any discrimination on the basis of disability. The CRPD defines disability discrimination as "any distinction, exclusion or restriction on the basis of disability" that "has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms" and it extends to "all forms of discrimination, including denial of reasonable accommodation." Thus, the Convention explicitly recognizes that the failure to provide reasonable accommodation constitutes discrimination. "Reasonable accommodation" under the CRPD is defined as "necessary and

*appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.” Reasonable accommodations must be provided in relation to employment, education, participation in political and public life, and cultural activities, among other areas. (...) Article 9 of the CRPD lays out clear requirements and standards of accessibility for States Parties to follow in ensuring nondiscrimination and equality for people with disabilities and their full participation in society. Article 9 is a general obligation and thus applies to all provisions in the CRPD, including those provisions that seek to advance accessible and inclusive international development facilities, programs, and employment opportunities. Specifically, Article 9 requires states to ensure that people with disabilities are able to access a comprehensive range of venues, facilities, and services on an equal basis with others. Accessibility under the CRPD relates to a wide variety of places and services, such as “buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities, and workplaces,” as well as “information and communications” and emergency services. In order to achieve accessibility, Article 9 requires States to identify and eliminate obstacles and barriers to accessibility. The provisions that elaborate the specific measures to be undertaken are quite detailed and attempt to capture the wide range of access needs of people with disabilities in different contexts. They include—*

- *Developing (and monitoring the implementation of) minimum accessibility standards and guidelines;*
- *Providing training on accessibility for stakeholders;*
- *Promoting design, development, production, and distribution of information and communications technologies that address accessibility early in their development and that are provided at minimum cost;*
- *Promoting access to new information and communications technologies and systems, “including the Internet”;*
- *Providing signage for the public in Braille and other easy-to-read and understand forms;*
- *Providing live assistance (such as guides, readers, and sign language interpreters); and*
- *Promoting other “appropriate forms of assistance and support” to ensure access to information.*

*The scope of Article 9 is not limited to State actors, such as local and national governments, government agencies, and government corporations. Rather, Article 9 implicates private actors, requiring States to “ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities.” In other words, although the Convention is not directly legally binding on private actors (as only States can be bound by international treaties), it obligates States to ensure that private actors over whom they have control act in a manner consistent with the goals and obligations of Article 9. Although this report focuses on U.S. Government agencies, it is important to note the implications of Article 9 for private U.S. donor organizations and foundations that fund international development programs. The CRPD requires States Parties to “take all appropriate measures to eliminate discrimination on the basis of disability by any*

person, organization or private enterprise,” which applies to Article 9 and all other obligations in the treaty. As an example, the Gates Foundation is a U.S. private foundation that provides extensive funding of international development programs and should ensure its funding is being used to develop accessible facilities and services.

Additionally, Article 9’s obligation for private entities to ensure accessible premises when they offer services to the public is in line with Title III of the ADA’s “public accommodation” requirement. Accessibility and the CRPD obligations of nondiscrimination and reasonable accommodation act as essential analytical tools in understanding the requirement that States Parties make their international cooperation programs accessible under Article 32. (...) Article 32 requires States Parties to the Convention to cooperate internationally through partnerships with other States or with relevant international and regional organizations and civil society in support of national measures to give effect to the CRPD. Further, Article 32 makes it clear that all international cooperation efforts, including international development programs, should be accessible and fully inclusive of people with disabilities from design through implementation. In light of the foregoing, Article 32, together with the articles of general application relevant for the interpretation of Article 32 and specific provisions in the areas of education, employment, living in the community, accessibility, health, and access to justice, among others, have important implications, not only for States Parties and their international donor agencies, but for implementing partners of foreign assistance programs as well. These CRPD provisions provide a framework for international development programs to further advance the rights set forth in the CRPD and to promote best-practice models on inclusive development programming. (...)

The interrelationship between disability and poverty is captured in the preambular paragraphs of the CRPD and was an impetus for the negotiation of the treaty. Creating equal opportunities for participation in economic life is a core component of the CRPD. The CRPD calls on States Parties in Article 27 to recognize the “right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.” Given that U.S.-funded economic development programs are frequently inaccessible, and that microfinance initiatives historically have neglected people with disabilities as potential participants, the CRPD sets forth important obligations for economic development programs. The CRPD provisions on employment, together with the inclusive development obligations, are significant for economic development assistance. These provisions can and should inform strategic interventions designed and implemented by U.S. Government agencies to ensure that economic development does not increase the equity gap for people with disabilities. Toward the Full Inclusion of People with Disabilities: Examining the Accessibility of Overseas Facilities and Programs Funded by the United States. National Council on Disability.: <https://ncd.gov/publications/2013/032013>

xxxii Contrary to claims by treaty opponents, the CRPD does not infringe upon U.S. sovereignty. The U.S. is party to over 10,000 treaties and international agreements, through which the U.S. has strengthened its position as a global leader, not weakened it. Ratification of the CRPD will not establish any international control or authority over U.S. law. Ratification will allow the



*U.S. to participate in an annual discussion about disability rights globally through the Conference of States Parties. Ratification will require the U.S. to submit periodic reports, as it already does for numerous human rights treaties it has ratified, to a treaty body endowed with the authority to issue non-binding recommendations for the consideration of countries. With adoption of appropriately worded Reservations, Understandings, and Declarations (RUDs), ratification of the treaty will not require any changes in any U.S. law or policy nor relinquish any authority whatsoever over U.S. law. Accordingly, concerns regarding loss of US sovereignty as a consequence of ratification of the CRPD are misplaced and without foundation. (...)*

*Ratification of the CRPD will not undermine or weaken our federal system. Consistent with ratification of other treaties, a proposed reservation on federalism ensures that state and federal disability law and protections are fully preserved. Moreover, the US Supreme Court provided further affirmation that ratification of treaties will not threaten the careful balance of our federal system in its decision in *Bond*. There, the Court unequivocally refused to allow a prosecution to proceed under the Chemical Weapons Convention where state law (Pennsylvania) more than adequately addressed the criminal conduct in question. The Court categorically refused to interpret implementing legislation to intrude on the state's police power. The Court made it clear that the Federal government had no business using a federal statute enacted to implement a chemical weapons ban treaty to prosecute and convict a Pennsylvania woman who tried to poison her husband's mistress. (...)*

*The CRPD protects against discrimination in the area of health in Article 25, thereby underscoring that persons with disabilities are not to be discriminated against in the context of accessing health care. This also extends to the discriminatory denial of health care or health services on the basis of disability including, but not limited to, denial of food and fluids. Both the text of the CRPD and the drafting history make clear that the CRPD does not in any way address the issue of abortion. (...)*

*The drafters of the CRPD took care to ensure that the treaty would not require cumbersome or burdensome regulations. Article 4 of the treaty specifically leaves it to ratifying countries to undertake the necessary reviews and action to implement the treaty. U.S. law is already more detailed and in most respects more comprehensive than the CRPD, so this concern would not impact the U.S. Although, it would impact some nations that currently have no disability laws in place. U.S. ratification would provide us with greater leverage to work with countries to align their framework with U.S. disability law and our understanding of the CRPD. (...)*

*The use of the phrase "the best interests of the child" in the treaty will not harm parental rights in this country. The Senate responded to the concerns raised by the treaty's use of this term by including an understanding that makes clear that the phrase "the best interests of the child" will be interpreted as that term is now used and understood in Federal, State, and local law. The concept of "best interest of the child" is widely used in U.S. law. Every State in this country and a wide range of Federal laws, employ the concept of "best interest of the child". With the Senate's additional language, which will become a legally binding part of the treaty, there will be no change to Federal, State, or local law regarding the ability of parents in the U.S. to make decisions about how to raise or educate their children as a result of ratification.*



*The CRPD does not mention homeschooling and nothing in the treaty diminishes the ability of parents to make choices about how to provide schooling for their children. Parents can choose the best school environment for their children with disabilities, whether in the mainstream setting, in a special school, or in a home school environment. Instead, the treaty ensures that children with disabilities will have the right to an education on an equal basis with all other children. The treaty also recognizes the importance of the family unit where the family contains parents or children that have disabilities. The treaty's Preamble recognizes that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State" and includes a specific article entitled "Respect for home and the family." (...)*

*The drafting history of the CRPD makes it clear that the drafters had no intention of mandating how a country should allocate its foreign assistance spending. Rather, in keeping with dozens of other treaties that the U.S. has ratified and that make reference to international cooperation, the CRPD provides a framework within which international cooperation may occur and encourages in any international development assistance program the accessibility of such programs to persons with disabilities. The provision in the CRPD is no different from provisions that encourage, as appropriate, international cooperation in treaties that the US has ratified, including the UN Charter and the International Covenant on Civil and Political Rights (ICCPR). NCD Statement on the Convention on the Rights of Persons With Disabilities. NCD.: <https://ncd.gov/publications/2014/07142014>*

# EXHIBIT 1.



**Office of Inspector General  
United States Department of State**

9/28/2020

Mr. Michael Ayele  
Association for the Advancement of Civil Liberties  
P.O. Box 20438  
Addis Ababa, Ethiopia

**Subject:   OIG Freedom of Information Act Request No. 2020-F-054 – Final letter.**

Dear Mr. Ayele:

This letter acknowledges receipt of your Freedom of Information Act (FOIA/PA) request to the Department of State (DOS) Office of Inspector General (OIG), dated 9/2/2020. You seek “What I am requesting for are all records within the possession of the Department of State, the main headquarters to which is located 2201 C Street NW, Washington DC 20520 pertaining to I, W to be promptly disclosed either to my e-mail or in the alternative my mailing address. Specifically, I am requesting for any and all communications in the form of e-mails and postal correspondence employees and legal representatives of the U.S Department of State have exchanged about me to be promptly disclosed either to my e-mail or in the alternative my mailing address. I am also requesting for all detention reports within the possession of the U.S Embassy in Addis Ababa, Ethiopia pertaining to I, W be promptly disclosed either to my e-mail or in the alternative my mailing address. You will find attached to this e-mail my request for records, reasons explaining my request for a fee waiver and expedited processing as well as other pertinent documents” DOS-OIG received your request on 9/4/2020 and assigned it the above-referenced FOIA tracking number. -----

DOS-OIG conducts independent investigations, audits, inspections, and evaluations of DOS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DOS. Please note that the OIG does not maintain your requested correspondence with the Department of State; therefore, OIG would not maintain the type of records you have requested.

Please be advised that any responsive documents relative to such issues would more likely be located within the Office of Information Programs and Service, a DOS component. Should you wish to contact IPS you may write to: Office of Information Programs and Services, A/GIS/IPS/RL, U. S. Department of State, Washington, D.C. 20522-8100; or you may call 202-261-8579.

**Appeal**

You have the right to appeal this response.<sup>1</sup> Your appeal must be received within 90 calendar days of the date of this letter. Please address any appeal to:

*Appeals Officer, Appeals Review Panel, Office of Information Programs and Services (IPS), U.S. Department of State, A/GIS/IPS/PP/LA, Room 5420 (HST), 2201 C Street, NW, Washington, D.C. 20520.*

Both the envelope and letter of appeal should be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter should also clearly identify the DOS-OIG's response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13.

### **Assistance and Dispute Resolution Services**

For further assistance and to discuss any aspect of your request you may contact DOS-OIG's FOIA Public Liaison at:

FOIA Officer  
Office of General Counsel  
Office of Inspector General  
U.S. Department of State  
1700 North Moore Street  
Suite 800  
Arlington, VA 22209  
[foia@stateoig.gov](mailto:foia@stateoig.gov)

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*William Baron*

William Baron  
Government Information Specialist

---

<sup>1</sup> For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.



FOIA Request for...  
The National Council on the Arts  
National Council on the Arts  
mail.google.com/mail/u/0/#search/stateoig.gov/KtbxLqjKTrpn8DnlgzVxmMdnCndGznpvq

stateoig.gov

19 of 27

Sat, Jan 30 12:15 AM

FOIArequest - FOIArequest@state.gov  
to me

Mr. Ayele:

Please be advised this Office requires proper authorization from the subject of the request in order to begin processing your January 21, 2021, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request regarding communications in the form of e-mails and postal correspondence about my detention at the U.S Embassy in Addis Ababa, Ethiopia towards the end of Fiscal Year 2017; and e-mails and postal correspondence about my FOIA request (Case No.: 2020-F-054) with the DOS Office of Inspector General. Valid forms of authorization follow:

- (1) A completed and signed DS-4240, Certification of Identity (attached and available at the following web address: [https://dos.state.gov/\\_docs/DS-4240.pdf](https://dos.state.gov/_docs/DS-4240.pdf)).
- (2) A request that includes a notarized signature of the subject of the request.
- (3) A valid signed and dated penalty of perjury statement that declares the following verbatim: "I declare, certify, state, or affirm under the laws of the United States of America, that the following is true and correct."

Please reply to this email with one of the above valid forms of authorization. To ensure prompt attention, please include the subject reference number along with a valid form of authorization.

Sincerely,

Requester Communications Branch  
Office of Information Programs & Services  
U.S. Department of State

...

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INTL 17/05/2021

Recall: FOIA request (Case No.: 2020-F-054) ---> Dispute Resolution Services Requested

Michael Ayele - waad13@gmail.com  
to FOIArequest FOIA, FOIA, Kellie Lorraine ogie FOIA, SOCR\_General, SOCR\_Counselor\_Channel, me Michael Michael

Hello,

Thank you for your e-mail and apologies for the mix-up. I see I have sent you the wrong attachment in error. This is Michael A. Ayele sending this message though I now go by W. You may call me W. Please find attached my digitally signed FORM DS-4240. Have a good day.

W (AACL)  
Michael A. Ayele  
P.O.Box 20438  
Addis Ababa, Ethiopia

On Mon, Feb 1, 2021 at 7:02 PM FOIArequest <FOIArequest@state.gov> wrote:  
Mr. Ayele,

The DS-4240 that was attached to the below email was not signed by you. Please print the DS-4240 and sign next to the date.

Thank you,

Requester Communications Branch

From: Michael Ayele <waad13@gmail.com>  
Sent: Monday, February 1, 2021 6:22 AM  
To: FOIArequest <FOIArequest@state.gov>; FOIA <foia@state.gov>; FOIA Program <foia@state.gov>; Robinson, Kellie N <Kellie.N.Robinson@state.gov>; Hartmann, Lorraine <Lorraine.Hartmann@state.gov>; FOIA <FOIA@state.gov>

W (AACL) Completed....pdf W (AACL) - MA - A....pdf ilovepdf\_merged (...).pdf APPENDIX E.pdf APPENDIX E.pdf

Recall: FOIA request (Case No.: 2020-F-054) ---> Dispute Resolution Services Requested

Michael Ayele <waaci13@gmail.com>  
to FOIArequest, FOIA FOIA Kellie Lorraine, ogis, FOIA, SOCR\_General, SOCR\_Counselor\_Channel me, Michael Michael

Hello,

Thank you for your e-mail and apologies for the mix-up. I see I have sent you the wrong email. I may call me W. Please find attached my digitally signed FORM DS-4240. Have a good day.

W (AACL)  
Michael A. Ayele  
P.O.Box 20438  
Addis Ababa, Ethiopia

On Mon, Feb 1, 2021 at 7:02 PM FOIArequest <FOIArequest@state.gov> wrote:  
Mr. Ayele,

The DS-4240 that was attached to the below email was not signed by you. Please print the DS-4240 and sign it. Thank you.

Requester Communications Branch

From: Michael Ayele <waaci13@gmail.com>  
Sent: Monday, February 1, 2021 6:22 AM  
To: FOIArequest <FOIArequest@state.gov>; FOIA FOIA Kellie Lorraine, ogis, FOIA, SOCR\_General, SOCR\_Counselor\_Channel me, Michael Michael

Mon, Feb 1, 7:14 PM

by W. You

from: Michael Ayele <waaci13@gmail.com>  
to: FOIArequest <FOIArequest@state.gov>, FOIA FOIA Kellie Lorraine, ogis, FOIA, SOCR\_General, SOCR\_Counselor\_Channel me, Michael Michael  
cc: Michael Ayele <waaci13@gmail.com>, Michael Ayele <waaci13@gmail.com>  
date: Feb 1, 2021, 7:14 PM  
subject: Recall: FOIA request (Case No.: 2020-F-054) ---> Dispute Resolution Services Requested



## U.S. Department of State

## CERTIFICATION OF IDENTITY

1. Full Name of Requester <sup>1</sup> (Last, First, MI) AYELE, MICHAEL, A	2. Date of Birth (mm-dd-yyyy) 04 - 29 - 1991
3. Full Name of Subject of Records MICHAEL A. AYELE (commonly known as) W.	4. Citizenship Status <sup>2</sup> ETHIOPIA
5. Current Address P.O.BOX 20438, ADDIS ABABA, ETHIOPIA	6. Place of Birth ADDIS ABABA, ETHIOPIA

## Third Party Authorization

Complete this section if you are authorizing release of your records to another person.

I, MICHAEL A. AYELE (commonly known as) W, pursuant to 5 U.S.C. Section 552a(b),  
authorize the U.S. Department of State to release any and all information relating to me to

Name of Third Party NO ONE OTHER THAN MYSELF.

Address of Third Party \_\_\_\_\_

Type of Third Party (check one): ☐ Parent ☐ Custodial Guardian ☐ Legal Representation ☐ Other \_\_\_\_\_

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature <sup>3</sup> WaelDate (mm-dd-yyyy) 02 - 01 - 2021.PRIVACY ACT STATEMENT

**AUTHORITIES:** The information is sought pursuant to 22 CFR Section 171; 5 U.S.C. Section 552a (the Privacy Act of 1974); 5 U.S.C 552 (Freedom of Information Act).

**PURPOSE:** The information solicited on this form will be used to identify the individuals submitting requests by mail under the FOIA and Privacy Act of 1974, 5 U.S.C. Section 552a. This solicitation is to ensure that the records of individuals who are the subject of U.S. Department of State records are not wrongfully disclosed by the Department. The information furnished may also be used to provide third party authorization.

**ROUTINE USES:** The information on this form will only be used to certify identification and will not be shared with other offices or agencies. More information on the Routine Uses for the system can be found in the System of Records Notice State-35, Information Access Program Records.

**DISCLOSURE:** Providing this information is voluntary. Failure to provide the information requested on this form may result in less information being disclosed in a FOIA or Privacy Act request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S. C. Section 552a(i)(3).

<sup>1</sup> Name of individual who is the subject of the record(s) sought.

<sup>2</sup> Individuals submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Name of individual who is the subject of the record(s) sought.



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC

W (AACL)  
Michael A. Ayele  
P.O. Box 20438  
Addis Ababa, Ethiopia

April 21, 2021

Email: [waac113@gmail.com](mailto:waac113@gmail.com); [waac11313@gmail.com](mailto:waac11313@gmail.com); [waac142913@gmail.com](mailto:waac142913@gmail.com)

Mr. Ayele,

This letter acknowledges receipt of your Freedom of Information Act ("FOIA") request dated 18 April 2021 and received by the Information Management Office on 20 April 2021, in which you requested records concerning *"What formal and informal ties exist between ODNI the USAID, the Equal Employment Opportunity Commission (EEOC), the Department of State (DOS), the National Archives Records Administration (NARA) and the Social Security Administration (SSA)..."* **Your request has been assigned ODNI tracking number DF-2021-00192.**

We will begin to process your request and will contact you should we require clarification of your request. Your requests for a fee waiver has been granted

Your request for expedited processing has been denied because you have not satisfied ODNI standards for expedited processing established in 32 CFR 1700.12. If you are not satisfied with my response to your request for expedited processing, you may administratively appeal by submitting a written request to the Chief FOIA Officer, c/o Director, Information Management Office, Office of the Director of National Intelligence, Washington, DC 20511 or [dni-foia@dni.gov](mailto:dni-foia@dni.gov). The request letter and envelope or subject line of the email should be marked "Freedom of Information Act Appeal." Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter.

The time needed to process your request necessarily depends on a variety of factors, including the complexity of our records search, the volume and complexity of any records located, and the order of receipt of your request. Accordingly, ODNI uses a multi-track processing system. Your request may require the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii). Because of these unusual circumstances, we need to extend the time limit to respond to your request beyond the ten additional days provided by statute. As a result, we have assigned your request to the complex track.

To assist you with any aspect of your request you may contact me, the FOIA Public Liaison, at my contact information below. You may also contact the Office of Government Information Services ("OGIS") of the National Archives and Records Administration to inquire about the mediation services they provide. OGIS can be reached by mail at 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; telephone (202) 741-5770; facsimile (202) 741-5769; Toll-free (877) 684-6448; or email at [ogis@nara.gov](mailto:ogis@nara.gov).

# EXHIBIT 2.

Football news, match reports and fir... Solicitation No.: 72066321R10006 x + mail.google.com/mail/u/0/#search/usa... Fm7cGzGpFqSzMsdLJfZvkpmRcTGFdcXr

Gmail

usaid.gov

1 of many

12:24

Le May 10, 11:11 AM 12 days ago

Solicitation No.: 72066321R10006 --> Financial Analyst [Incident: 220509-000008]

to: me

from: EEOC - I11G <info@eeoc.gov>  
reply-to: EEOC - I11G <info@eeoc.gov>  
to: waach13@gmail.com  
date: May 10, 2022, 11:11 AM  
subject: Solicitation No.: 72066321R10006 --> Financial Analyst [Incident: 220509-000008]  
received by: eeoc.gov  
signed on: eeoc.gov  
security: is Standard encryption (TLS); Learn more

Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response. We hope we have answered your questions or referred you to the appropriate place to have your questions answered.

[Access your question from our support site.](#)

Subject

Solicitation No.: 72066321R10006 --> Financial Analyst

Response By Email (Inquiry) (05/09/2022 05:11 PM):

Thank you for contacting us.

It appears that you have carbon copied the EEOC with your correspondence to a third person. The information will be stored at the EEOC as a matter of record only. Please feel free to contact us at anytime if you require additional assistance.

Alternatively, you may call us at 1-800-669-4000 (VideoPhone: 1-844-234-5122) to discuss your situation.

Sincerely,

U.S. Equal Employment Opportunity Commission

Auto-Response By (Administrator) (05/09/2022 03:13 AM)

Thank you for contacting the United States Equal Employment Opportunity Commission. This automated response confirms receipt of your inquiry and is not intended to address your specific questions. For those of you wishing to file a charge of employment discrimination, please note that there is a time limit of either 180 or 300 days to file a charge, depending on a number of factors. If you want to begin the process, you can use our online assessment tool at:

Search

Type here to search

4:29 PM 5/12/2022

80°F

PDF

Settings

Weather

Calendar

Mail

Internet Explorer

Google Chrome

Microsoft Edge

Windows

Solicitation No.: 72066321R10006 --> Financial Analyst [Incident: 220509-000008]

91-2033-116

Tue. May 10, 1911 AM (2 days ago).

Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response. We hope we have answered your questions or referred you to the appropriate place to have your questions answered.

To access your station from our support site, visit [www.rockwellautomation.com](http://www.rockwellautomation.com)

### Subject

Solicitation No.: 72066321R10006 --&gt; Financial Analyst

Response By Email (Inquiry) 05/09/2022 03:11 PM

Thank you for contacting us.

It appears that you have carbon copied the EEOC with your correspondence to a third person. The information will be stored at the EEOC as a matter of record only. Please feel free to contact us at anytime if you require additional assistance.

Alternatively, you may call us at 1-800-669-4000 (VideoPhone: 1-844-234-5122) to discuss your situation.

Myers

U.S. Equal Employment Opportunity Commission

Auto-Response BV (Administrator) 03/09/2022 03:13 AM

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234-\$122) to discuss your situation.

Sincerely,

U.S. Equal Employment Opportunity Commission

Auto-Response By (Administrator) (03/09/2022 03:13 AM)

Thank you for contacting the United States Equal Employment Opportunity Commission. This automated response confirms receipt of your inquiry and is not intended to address your specific questions. For those of you wishing to file a charge of employment discrimination, please note that there is a time limit of either 180 or 300 days to file a charge, depending on a number of factors. If you want to begin the process, you can use our online assessment tool at: [US EEOC](https://www.eeoc.gov). You can not file a charge via email. We will respond to your specific questions as quickly as possible.

Customer By CSS Email: Michael Ayele (03/09/2022 03:13 AM)

W  
(AAAL)

Date.: May 09th 2022

Michael A. Ayele

PO Box 20438

Addis Ababa, Ethiopia

E-mail: [ayaad13@gmail.com](mailto:ayaad13@gmail.com); [ayaad131@gmail.com](mailto:ayaad131@gmail.com);  
[ayaad1321@gmail.com](mailto:ayaad1321@gmail.com)

\*Solicitation No.:  
72066321R10006\*

W(AACL)  
Michael A. Ayele  
Anti-Racist Human Rights Activist  
Audio-Visual Media Analyst  
Anti-Propaganda Journalist

Football news, match reports and fixtures

Solicitation No.: 72066321R10006

mail.google.com/mail/u/0/#search/usaidsaid.gov/FM4cgzGpFqSzMsdlJFZvkpmRcTGfcdXr

Gmail

Q usaidsaid.gov

1 of many

Anti-Racist Human Rights Activist

Audio-Visual Media Analyst

Anti-Propaganda Journalist

<#\_ednref1>\*Work Cited\*

[1] \*Solicitation Number: 72066321R10006: 4US.AID.: <https://www.usaid.gov/press/releases/announcement/financial-analyst-2022>

===== application File Attachment

CCNPSC\_Solicitation\_Financial\_Analyst.pdf, 1045781 bytes, Added to Incident

===== application File Attachment

SENA KINATI - PROJECT E.pdf, 151080 bytes, Added to Incident

===== application File Attachment

W (AACL) - MA - Bachelors of Arts Degree - Letters of Recommendation\_compressed - (1).pdf, 951379 bytes, Added to Incident

===== application File Attachment

W (AACL) FORM DS 174 - FINANCIAL ANALYST.pdf, 157982 bytes, Added to Incident

===== application File Attachment

Type here to search

4:29 PM 5/12/2022

Type here to search

4:29 PM 5/12/2022

<p>Gmail</p> <p>usaidd.gov</p>	<p>11" Solicitation Number: 7206632IR1000, USAID</p> <p><a href="https://www.usaid.gov/ethiopia/agency-announcements/financial-analyst-may-2022">https://www.usaid.gov/ethiopia/agency-announcements/financial-analyst-may-2022</a></p> <p>===== application File Attachment</p> <p>=====</p> <p>CCNPSC_Solicitation_Financial_Analyst.pdf, 1045761 bytes, Added to Incident</p> <p>===== application File Attachment</p> <p>=====</p> <p>SENA KINATI - PROJECT E.pdf, 151080 bytes, Added to Incident</p> <p>===== application File Attachment</p> <p>=====</p> <p>W (AACL) - MA - Bachelors of Arts Degree - Letters of Recommendation_compressed - (1).pdf, 351379 bytes, Added to Incident</p> <p>===== application File Attachment</p> <p>=====</p> <p>W (AACL) FORM DS 174 - FINANCIAL ANALYST.pdf, 157982 bytes, Added to Incident</p> <p>===== application File Attachment</p> <p>=====</p> <p>W (AACL) May 2022 Resume.pdf, 362099 bytes, Added to Incident</p> <p>===== application File Attachment</p> <p>=====</p> <p>W (AACL) May 09th Cover Letter - Financial Analyst.pdf, 373711 bytes, Added to Incident</p> <p>=====</p> <p>Question Reference # 220509-000008</p> <p>Date Created: 05/09/2022 03:13 AM</p> <p>Date Last Updated: 05/09/2022 03:11 PM</p> <p>Status: Closed</p>
--------------------------------	---

General Services GS0032812 has been created

USAD Service Central Ticketing System - usaidsmts@gmail.com

to me

General

Short

Solicit

Descr

W

AACI

June

Micha

POB

Address

E-mail

to

reply to

date

subject

received by

June

Micha

POB

Address

E-mail

USAD Service Central Ticketing System - usaidsmts@gmail.com

usaidsmts@gmail.com

Jun 4, 2021 3:27 PM

General Services GS0032812 has been created

usaid.gov

Standard encryption (TLS)

Important according to Google

Ethiopia

usaidsmts@gmail.com

\*Solicitation No:

720060321R10004\*

Dear Ammare McOllikuddy and Fekadu Tarniate

I am writing this letter in response to an advertisement that was posted on the website of the U.S Agency for International Development (USAID), which indicated that you had a position of employment available for a Cooperating Country National Personnel Service Contractor (CCNPSC - Local Compensation Plan) - USAID Project Management Assistant (Economic Growth), G1. <cc\_npn"> Please find attached to this e-mail documents supporting my application for employment. Don't hesitate to contact me any time via e-mail. My address is listed on the top-left corner of this letter. Alternatively, you may reach me via telephone at 9635-62-84-30. Respectfully submitted,



77 of many

7/4/2022, 2:27 PM

General Services GS0032812 has been created

USAID Service Central Ticketing System [usaidsaris@usa.gov](mailto:usaidsaris@usa.gov) has been created

General Services ticket [GS0032812](#) has been created

Short description:  
Solicitation - 7200321R10004, USAID Project Management Assistant (Economic Growth)

Description:  
W  
(AACL)  
June 04th 2022\*  
Michael A. Ayele  
P.O. Box 20438  
Addis Ababa, Ethiopia  
E-mail: [usaidsaris@usa.gov](mailto:usaidsaris@usa.gov); [usaidsaris@usa.gov](mailto:usaidsaris@usa.gov); [usaidsaris@usa.gov](mailto:usaidsaris@usa.gov); [usaidsaris@usa.gov](mailto:usaidsaris@usa.gov)

\*Solicitation No.  
7200321R10004\*

Dear Annmarie McGillicuddy and Fekadu Temirte

I am writing this letter in response to an advertisement that was posted on the website of the U.S. Agency for International Development (USAID), which indicated that you have a position of employment available for a Cooperating Country National Personal Services Contractor (CONPSC - Local Compensation Plan) - USAID Project Management Assistant (Economic Growth). [I find attached to this e-mail documents supporting my application for employment. Don't hesitate to contact me any time via e-mail. My address is listed on the top-left corner of this letter. Alternatively, you may reach me via telephone at 903-52-84-30. Respectfully submitted:

Show all

EXHIBIT 2.pdf

W (AACL) EXHIBIT 1.pdf

Exhibit 2 attachment.pdf

W (AACL) EXHIBIT....pdf

GAO Report on US....pdf



### General Services GS0032812 has been closed

USAID Service Central Ticketing System [View details](#)

General Services ticket [GS0032812](#) has been closed  
Closed by: Reyna Pilapil

**Resolution note:**  
Thank you for interest in doing business with the Agency. In order to have a better understanding of how to conduct business with us, please refer to the following link: [https://www.usaid.gov/press-releases/2022/06/08/usa-aid-wishes-you-the-best-of-luck](#). We wish you the best of luck.

Sincerely,  
Onyiahman's Office  
Ref:MSG32057112

to me

Tue, Jun 8, 2022, 3:23 PM

General Services GS0032812 comment added

USAID Service Central Ticketing System [usaidsrctg@usaid.gov](mailto:usaidsrctg@usaid.gov)  
1010 10th St NE, Suite 1000

General Services ticket 23000012

Comment added.

06/08/2021 08:32:36 EDT - Reyna Pilapil

Thank you for interest in doing business with the Agency. In order to have a better understanding of how to conduct business with us, please refer to the following link: [www.fda.gov/oc/2012/01/12/20120112-oc-foia-guidance.html](http://www.fda.gov/oc/2012/01/12/20120112-oc-foia-guidance.html). We wish you the best of luck.

Sincerely,  
Congressman's Office

Ref MSG32057117

Thank you for your assistance.

[Reply](#)
[Reply all](#)
[Forward](#)

General Services GS0032813 has been closed

USAID Service Central Ticketing System <usaidserv@usaids.gov>

General Services ticket GS0032813 has been closed.  
Closed by: Rayna Elajol

Resolution note:  
Thank you for interest in doing business with the Agency. In order to have a better understanding of how to conduct business with us, please refer to the following link: <https://www.usaid.gov/press-releases/2022/06/06/usaids-central-ticketing-system>. We wish you the best of luck.

Sincerely,  
Ombudsman's Office

Ref: WSG32057140

Reply Forward





# EXHIBIT 3.

# Westminster College

Fulton, Missouri

On the recommendation of the Faculty,  
the Board of Trustees hereby confers  
the degree of

Bachelor of Arts

upon

**Michael Atnafu Agele**

who, having fulfilled the requirements prescribed by this College for graduation,  
is entitled to all rights, privileges, and honors pertaining thereto.

Awarded this thirty-first day of December,  
in the year of our Lord two thousand and sixteen.

*Hal O'Leary*  
Chairman of the Board of Trustees

*Harry D. Spahr*  
Secretary of the Board of Trustees

*Benjamin A. Harte*  
President of the College

*Caroline D. Harte*  
Dean of Faculty

ID : 439590

Name : Micheal Atnafu Ayele

SSN : XXX-XX-9890

Address : 408 N Philadelphia Avenue #1033  
Ocean City, MD 21843

## WESTMINSTER COLLEGE

501 Westminster Avenue XXX-XX-9890

Fulton, MO 65251-1299

12/19/2014 01:18:27

## Undergraduate Division

Advisors : Dr. Rabinora N Bhandari  
John Langdon

Course Number	Title	CR Type	Gr	Rpt	Att	Emd	HGpa	Q.Pts	GPA
Transfer-Credit : Fall Semester									

## Organization : TRANSFER ORGANIZATION

ECR-299	Lower Level Elective	TR	TR		3.00	3.00	0.00	0.00	0.0000
ECR-328	Independent Study	TR	TR		3.00	3.00	0.00	0.00	0.0000
YLG-101	Intro Foreign Language I	TR	TR		3.00	4.00	0.00	0.00	0.0000
FRE-303	Adv French Conversation	TR	TR		3.00	3.00	0.00	0.00	0.0000
HIS-323	Europe since 1945	TR	TR		3.00	3.00	0.00	0.00	0.0000
MAT-122	Business Calculus	TR	TR		3.00	3.00	0.00	0.00	0.0000
PED-A39	P.E. Activity Elective	TR	TR		3.00	3.00	0.00	0.00	0.0000
PHI-101	Intro to Philosophy	TR	TR		3.00	3.00	0.00	0.00	0.0000
Term Totals : 23.00 23.00 0.00 0.00 0.00 0.0000									
Career Totals : 23.00 23.00 0.00 0.00 0.00 0.0000									

## Baccalaureat General-Centre Addis Abeba, Ethiopia

## 2009-2010 : Spring Semester

ECR-212-B	Principles of Microeconomic	LT	B		1.00	3.00	3.00	9.00	
ENG-103-A	Academic Writing-Int'l Stud	LT	A		1.00	3.00	3.00	12.00	
POL-205-A	Introduction to Political Theor	LT	A		1.00	3.00	3.00	12.00	
PSY-113-B	Psych as a Social Science	LT	B		1.00	3.00	3.00	9.00	
WSM-101-A	Westminster Seminar	LT	A		1.00	3.00	3.00	12.00	
Honor : Dean's List									
Term Totals : 15.00 15.00 15.00 54.00 3.6000									
Career Totals : 33.00 38.00 15.00 54.00 3.6000									

## 2010-2011 : Fall Semester

CSC-100-B	Microsoft Word-Comprehens	LT	A		1.00	2.00	2.00	8.00	
ECR-211-B	Principles of Macroeconomic	LT	A		1.00	3.00	3.00	12.00	
FRE-200-A	Intro to French Lit	LT	A		1.00	3.00	3.00	12.00	

Page : 1 of 2

MEANS REPEAT OF COURSE

MEANS COURSE CREDIT NOT COUNTED

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## Undergraduate Division

Advisors : Dr. Rabinora N Bhandari  
John Langdon

Course Number	Title	CR Type	Gr	Rpt	Att	Emd	HGpa	Q.Pts	GPA
2010-2011 : Fall Semester									

INT-210-A	Model United Nations	LT	A		2.00	2.00	2.00	8.00	
MAT-114-D	Elementary Statistics (LC)	LT	B		3.00	3.00	3.00	9.00	
POL-112-A	Intro Political Science	LT	B		3.00	3.00	3.00	9.00	
POL-212-B	Intro International Pol	LT	A		3.00	3.00	3.00	12.00	
Honor : Dean's List									
Term Totals : 19.00 19.00 19.00 70.00 3.6800									
Career Totals : 57.00 57.00 34.00 124.00 3.6600									

## 2010-2011 : Spring Semester

BUS-223-A	Business Law	LT	B		3.00	3.00	3.00	9.00	
ECR-332-A	Intermediate Price Theory	LT	B		3.00	3.00	3.00	9.00	
POL-211-A	Amert Gov & Politics	LT	B		3.00	3.00	3.00	9.00	
POL-300-C	European Union	LT	WP		3.00	0.00	0.00	0.00	
POL-316-A	American Jurisprudence	LT	A		3.00	3.00	3.00	12.00	
SPR-101-B	Intro to Speech	LT	B		3.00	3.00	3.00	9.00	
Term Totals : 18.00 18.00 18.00 48.00 3.2000									
Career Totals : 75.00 72.00 49.00 172.00 3.5100									

## 2011-2012 : Fall Semester

ECR-235-A	Research Meth in Bus/Econ	LT	C		3.00	3.00	3.00	6.00	
ECR-310-A	International Trade & Finance	LT	B		3.00	3.00	3.00	9.00	
ECR-316-A	Public Finance	LT	A		3.00	3.00	3.00	12.00	
ECR-331-A	Intermediate Macroeconomic	LT	B		3.00	3.00	3.00	9.00	
POL-260-A	Legal Advocacy	LT	A		3.00	3.00	3.00	12.00	
POL-308-A	Post-Soviet Politics (WID)	LT	B		3.00	3.00	3.00	9.00	
Term Totals : 18.00 18.00 18.00 57.00 3.1700									
Career Totals : 93.00 90.00 67.00 229.00 3.4200									

Phyllis Masek, Registrar  
Westminster College  
Fulton, MO 65251-1299  
REGISTRAR

This transcript is official only if it is printed on safety paper, signed by the Registrar, and impressed with the Westminster College seal. See the reverse side for an explanation of credits and grades.



12/19/2014 01:18:21

# WESTMINSTER COLLEGE

501 Westminster Avenue  
Fulton, MO 65251-1299

ID : 439590  
Name : Micheal Atnafu Ayele  
SSN : XXX-XX-9890  
Address : 408 N Philadelphia Avenue #1033  
Ocean City, MD 21843

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2011-2012 : Spring Semester

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Undergraduate Division  
Advisors : Dr. Rabindra N Bhandari  
John Langton

Course Number Title CR Type Gra Rpt Att Ernd HGpa Q.Pts GPA

2012-2013 : Spring Semester

Dr. Rabindra N Bhandari

Westminster College

Westminster College

Westminster College

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[Previous General Assemblies](#)

## Bill Status of HB4175 103rd General Assembly

[Full Text](#) [Votes](#) [Witness Slips](#) [View All Actions](#) [Printer-Friendly Version](#)

**Short Description:** SCH CD-NONPUBLIC DISCIPLINE

### House Sponsors

Rep. [Margaret Croke](#) - [Katie Stuart](#), [Daniel Didech](#), [Joyce Mason](#), [Janet Yang Rohr](#), [Laura Faver Dias](#), [Diane Blair-Sherlock](#), [Jenn Ladisch Douglass](#), [Stephanie A. Kifowit](#), [Sue Scherer](#) and [Maurice A. West, II](#)

### Senate Sponsors

(Sen. [Adriane Johnson](#) - [Lakesia Collins](#), [Mary Edly-Allen](#), [Rachel Ventura](#), [Cristina Castro](#), [Emil Jones, III](#) and [Laura M. Murphy](#))

### Last Action

Date	Chamber	Action
8/9/2024	House	Public Act . . . . . <a href="#">103-0806</a>

### Statutes Amended In Order of Appearance

[105 ILCS 5/22-100 new](#)

### Synopsis As Introduced

Amends the School Code. Provides that a nonpublic school may not engage in slapping or paddling a student, the prolonged maintenance of a student in a physically painful position, or the intentional infliction of bodily harm on a student.

### House Committee Amendment No. 1

Adds reference to:

[105 ILCS 5/24-24](#)

from Ch. 122, par. 24-24

[105 ILCS 5/27A-5](#)

[105 ILCS 5/34-84a](#)

from Ch. 122, par. 34-84a

Replaces everything after the enacting clause. Amends the School Code. Provides that school personnel of any school district, charter school, or nonpublic elementary or secondary school may not engage in corporal punishment of a student, inflict corporal punishment upon a student, or cause corporal punishment to be inflicted upon a student. In provisions concerning the maintenance of discipline, provides that a policy on discipline shall provide that a teacher and others may only use reasonable force as permitted under provisions concerning time out, isolated time out, restraint, and necessities (instead of may use reasonable force as needed to maintain safety for the other students, school personnel, or persons or for the purpose of self-defense or the defense of property). Provides that the policy shall prohibit the use of corporal punishment in all circumstances (instead of the policy shall not include slapping, paddling, or prolonged maintenance of students in physically painful positions nor shall it include the intentional infliction of bodily harm). Makes conforming changes.

### Actions

Date	Chamber	Action
10/16/2023	House	Filed with the Clerk by <a href="#">Rep. Margaret Croke</a>
10/18/2023	House	First Reading

10/18/2023	House	Referred to <a href="#">Rules Committee</a>
1/31/2024	House	Assigned to <a href="#">Elementary &amp; Secondary Education: School Curriculum &amp; Policies Committee</a>
2/20/2024	House	Added Chief Co-Sponsor <a href="#">Rep. Katie Stuart</a>
3/8/2024	House	House Committee Amendment No. 1 Filed with Clerk by <a href="#">Rep. Margaret Croke</a>
3/8/2024	House	House Committee Amendment No. 1 Referred to <a href="#">Rules Committee</a>
3/11/2024	House	Added Co-Sponsor <a href="#">Rep. Daniel Didech</a>
3/12/2024	House	House Committee Amendment No. 1 Rules Refers to <a href="#">Elementary &amp; Secondary Education: School Curriculum &amp; Policies Committee</a>
3/13/2024	House	Added Co-Sponsor <a href="#">Rep. Joyce Mason</a>
3/13/2024	House	Added Co-Sponsor <a href="#">Rep. Janet Yang Rohr</a>
3/13/2024	House	Added Co-Sponsor <a href="#">Rep. Laura Faver Dias</a>
3/13/2024	House	House Committee Amendment No. 1 Adopted in <a href="#">Elementary &amp; Secondary Education: School Curriculum &amp; Policies Committee</a> ; by Voice Vote
3/13/2024	House	Do Pass as Amended / Short Debate <a href="#">Elementary &amp; Secondary Education: School Curriculum &amp; Policies Committee</a> ; 011-004-000
3/13/2024	House	Placed on Calendar 2nd Reading - Short Debate
4/10/2024	House	Added Co-Sponsor <a href="#">Rep. Diane Blair-Sherlock</a>
4/10/2024	House	<b>Second Reading - Short Debate</b>
4/10/2024	House	Placed on Calendar Order of 3rd Reading - Short Debate
4/12/2024	House	Added Co-Sponsor <a href="#">Rep. Jenn Ladisch Douglass</a>
4/15/2024	House	Added Co-Sponsor <a href="#">Rep. Stephanie A. Kifowit</a>
4/15/2024	House	<b>Third Reading - Short Debate - Passed 079-026-000</b>
4/15/2024	House	Added Co-Sponsor <a href="#">Rep. Sue Scherer</a>
4/15/2024	House	Added Co-Sponsor <a href="#">Rep. Maurice A. West, II</a>
4/16/2024	Senate	Arrive in Senate
4/16/2024	Senate	Placed on Calendar Order of First Reading
4/16/2024	Senate	Chief Senate Sponsor <a href="#">Sen. Adriane Johnson</a>
4/16/2024	Senate	<b>First Reading</b>
4/16/2024	Senate	Referred to <a href="#">Assignments</a>
4/24/2024	Senate	Assigned to <a href="#">Education</a>
5/1/2024	Senate	Do Pass <a href="#">Education</a> ; 010-002-000
5/1/2024	Senate	Placed on Calendar Order of 2nd Reading May 2, 2024
5/2/2024	Senate	<b>Second Reading</b>
5/2/2024	Senate	Placed on Calendar Order of 3rd Reading May 7, 2024
5/15/2024	Senate	Added as Alternate Co-Sponsor <a href="#">Sen. Mary Edly-Allen</a>
5/17/2024	Senate	Rule 2-10 Third Reading/Passage Deadline Established As May 24, 2024
5/22/2024	Senate	<b>Third Reading - Passed; 051-008-000</b>
5/22/2024	House	Passed Both Houses
5/22/2024	Senate	Added as Alternate Chief Co-Sponsor <a href="#">Sen. Lakesia Collins</a>
5/24/2024	Senate	Added as Alternate Co-Sponsor <a href="#">Sen. Rachel Ventura</a>
5/24/2024	Senate	Added as Alternate Co-Sponsor <a href="#">Sen. Cristina Castro</a>
5/25/2024	Senate	Added as Alternate Co-Sponsor <a href="#">Sen. Emil Jones, III</a>
6/3/2024	Senate	Added as Alternate Co-Sponsor <a href="#">Sen. Laura M. Murphy</a>
6/20/2024	House	Sent to the Governor
8/9/2024	House	Governor Approved
8/9/2024	House	Governor Approved

8/9/2024	House	Effective Date January 1, 2025
8/9/2024	House	Public Act . . . . . <a href="#">103-0806</a>

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# Corporal Punishment in Schools

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The use of corporal punishment in schools is not an effective or ethical method for management of behavior concerns and causes harm to students. The American Academy of Pediatrics recommends that corporal punishment in all school settings be abolished in all states by law and replaced by alternative forms of student behavior management. Corporal punishment remains legal in many public and private schools in the United States and is disproportionately used among Black students and children with disabilities. The aims of this policy statement are to review the incidence of school-based corporal punishment; the negative physical, psychological, and developmental impact of corporal punishment on students; and the need for continued advocacy by pediatricians, educators, and parents to abolish corporal punishment in all schools.

## abstract

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## INTRODUCTION AND BACKGROUND

Corporal punishment, defined as the infliction of pain upon a person's body as punishment, is not an effective or ethical method for management of behavior concerns and causes harm to students. Therefore, the American Academy of Pediatrics (AAP) recommends that corporal punishment in all school settings be abolished in all states by law and that alternative age-appropriate and nonviolent forms of student behavior management be used. This policy statement is aligned with the AAP policy statement "Effective Discipline to Raise Healthy Children,"<sup>1</sup> which provides evidence to support the recommendation that "adults caring for children use healthy forms of discipline, such as positive reinforcement of appropriate behaviors, setting limits, redirecting, and setting future expectations." The AAP recommends "that parents do not use spanking, hitting, slapping, threatening, insulting, humiliating, or shaming."

The Civil Rights Data Collection is conducted by the US Department of Education to measure key markers of education and civil rights in US public schools.<sup>2</sup> These data include children in preschool and children and adolescents in kindergarten through 12th grade in public schools. Corporal punishment is defined by the Civil Rights Data Collection as "paddling, spanking, or other forms of physical punishment imposed on



a child.” In *Ingraham v Wright*, the US Supreme Court ruled school-based corporal punishment as constitutional, leaving states to decide on the issue.<sup>3</sup> Corporal punishment in schools remains legal despite the evidence that it is ineffective and harmful and despite the availability of effective and nonviolent discipline measures. At present, corporal punishment is legal in public schools in 18 states and legal in private schools in all states except Iowa and New Jersey (Table 1).<sup>4</sup> Across the United States, 96% of public schools report not using corporal punishment.<sup>5</sup> However, the rates of corporal punishment in schools that do use it range from 0.6% to 9.0% of students per year, with the highest rates in states located in the southern United States.<sup>5</sup> These rates translate to almost 70 000 students being struck at least once by school personnel during the school year.<sup>6</sup>

Among US schools that use corporal punishment, racial, gender, and ability disparities exist: students who have disabilities and identify as Black or male are more likely to experience corporal punishment than students who do not have disabilities and identify as white or female.<sup>7–9</sup> “Adultification bias,” in which “adults perceive Black youth as being older than they actually are,”<sup>10</sup> may be one type of bias that may lead educators to justify more harsh punishment of Black students.<sup>11</sup> National data show that Black boys are nearly twice as likely to be struck as white boys (14% vs 7.5%), and Black girls are more than 3 times as likely to be struck as white girls (5.2% vs 1.7%).<sup>12</sup> Analysis of state-level data shows that some states have even greater disparities in the use

of corporal punishment against Black students compared with white students.<sup>5,8,9,13</sup>

Fourteen percent of children and adolescents age 3 through 21 years are identified as having a disability, defined by receiving services under the Individuals with Disabilities Education Act (these are students with an Individualized Education Program).<sup>14</sup> National data show that among students who received physical punishment at school, 16.5% were served under Individuals with Disabilities Education Act; therefore, students with disabilities are overrepresented among students who are physically punished at school.<sup>6</sup> Analysis of state-level data shows that some states have greater disparities in the use of corporal punishment against students with identified disabilities versus those without.<sup>7</sup> When students with disabilities are subjected to corporal punishment for behaviors associated with their disabilities, they are unjustly and excessively punished and deprived of access to quality education and a safe learning environment.<sup>7</sup> Students with intellectual disability who receive corporal punishment may find it challenging to understand social rules, the consequence of their actions, or the reason behind their punishment. In addition, they may be unable to communicate the incident to their parent(s). For students possessing more than 1 marginalized identity (eg, race and ethnicity, gender, ability, sexual orientation), the presence of these shared identities may target them for increased corporal punishment and demonstrates the unique perils described by Professor Kimberlé Crenshaw’s Intersectionality framework.<sup>15</sup>

Corporal punishment is not effective as a disciplinary method.<sup>1</sup> The majority of studies about the effects of corporal punishment on children and adolescents have focused on punishment used by parents or primary caregivers and have been reviewed elsewhere.<sup>6,7</sup> Meta-analyses conducted in 2013 and 2016 indicate that spanking by parents or primary caregivers is associated with worse, not better, behaviors among children.<sup>12,16</sup> A 2017 survey study among parents from a variety of countries and cultures suggests that use of corporal punishment is associated with more problematic, externalizing behaviors among children across cultures, regardless of parental perception of the severity or justness of the punishment.<sup>17</sup> In the short-term, corporal punishment may cause a child or adolescent to be fearful and immediately obedient. However, over the long-term, corporal punishment does not improve behavior. Corporal punishment by parents or caregivers is associated with a range of negative effects among children and adolescents, including a higher incidence of behavior and mental health problems, impaired cognitive development, poor educational outcomes, impaired social-emotional development, problems with the ongoing relationship between parents and children, a higher risk for physical abuse, increased aggression and perpetration of violence, antisocial behavior, and decreased moral internalization of appropriate

TABLE 1 States in Which Corporal Punishment Remains Legal in Public Schools in 2022
States <sup>a</sup>
- Idaho
- Wyoming
- Arizona
- Colorado
- Kansas
- Oklahoma
- Texas
- Missouri
- Arkansas
- Indiana
- Kentucky
- Mississippi
- Alabama
- Georgia
- South Carolina
- Florida
- Louisiana <sup>b</sup>
- Tennessee <sup>b</sup>
<sup>a</sup> Corporal punishment may be banned in certain cities or schools; policy users should verify up-to-date laws in their states.
<sup>b</sup> Banned in public schools for students with disabilities.

behavior.<sup>18</sup> A meta-analysis of studies regarding spanking and child outcomes found that being spanked as a child was associated with adult antisocial behavior, adult mental health problems, and adult support for physical punishment.<sup>12</sup> Studies regarding use of physical punishment and outcomes necessarily use observational rather than experimental designs and show association rather than causation; however, the consistency of findings across studies and over time suggest that it may be appropriate to draw causal conclusions.<sup>18</sup>

Based on these findings, it follows that corporal punishment inflicted on students by school personnel also causes harm. A 2019 survey of 18 to 23 year old young adults who attended high school in US states where corporal punishment is legal found that 16% (128 of 803) had experienced corporal punishment at school.<sup>18</sup> Among those who experienced corporal punishment, 82% reported it was painful and 22% reported they had bruises or other injuries from corporal punishment. The young adults who reported experiencing corporal punishment reported lower cumulative high school grade point averages and lower feelings of school belonging. Most studies about the effects of corporal punishment in schools have been conducted in countries other than the United States. One ecological study across 88 countries found that countries that prohibited corporal punishment at home and in schools had a lower self-reported prevalence of physical fighting among male and female adolescents attending school.<sup>19</sup> This effect was reduced to less physical fighting among female adolescents only when countries prohibited corporal punishment in schools but not at home.<sup>19</sup> Although an ecological study cannot determine whether a true association exists between the independent (corporal punishment) and dependent (physical fighting) variables, this study does suggest that additional research to establish a true association should be conducted. A longitudinal survey study conducted among students in Korea showed that students who reported being verbally or physically aggressive toward others were more likely to receive corporal punishment from teachers and that this resulted in students continuing to be more aggressive in the future, resulting in a cycle that perpetuates aggression.<sup>20</sup> Finally, a longitudinal study conducted in Ethiopia, India, Peru, and Vietnam found that in at least 2 out of the 4 countries, students who experienced corporal punishment at school had lower self-efficacy, self-esteem, and math scores over time compared with students who did not experience corporal punishment at school.<sup>21</sup>

Children cannot learn when they do not feel safe. A large number of effective, age-appropriate, nonviolent, and evidence-based alternatives to corporal punishment exist to promote desired student behaviors.<sup>22</sup> There are opportunities for schools to promote the behaviors by

having curricula in place to support the social-emotional learning as well as alternative interventions for behaviors when they do occur, including: Positive Behavior Interventions and Supports, restorative justice, conflict resolution, mentoring, and individual therapy.<sup>5</sup> For children exposed to corporal punishment in school settings, schools must not only implement alternative discipline strategies, but simultaneously use trauma informed practices to repair trust between students and school adults and establish safe learning environments wherein adults are role-modeling positive alternative behaviors. When advocating for policies and practices that support the well-being of students, pediatrician advocates should be aware and respectful of the expertise of those in the field of education. The US and states' Departments of Education provide information on tools, resources, and technical assistance for creating a supportive school climate and promoting desired student behaviors (<https://www2.ed.gov/policy/gen/guid/school-discipline/support.html>).

## RECOMMENDATIONS

- Given the harm caused by corporal punishment in schools and the availability of alternative, effective nonviolent behavior interventions, the AAP recommends that corporal punishment in all school settings be abolished in all states by law and that alternative age-appropriate and nonviolent forms of student behavior management be used. Several factors continue to prevent some states from passing laws prohibiting corporal punishment, including concern about infringement on school district rights, cultural practices, and even some parents' preference for paddling over suspension.<sup>23–25</sup> Therefore, federal legislation may be required to overcome these barriers.<sup>26</sup>
- Pediatricians, educators, and parents play a critical role in advocating for the end of corporal punishment in schools within the US as well as internationally.
- As noted in the AAP policy statement, "The Impact of Racism on Child and Adolescent Health,"<sup>27</sup> pediatricians and other child health providers are in a position to "address and ameliorate the effects of racism on children and adolescents." Advocating to end corporal punishment, which is disproportionately used among Black, male students, is one way to address inequities based on race and reduce harm to Black students.
- Children with disabilities are particularly vulnerable to corporal punishment. When students with disabilities are subjected to corporal punishment for behaviors associated with their disabilities, they are unjustly and excessively punished and deprived of access to quality education and a safe learning environment. Advocating to end corporal punishment, which is disproportionately used among children with disabilities, is also a

way to address inequities based on disability status and reduce harm to students with disabilities.

- Alternative age-appropriate and nonviolent behavioral strategies should be encouraged in place of corporal punishment, such as Positive Behavior Interventions and Supports, restorative justice, conflict resolution, mentoring, and individual therapy.

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### ABBREVIATION

AAP: American Academy of Pediatrics

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