

# ADAP

## Alabama Disabilities Advocacy Program



SEPTEMBER 2005

## Transition planning for youth with disabilities

About a year ago, ADAP recorded the following intake from the mother of a young man who was about to graduate high school:

*"Mike\* is 19 years old and is going to receive a certificate of attendance at the end of the school year. He has mental retardation. Mike's mother reports that the school system has a job coach but she was told he couldn't serve Mike. Mike is going to graduate without having any transition services - no job development and no independent living planning. Mother's question boils down to: 'What should she do - what's next?'" (\* Name changed)*

"What's next?" This has become the core question around which ADAP's transition advocacy revolves. We believe no young person should leave school without knowing the answer to this question.

Our work with adolescent students and their families has taught us valuable lessons about how IEP teams should think about transition and employment development opportunities.

Here are some of the things we've learned so far:

### Focus on the Student!

- Start with the student and his dreams. Match him to a job (or create a job) based on his interests.
- Teenagers feel powerless enough as is, without forcing them into job training programs that are governed by the administrative convenience of others and are uninspired by a vision of what the student's desires are. Not every student wants to study horticulture or cosmetology or whatever program a school district might offer. That's not to put these programs down...they just aren't right for everyone. Transition planning, like any part of an IEP, is all about individualization.
- Encourage youth with disabilities to develop their own self-advocacy skills by supporting them to verbalize their vocational and living desires.
- Advocate that the IEP team assist the family in developing a "person centered plan" that looks at the student holistically and develops the larger picture regarding the student's future and where his employment fits in. Develop a support group around the student that works together to assist him in obtaining his goals and aspirations. *(Continued on Page 2)*



From the desk of  
Ellen B. Gillespie, Ph.D.

ADAP Director

Here at ADAP there are lots of caring, committed people who would like to help with every situation that arises. Ideally, we could furnish information and advocacy to help every person who calls. The reality is, however, that we cannot take every case. I admit I did not understand that before coming to work at ADAP. I now understand more about the demand for services and the necessity for setting priorities, as all Protection and Advocacy agencies in each state and territory must do.

We literally receive thousands of requests for help each year. In April of this year alone, ADAP staff completed 198 new intakes. Over 90 of these were for special education issues. Our annual priorities, established before each fiscal year begins in October, help us to make decisions about which cases we can take.

There is another important factor in this equation. As you know, ADAP does more than individual case advocacy. There are class action suits, training requests, outreach projects, and an increasing need in this unsettled political *(Continued on Page 2)*

**From the desk of  
Ellen B. Gillespie, Ph.D.***(Continued from Page 1)*

climate to take a leadership role in systemic efforts on the state and national levels as funding and choices are threatened. Currently, we are working on several major systemic issues, including Medicaid funding, services for people with developmental disabilities who do not have mental retardation, and outreach and improved services in the Black Belt region of Alabama.

ADAP will continue to increase our marketing efforts, and more and more new intakes will be the likely result. We do not want to discourage anyone

from calling with a problem. If there is a question about whether we can help, we want you to call. What we will be doing is looking for ways to be more efficient in our work, partnering with other advocacy and consumer organizations to meet client needs, and improving our training capacity so that consumers and families have the skills and support they need to resolve problems.

ADAP can never be “everything to everyone” with a disability in Alabama. Our attitude, however, is to try to assist in as many situations as possible by working harder and smarter. We have come a long way with these efforts, but we always welcome your ideas.

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**Transition planning for youth with disabilities***(Continued from Page 1)***Preparation: lay the groundwork**

- Make sure the student is prepared for a job. Don't set her up for failure by sending her off to a job site without the requisite starting skills. The IEP team, including vocational specialists, should carefully examine the student's present levels of performance before a particular placement is made and address any unmet needs.
- At the same time, make sure the job is prepared for the student. Doing a thorough task analysis is vital. Clearly identify the supports and/or accommodations the student will need to succeed in the job.

**Stay on it: mentoring & monitoring**

- Effective job coaching is the key to many successful placements; work closely with school teams to ensure that job coaching is done by experienced personnel.
- Educate the student on the job requirements as well as on the organizational expectations regarding dress, attendance, and workplace “manners.”
- Collaborate with the school and/or vocational rehabilitation counselors during the placement to ensure it's working as planned.
- Educate the family and the student on their right to monitor the placement and speak up where it's not working.

**Take it to the next level**

- At the close of the job experience, look back at the expectations that were developed through the planning model. Where did the plan work? Where didn't it work?
- What is the student prepared to move on to now? Where does she need further support to take on the next job experience?
- Quantify the student's accomplishments and build a resume for the student.

**A sound judgment***Reprint from The Huntsville Times  
Tuesday, May 17, 2005**By David Prather,  
for the editorial board*

Now isn't the time to call off court monitoring of DHR.

The optimism of Page Walley, the director of Alabama's Department of Human Services, proved to be remarkably similar to the premature report of Mark Twain's death: an exaggeration.

Walley told The Times' editorial board on Thursday that he expected a consent agreement to be signed soon in what has been known as the R.C. case. It was filed in 1988 in protest of Alabama's inadequate child welfare system. The state has been working to correct problems identified in the case ever since.

On Friday, U.S. District Judge Ira DeMent said the state has been making progress. He also said he's not going to lift the federal monitoring brought on by the R.C. case. See him again in August, the judge said, and he'll talk about it some more.

The truth about DHR's progress in this instance - as in many others - lies in the middle.

Alabama has done a great deal since 1988 in improving its snake pit of a child welfare system. The program that DHR eventually established to make improvements - and to make sure children get the protection and help that civilized people know they need - has been commendable. The reforms that Alabama has implemented are being used as models in other states with similar problems.

Yet, as DeMent noted, the court monitor has cited continuing problems with out-of-home placements, high worker caseloads and regression in certain services as needing prolonged scrutiny. The monitor isn't ready to give an “all clear” to DHR's child welfare program just yet.

*(Continued on Page 4)*



## Room for improvement Americans with Disabilities Act has made a difference, but some say more is needed

Reprint from *The Tuscaloosa News*  
Tuesday, July 26, 2005

By Markeshia Ricks



Lauren Carr

### TUSCALOOSA |

Fifteen years ago, Lauren Carr did not know that one day she would be directly affected by an act of Congress.

Carr became a practicing attorney in 1990, the same year Congress passed the Americans with Disabilities Act to break down barriers in employment, public services, transportation, public accommodations and telecommunications for people with disabilities.

“The idea behind the ADA was to create a very comprehensive set of guidelines and rules that allow people with disabilities the ability to participate fully in all aspects of community and society,” said Carr, who is now a senior staff attorney for the Alabama Disabilities Advocacy Program.

Carr said the changes that the ADA brought included requiring public or commercial buildings to be accessible for people who are deaf or blind or using wheelchairs, walkers and personal assistant animals.

She also said the law brought changes in hiring practices and provisions in telecommunications for those with hearing or speech disabilities with access to phones and television.

“My personal favorite is the impact the ADA has had on communities,” she said.

“Because of the ADA, people with disabilities are seen. They can go to the store, the theater, the courthouse,

the community center, the baseball field, the football stadium — anywhere they want.”

Knowing that the people with disabilities have more access to public places began to mean even more to Carr when she gave birth in 1994 to a son, Wilson, who has cerebral palsy and uses a wheelchair.

“When people with disabilities are seen, others see what more is needed and should be done,” she said. “The ADA has done a lot. But our communities need to be aware that more still needs to be done.”

Toni Franklin, executive director of United Cerebral Palsy of West Alabama, said the passage of the law recognized people with disabilities as equal members of society, but there is more to be done.

“I was recently in Montgomery visiting a friend who uses a wheelchair. I took her to a lunch at a restaurant that she’d never been to, but said she would like go to,” she said.

“Though the restaurant had met the requirements of the ADA law regarding accessibility, when we went to be seated we had to traffic through the bar area and she had to be taken to the back of the building to access the ramp.”

Franklin said stories like her own experience are still quite prevalent even 15 years since the passage of the ADA.

“Accessibility is a serious issue and difficult to address because a lot of financial factors are involved. But one thing I would like to see when new restaurants and buildings are built is that architects consider or even bring

in someone who uses a wheelchair, so they will understand the need for access as well as dignity when using a public place.”

She said there are also issues such as the provision of adequate transportation for people with disabilities.

“The ADA doesn’t specifically address that, but public transportation cannot discriminate,” she said. “Our public transportation system does the best that it can, but it can’t meet all the needs that are out there and it is a critical issue for the entire state of Alabama.”

Franklin said more than 20 percent of Alabamians over the age of 5 have a recognized or defined disability, and while programs such as Dial A Ride help fill in the gaps, the fight should continue.



One place it should continue, she said, is in the area of voting rights.

*(Continued on Page 4)*



**Room for improvement ADA***(Continued from Page 3)*

“One of the things that the ADA did for people with disabilities was that it recognized them as individuals with the right to vote just as anyone else,” she said. “It required that voting places be accessible.”

Because some polling places are in old buildings, the law requires poll workers to accommodate people with disabilities by bringing voting materials to the person’s car.

“People can vote even if they can’t get into the building,” she said. “A lot of people with disabilities don’t realize they can vote, and their vote does make a difference.”

Suzanne Dowling, a Tuscaloosa resident and the mother of a child with autism, said she’s certain that many of the educational programs that are available for children with mental and physical disabilities would not be in place if it were not for the ADA.

“I know that all of the educational opportunities that we’ve taken advantage of were in place when we started the education process with Sam,” she said. “We know that his rights to an education are protected and we’ve been able to ask for things that we need for him and know that we’re backed up by the law. We’re fortunate that our school system, the Tuscaloosa County school system, has been very good about working with us.”

But Dowling said she is concerned that new laws such as the No Child Left Behind legislation, that have new requirements for special education in public schools, might somehow weaken many of the positive gains that children with disabilities have received

through the ADA law.

“Sometimes the pendulum swings the other way with how a law is interpreted,” she said. “I’m definitely concerned that all the rights that he has now, he might not have later.”

Carr said there are reasons to be concerned.

“It’s great that Congress passed this legislation,” she said. “It’s sad that the Supreme Court continues to limit the protections intended by Congress.”

Carr said since the ADA is still a young law, there are often questions regarding the meaning of the law. She said that although some of the interpretations have been favorable and provide more access for people with disabilities, others have created limitations on the

number of people protected by the law and limited the ability for people to recover damages and attorneys fees.

And then there are the basic everyday struggles that people with disabilities still face.

Carr said even today there are places her son can’t go because of access issues, and there is continued need for community awareness.

“We still get stared at when we are in public. We still get comments from others about ‘special’ or ‘segregated’ programs that he should participate in,” she said. “The ADA, hopefully, will allow my son the choices I’ve had in my life. I have been able to go to the mall, the movies or restaurants of my choice when I wanted to go. I graduated from high school, the University of Alabama, went to law school, got married and had children.

“I want the same for Wilson. If the ADA remains strong, maybe his life will be as great as mine has been.”

**A sound judgment***(Continued from Page 2)*

In his decision not to make a final decision, DeMent also referred to what may be an area of even greater concern than the program shortfalls the monitor cited: The judge said he’s not convinced that state will maintain current program quality without oversight.

DeMent must have taken a look at the budget-making process in Montgomery.

He must have seen how the Legislature continues to try to get by with as little as possible - and then some - when it comes to financing programs that are vital to the poor.

He must, in other words, have reached the inevitable conclusion that once he lets this case go, there are reasons to expect DHR’s commitment to foster children to regress - not because public servants like Walley want it to but because the Legislature won’t give Walley and his folks the money to do the job correctly.

A way around this obstacle - perhaps the only way - is to set up a revenue stream that will provide DHR with the fiscal nourishment to do what the court says it has to do. And it had better be ironclad, not subject to political chicanery (like the smoke-and-mirrors effort to move education trust fund money to the General Fund that surfaced this past legislative session).

If there’s an acceptable plan in place and the money to implement it, there’s no reason why Judge DeMent wouldn’t end the 16-year-old suit.

Until that happens, there’s ever reason - including the reason of life and death for children - to keep the monitoring going.

**Strengthening Families  
Planning for Success  
A Family Guide to  
Individualized Service Plans (ISPs)  
Request your copy today  
Call ADAP 1-800-826-1675**

# Children with Multiple Needs



Alabama's Department of Human Resources protects children from abuse and neglect.

The Department of Mental Health/Mental Retardation provides mental health services to children with emotional or behavioral problems.

Children who need special education services receive those services from their local schools.

But what about children whose needs are so great that they require help from all of these child-serving agencies?

To meet the needs of such children and their

families, the Multiple Needs Child (MNC) Act was signed into law on April 27, 1993. The Act provides for inter-agency planning for "multiple needs children" who require services from two or more state or local child-serving agencies and who are at risk of out-of-home placement or placement in a more restrictive environment.

The MNC Act was intended to help agencies work together cooperatively to fill service gaps and provide fully integrated support for some of Alabama's neediest children.

## Who is a "Multiple Needs Child?"

According to §12-15-1(19) of the Alabama Code, a "multiple needs child" is a child who:

(1) comes to the attention of the Court or one of the member agencies listed below,

AND

(2) is at imminent risk of out-of-home placement or placement in a more restrictive environment,

AS A RESULT OF

(3) emotional disturbance, behavior disorder, educational deficit, lack of supervision, delinquency, physical illness or disability, or any combination of these,

AND

(4) whose needs require the services of two or more of the following member agencies: Department of Youth

Services, Public School System (services for special needs), Department of Human Resources, Department of Public Health, Juvenile Court Probation Services, and Department of Mental Health and Retardation.

## Local and State Children's Services Facilitation Teams

Local Children's Services Facilitation Teams (often called multi-needs teams) are found in every county of the state. Multi-needs teams are comprised of a core group of local representatives from each of the member agencies listed in the Act. Other members may be added to the teams in order to best meet the needs of each child. These teams create individualized service plans for each child that address his or her strengths and needs. The plans designate among the member agencies the parties responsible for providing the recommended services. Multi-needs teams seek the least restrictive environment appropriate to deliver the recommended services to children.

The State Children's Services Facilitation Team is made up of representatives from each of the member state agencies, as well as from the Association of Chief Juvenile Probation Officers. The state team is charged with developing and implementing interagency plans for statewide services that will benefit multiple needs children. When multi-needs teams have exhausted all local resources to serve a child or when there is a disagreement over how a child is to be served and by whom, the state team's Case Review Committee (CRC) can review the child's case. The CRC is authorized to develop a service plan for the child, which is binding on the local team as well as the departments represented. The CRC can also provide funding for services, limited by the state team's budget.

## Referring a Child to the local Multi-needs team

In most cases, a representative of one of the member agencies of the local team refers a child to the whole team for its consideration.

In some cases, juvenile court will make a formal referral to the local multi-needs team. Within 21 days of the multi-needs team receiving the court referral, the team must present a preliminary plan of services to the court that addresses the needs of the child and that lays out the respective responsibilities of member agencies. The member agencies are responsible for the implementation of any court-ordered service plan.

If you believe your child may be eligible for MNC services and planning, ask the member agencies that serve your family to refer your child to your local multi-needs team for its consideration.

*Contact ADAP for advocacy help related to multi-needs eligibility and services at 1-800-826-1675.*

# Q & A

## The Americans with Disabilities Act

Fifteen years ago, the Americans with Disabilities Act (ADA) became law. The ADA bans discrimination based on disability. It is modeled on the Civil Rights Act and other laws protecting the rights of minority groups. Because of the ADA, people with disabilities have the same civil rights as everyone else.



Here's a true/false quiz about the ADA.

### True or False:

1. Employers cannot reduce a disabled employee's pay simply because he/she is disabled.
2. Employers are required to post a notice of the ADA and its provisions at the workplace.
3. Employers do not have to provide equal opportunity to disabled employees in receiving training.
4. The ADA makes it illegal for an employer to discriminate against an individual with a disability during the hiring process or in the workplace.
5. An employer must hire an applicant with a disability, even if he/she is not qualified to do the job.
6. When you are applying for a job, an

employer cannot ask you whether you have ever been hospitalized.

7. When you are applying for a job, an employer cannot ask you whether you are taking prescription drugs.

8. When you are applying for a job, an employer has a right to ask you whether you have any physical defects, disabilities or impairments which may affect your performance in the position for which you are applying.

9. Under the ADA, an employer may have to restructure the job in terms of hours, vacant positions, equipment, policies and procedures to provide reasonable accommodation to its disabled employees.

10. The employer does not need to provide a reasonable accommodation when the changes would fundamentally alter the nature of the operation of the business.

11. Even disorders caused by illegal drugs are protected by the ADA.

12. The primary purpose of the ADA is to give people with disabilities full participation in all aspects of society.

### Answers

1. True. 2. True. 3. False. 4. True. 5. False. 6. True. 7. True. 8. False. 9. True. 10. True. 11. False. 12. True.

### Trivia Question

**Question:** "In 1999, the U.S. Supreme court ruled that individuals with disabilities have the right to live in their communities and not be kept in institutions. This famous ruling is widely known as:

- A. Rule 40
- B. the Olmstead decision
- C. Brown vs. Board of Education"

Answer: B. Olmstead decision

## Continuation of Benefits for Persons in Vocational Rehabilitation Programs

Five years into the 21st Century, work for persons with disabilities should be more of a reality than ever before. Amendments to federal vocational rehabilitation regulations, more and better work-related assistive technology, and a decade of life under the Americans with Disabilities Act all contribute to a better employment picture for persons with disabilities.

However, work has not been the reality for too many persons with disabilities who are beneficiaries under the Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) programs. Despite this better atmosphere for work, the number of beneficiaries who leave the SSDI or SSI rolls because of work activity has remained at less than one half of one percent of all beneficiaries. A major reason for this is a fear that work will result in the loss of cash benefits and health care coverage. Beneficiaries also fear that it will not be easy to reinstate cash benefits if a work attempt fails or they must reduce work hours because of a disability. Congress and the Social Security Administration (SSA) addressed these fears through the Ticket to Work and Work Incentives Improvement Act of 1999 which contains a number of work incentives.

The objective of this article is to inform beneficiaries of a work incentive that is not widely known by both SSDI and SSI beneficiaries as well as many professionals within the Social Security Administration and other persons who routinely handle issues involving benefits.

(Continued on Page 7)



# Riley Signs ASL Bill

On August 4, 2005, Governor Bob Riley signed a bill establishing that local school boards may offer American Sign Language (ASL) as an approved foreign language in Alabama's high schools. The bill's passage marks the end of a long journey for Alabama's disability rights advocates who put their hearts, souls - and voices - into a successful effort to obtain approval of the bill. The diligent efforts of Judith Gilliam, all members of the Alabama

Association of the Deaf (AAD), and those who worked along with them deserve much of the credit for passage of the bill.

The bill amends §16-6B-2 of the Code of Alabama regarding the course of study in public schools. The bill makes clear that ASL "is a foreign language for purposes of satisfying certain curriculum requirements," and applies to students with hearing impairments for the 2005-2006 school year and to all students beginning with the 2006-2007 school year.

Approval of the ASL bill represents a classic win-win proposition for all

concerned. Not only will students with hearing impairments be able to obtain credit for taking ASL classes, it should eventually help reduce the current shortage of trained sign interpreters working in such settings as school, courthouses, and hospitals. Thus, persons with hearing impairments and members of the general public all benefit from the passage of the bill.

See the following link for a copy of the bill: [http://www.alsde.edu/legislative\\_bills/2005specialSB0094\\_ACT2005312.pdf](http://www.alsde.edu/legislative_bills/2005specialSB0094_ACT2005312.pdf)

## Montgomery County Advertiser Editorial 2/21/05 Legislation Would Help Deaf Students

Imagine the plight of a deaf student at an Alabama college who wants to earn one of the many academic degrees that require passing a foreign language. Unlike most states, Alabama does not consider sign language for the deaf as the equivalent of a foreign language. That creates a tremendous hurdle for deaf Alabamians who would like to earn one of these degrees in this state. That would change under legislation now pending in the Alabama House. A bill sponsored by Rep. Craig Ford, D-Gadsden, would make American Sign Language an official foreign language in Alabama schools. Ford's bill passed its first legislative test last week when it was approved by the House Education Committee, much to the delight of about 75 deaf Alabamians who jammed into the committee's meeting room. Ford said American Sign Language is considered a foreign language in 39 states. He said many deaf students have to leave Alabama to earn certain degrees. If approved, the change might have another beneficial effect, possibly encouraging many hearing Alabamians to take sign language courses. According to Cynthia Frey, a sign language interpreter from Phenix City, there is currently a shortage of trained sign interpreters. Deaf students face enough hurdles in life without adding this totally unnecessary one. The change should be made simply as a matter of fairness. But the change also should be beneficial to society and to Alabama as a whole. Who knows how many accomplished experts in certain fields have been lost by this requirement? Who knows how many productive deaf citizens left the state because of this situation and never came back? The House and Senate should quickly pass Ford's bill.

Five years into the 21st Century, work for persons with disabilities should be more of a reality than ever before. Amendments to federal vocational rehabilitation regulations, more and better work-related assistive technology, and a decade of life under the Americans with Disabilities Act all contribute to a better employment picture for persons with disabilities.

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coverage. Beneficiaries also fear that it will not be easy to reinstate cash benefits if a work attempt fails or they must reduce work hours because of a disability. Congress and the Social Security Administration (SSA) addressed these fears through the Ticket to Work and Work Incentives Improvement Act of 1999 which contains a number of work incentives.

The objective of this article is to inform beneficiaries of a work incentive that is not widely known by both SSDI and SSI beneficiaries as well as many professionals within the Social Security Administration and other persons who routinely handle issues involving benefits.

**For additional information about Benefits for  
Persons in Vocational Rehabilitation Programs  
contact ADAP at 1- 800-826-1675.**

# County schools told they violate federal act

## Instruction cut short for disabled students

Reprint from The Tuscaloosa News  
Tuesday, May 27, 2005  
By Lydia Seabol, Staff Writer

Vernita Garriott believes her 17-year-old son, Victor, should have every opportunity at Tuscaloosa County High School that other students have, including the amount of time he spends in class.

Victor, who has cerebral palsy, cognitive delays and is blind, needs special help being fed and with his coursework. But his mother said that shouldn't mean an hour less in class each day.

The United States Department of Education agrees.

The department's Office for Civil Rights ruled against the Tuscaloosa County Board of Education May 20, stating that it was in violation of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, because the school system was transporting disabled students later in the morning and earlier in the afternoon than regular students.

The Alabama Disabilities Advocacy Program had filed a complaint against the school system last fall on behalf of disabled students who ride the buses to Tuscaloosa County schools.

According to an OCR investigation, disabled students transported by buses were arriving to county schools about 30 minutes later and were leaving school up to an hour earlier than non-disabled students. Combined, the amount of time equaled about a month less of school than regular students,

said Nancy Anderson, a senior staff attorney with the Alabama Disabilities Advocacy Program.

Alabama State Department of Education's regulations require the school day to include six hours of actual teaching. The amount of time does not include breaks, meals or recess.

Students who rode the special disability bus traveled 47 minutes to 115 minutes each way to school each day and often had to transfer buses at least once, while the regular students traveled an average of 60 minutes in the bus each day.

"What they were doing is wrong," Anderson said. "The thing that amazes

time and that Victor had to leave school earlier than non-disabled students so that he wouldn't get run over in the halls.

After an in-depth investigation, the Office of Civil Rights found that the board was violating the disabilities acts, stating that the disabled students were not being provided an equal education because they were not spending the same amount of instructional time in the classroom as regular students.

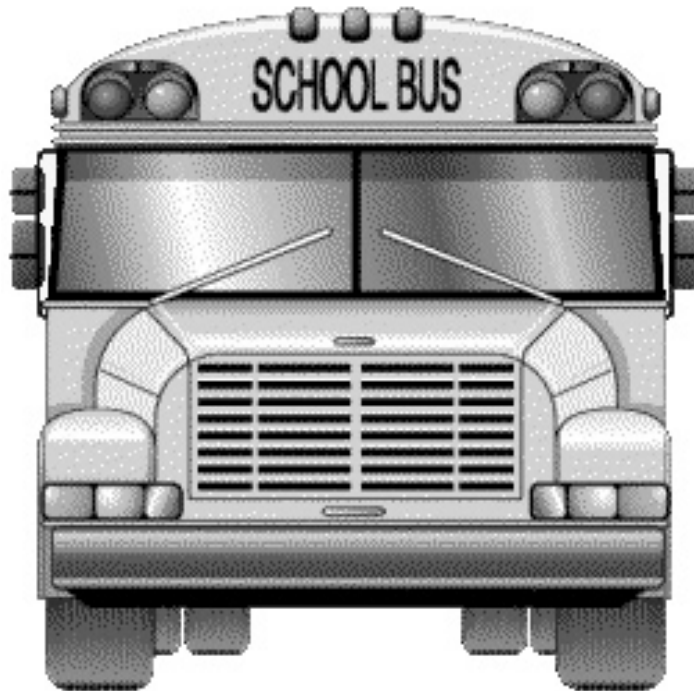
"I don't think a lot of parents realize that their children have that right," Garriott said. "Most are just thankful to have their kids in school and don't realize they can do more."

John Merrill, spokesperson for the Tuscaloosa County school board, said the complaints were legitimate and that the school system is doing everything possible to make sure that disabled students have the fullest education the schools can provide.

Part of the efforts to correct the problem includes changing bus schedules for disabled students and offering them compensatory educational services.

"Hopefully, they can meet all these needs as they have been identified, and they will be more comfortable than they've been before," Merrill said.

Merrill said County Superintendent Frank Costanzo is working with the OCR on a resolution agreement that will be voted on by the school board so that specific actions can be taken.



me about this is that it is the year 2005, and the laws protecting these children have been in existence since 1973 and 1990, but it is still happening."

Garriott said she made a complaint to the school system that it was not fair that her son received less instructional time.

"He should be at school by the tardy bell and shouldn't leave until the end of the day," Garriott said.

She said she was told that there weren't enough buses to get the disabled children to school at the same

*Do you know children with disabilities who don't go to school for a full day? Were their school days inappropriately shortened? If so, please contact ADAP's intake office at 1-800-826-1675.*



# Hope for kids who can't take pills and capsules

By Lauren Carr  
Senior Staff Attorney

My son Wilson is an awesome kid. He has many loves. He loves Elvis, swimming, country music, guitars, baseball, as well as every other thing kids love. Wilson also has cerebral palsy. We discovered, as many parents do, that some children with cerebral palsy have attention deficit disorder (ADD). Not only does his attention deficit affect his behavior, the excitement from different stimuli such as bells, whistles, or loud noises can throw Wilson into uncontrollable physical problems. For example, when Wilson hears the bell at school, he immediately stiffens his muscles up. This causes every function in his body to be thrown into turmoil. Many people with cerebral palsy experience this same sensation. The drugs available for people with ADD (or ADHD) help with these involuntary muscle spasms. Unfortunately, these medications are in pill or capsule form.

Wilson can not take capsules or pills. He gags, throws up, screams, and cries when we attempt to give him a pill or capsule - a great way for Wilson to start his day,

as well as his Mom, Dad, and sister Margaret! We tried all the tricks. We opened the ADD medication capsule and whipped it into a milkshake, sprinkled it on fruit, and stirred it into pudding, yogurt, peanut butter, honey, and flavored syrups from the pharmacy. We also resorted to bribing him with money to take the medicine. Nothing worked. The stuff tastes really....really...really bad.

Then we discovered the "COMPOUNDING PHARMACY." Our community, like many others, has all the chain pharmacies. We just take the prescription, drop it off or call it in and pick it up. It never occurred to me... a professional...a lawyer... that a pharmacist could actually mix and change the way a medicine could be given. Pharmacists who know how to compound can work miracles. Our pharmacist, Rob Colburn at Northport Pharmacy, worked with us diligently to find a solution to our problem. He called the company that makes Wilson's ADD medication and worked

to create the formula to make a cream that we rub on him. Now, instead of throwing up, screaming and fighting, we have a relaxing back rub each morning. Wilson even says, "Oh that feels so good." What a relief!



**NATIONAL  
DISABILITY RIGHTS  
NETWORK**

Protection & Advocacy for Individuals with Disabilities

900 Second Street, NE, Suite 211

Washington, DC 20002

Phone: 202-408-9514

Fax: 202-408-9520

TTY: 202-408-9521

General inquiries: info@ndrn.org

<http://www.ndrn.org/>

## ADAP's National Partner has a New Name

The National Disability Rights Network (NDRN) is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and Client Assistance Programs (CAP) for individuals with disabilities.

Through training and technical assistance, legal support, and legislative advocacy, the National Disability Rights Network works to create a society in which individuals with disabilities are afforded equality of opportunity and are able to fully participate by exercising choice and self-determination.

## Alabama Disabilities Advocacy Program Staff Members



**Ellen Gillespie, Ph.D.**  
**Director of ADAP**

Ellen Gillespie, Ph.D. is the new Director of ADAP, having served as Interim Director for the past year and Associate Director since January 2002. She holds a Bachelor's degree and a Master's degree in special education from the University of Mississippi,

and a Doctor of Philosophy in special education and human services management from the University of North Carolina at Chapel Hill. Ellen has worked as the director of programs for people with disabilities for over 20 years in Louisiana, Virginia, and Alabama. She was director for two Alabama DMH/MR facilities before coming to ADAP, having closed the first institution for persons with mental retardation in Alabama in 1996. She has provided training and facilitation in person-centered planning for many years, and this continues to be a major interest area in her work.



**Lydia Akin, LCSW**  
**Senior Case Advocate**

Lydia Akin has worked in the field of disabilities for the past thirteen years. A graduate of St. Anselm College in New Hampshire, Lydia received her Master's in Social Work from Rutgers University in New Jersey. She is a licensed clinical social worker

in both New Jersey and Alabama. Lydia has served as a managed care coordinator, social services director, outpatient coordinator and operations director for various community-based disability programs. She has been with the University of Alabama since 2002, first as a social worker at the Brewer-Porch Children's Center and then at ADAP. Lydia is a Senior Case Advocate working on children's issues, primarily in the area of special education and mental health.



**Angie Allen, LGSW**  
**Case Advocate**

Angie Allen is currently employed with ADAP as a Case Advocate. She has worked on both the Children's Advocacy Team and the Community Access Team during her six years with ADAP. In her present position with the Community Access Team,

she does intake work and casework on issues that include

Social Security return-to-work issues, voting accessibility, problems with community access and programmatic integration, and recreation accessibility. Prior to coming to ADAP, Angie worked with a community mental health center in Wyoming. She received her graduate degree in social work at the University of Oklahoma.



**Nancy Anderson, J.D.**  
**Senior Staff Attorney**

Nancy Anderson is a staff attorney with ADAP. She chairs the agency's Children's Advocacy Team. This team addresses such issues as children's mental health and behavioral services, special education, transition services, juvenile justice, discipline,

early intervention needs and others. Nancy does individual case advocacy, coordinates the agency's systemic advocacy efforts on behalf of children, and provides outreach and training in special education and other children's issues. A graduate of Wellesley College in Wellesley Massachusetts, she received her law degree from Rutgers, The State University of New Jersey.



**Rosemary Beck**  
**Information Systems Specialist**

Rosemary Beck has worked at ADAP for 9 years and has been employed by the University of Alabama for over 12 years. Rosemary serves on a national committee for the Disability Advocacy Database in a design and training capacity. Rosemary is

responsible for all the reporting submitted to ADAP's federal authorities, for the development and maintenance of ADAP's website, and for training and/or troubleshooting with computers or computer related software and/or equipment at the agency.



**Lauren Carr, J.D.**  
**Senior Staff Attorney**

Lauren Wilson-Carr came to ADAP in 1998. She received a BA in Advertising and Marketing from the University of Alabama in 1986. After receiving her J.D. from Cumberland School of Law, Lauren began practicing with Legal Services Corpora-

tion of Alabama until she opened her private practice in 1992. Lauren's legal experience includes civil litiga-

tion in both state and federal court. Lauren's efforts are concentrated toward accessible community living. She leads the Community Access Team efforts for inclusion of people with disabilities in all aspects of community living. Lauren is well known in West Alabama area as an active volunteer in various community and civic organizations.



**Mary Durrett**  
**Legal Assistant**

Mary is the Legal Assistant for the Community Access Team. She makes sure the infrastructure is in place so the team can engage in legal and advocacy activities. Among her duties, she maintains the team's calendaring system, its publication library, and its paper and electronic files. She also assists with setting up ADAP's advisory council planning meetings and arranges the team's travel and conference registrations. Mary has been employed with ADAP since the summer of 2004, and has been with The University of Alabama since 1998.



**LaTangela Foster**  
**Case Advocate**

LaTangela Foster has worked as a Case Advocate at ADAP for almost three years. After working with the Community Access Team for two years, she joined the Children's Advocacy Team as an Intake Advocate. Primarily, LaTangela provides information and referrals to the parents of children with special education needs while preparing cases for further review or advocacy. She also works on issues affecting children in foster care and the mental health system. Before joining ADAP, LaTangela worked as a social worker with children in the state foster care and juvenile justice system.



**Elaine Gallien, RN**  
**Case Advocate**

Elaine Gallien is a Case Advocate on the Community Access Team. Elaine works with adults living at Partlow Developmental Center and in the community group homes. Elaine also works with individuals who have experienced a traumatic brain injury. A background in nursing has enabled Elaine to work also with individuals in nursing home who wish to move to community placement. Elaine has worked at ADAP for almost three years.



**Vicki Hubbard**  
**Legal Assistant**

Vicki joined the ADAP staff in June 2004 and supports the Children's Advocacy Team's attorneys and case advocates. She comes to ADAP with over 21 years experience with The University of Alabama. Vicki assists the Team by managing its hard and electronic files, arranging travel and conference registrations, assisting with the planning of Advisory Council meetings and the preparation of training materials for instructional programs, and maintaining the team's calendar and resource materials.



**Molly Ivy, MSW**  
**Case Advocate**

Molly has worked as a Case Advocate at ADAP for a little over a year on the Children's Advocacy Team. She completed her Master's Degree in Social Work at the University of Alabama. The largest part of Molly's work is devoted to providing case advocacy on behalf of children with disabilities in the state's school systems. Additionally, she works with children in DHR custody to ensure that they are receiving services in compliance with the principles of the R.C. Consent Decree. Recently, Molly took on the task of extending ADAP's outreach to the Early Intervention (EI) population and to children with Traumatic Brain Injury (TBI) and their families. Prior to coming to ADAP, Molly served as a graduate assistant at the Civitan International Research Center's Sparks Clinics.



**Christy Johnson**  
**Senior Case Advocate**

Christy Johnson is currently employed at ADAP as a Senior Case Advocate. She has been employed at ADAP for 8 years and primarily works with individuals who have mental illness. Her work includes serving on a number of local and state level committees, advocating for appropriate treatment for individuals who reside in 24-hour care settings and in the community. She provides information and referrals to individuals who contact ADAP with concerns that relate to residential issues and she provides education and training to groups throughout the state.

*(Continued on Page 12)*



**Jen Lav, J.D.  
Staff Attorney**

Jennifer Lav has been a lawyer with ADAP for approximately one year. She represents children in the areas of education, Medicaid, and juvenile corrections. Prior to joining ADAP, she clerked for the Hon. Myron Thompson in the United States

District Court, Middle District of Alabama. She attended Columbia Law School and Hampshire College. Jennifer is originally from Washington, D.C.

**Barbara Lawrence J.D.  
Senior Staff Attorney**

Barbara Lawrence is an attorney with ADAP's Children's Advocacy Team. In recent years, her work has centered on advocacy related to *R.C. v. Walley*, ADAP's federal class action lawsuit that seeks to reform Alabama's child welfare system. Barbara has repre-

sented children in other capacities including as a guardian ad litem and with local Children's Multiple Needs Facilitation Teams. Barbara completed a double major and received a B.S. in Quantitative Methods and Management from the University of Alabama at Birmingham (UAB). She also received an M.B.A. from UAB. Her law degree is from the University Of Alabama School of Law.

**Robin Lunceford  
Marketing Coordinator**

As ADAP's Marketing Coordinator Robin is responsible for designing and producing all of ADAP's print and video-based materials. She also maintains the agency's database of consumers, families, service providers and other advocacy groups to

facilitate communication of issues relevant to the disability community. Robin has worked for the University of Alabama for six years. She is a graduate of Judson College with a Bachelor of Art, The University of Alabama with a Bachelor of Fine Arts degree and Louisiana Tech University with a Masters of Fine Arts degree. Before working at ADAP, Robin worked for The New York Times, Universal Studios, Sony, and The College of Continuing Studies at the University of Alabama.

**Shelby Manley  
Office Associate II**

Shelby Manley works as an Office Assistant II at ADAP. She has worked in this office for 3 years. Shelby is usually the first voice you hear when you call ADAP. Her main duties include answering the multi-line telephone system and entering

initial case data into ADAP's data management system. She also provides assistance to staff by typing complex and technical materials, arranging travel, mailing ADAP publications and other advocacy materials to clients and other service providers and numerous other clerical tasks. Prior to coming to ADAP, Shelby worked as a paraprofessional in local school systems.

**Tuwanna McGee  
Senior Case Advocate**

Tuwanna H. McGee is the new Senior Case Advocate at ADAP. She holds a Bachelor's and Master's degree in Special Education from the University of Alabama. She has worked in the field of Special Education for twenty-two years as a teacher of stu-

dents with disabilities (grades 1-12), Teacher-in-Residence at the University of Alabama in the Multiple Abilities Program, Special Education Coordinator, and Education Specialist at the Alabama State Department of Education. Tuwanna is a former member of ADAP's PADD Advisory Council. She participated in the development of the state's Math Extended Content Standards for students with significant cognitive disabilities and the accompanying Curriculum Guide. In her role at ADAP, she focuses her work on children's issues in the area of special education including discipline, IEP development, transition, and inclusion.

**Janet Owens  
Administrative Specialist**

A twist of fate brought Janet Owens to ADAP. While waiting for the elevator after interviewing with another department, someone approached her regarding a temporary secretary position with ADAP. Something that was supposed to last a few weeks turned

into 13 years that she says she would not trade for any sum of money. As Administrative Specialist, she supervises support staff, monitors finances, assists with grant proposals and special projects and provides support to the Director, Associate Director, advocates and attorneys as needed.



**Alethea Pittman, J.D.**  
**Staff Attorney**

Alethea Pittman has worked at ADAP since January of 2004 as a member of the Community Access Team. Initially hired as a case advocate, Alethea was promoted to staff attorney in October of 2004. Alethea works primarily with persons with mental

illness and with individuals needing help with re/entering the work force. Prior to working at ADAP, Alethea worked as a program coordinator for the Program for Rural Services and Research. She is a graduate of Stillman College, the University of Alabama, and the University of Alabama School of Law.



**Denise Smith, LCSW, ACSW**  
**Director of Case Advocates**

In addition to serving as the Director of ADAP's seven-person advocacy staff, Denise also presently acts as the agency's Interim Associate Director. Denise has worked at ADAP for 7 years in many different capacities, primarily in special education and

foster care issues. In addition, she has served as one of the field instructors at ADAP for the University of Alabama School of Social Work supervising social work interns during their field placement. Since moving to Alabama from Texas where she worked within the juvenile justice system, she was awarded her Master's Degree in Social Work from the University of Alabama.



**Rick Thorpe**  
**Volunteer**

Rick began volunteering at ADAP during the summer of 2005 and works with its Community Access Team. He has been assigned some cases and is learning more about disability advocacy issues. He will play an important role in ADAP's access-

to-recreation work. Prior to moving to Tuscaloosa, he was a computer programmer in Illinois and is currently training to be a paralegal.



**Rica Trone**  
**Office Associate II**

Rica Trone has worked at ADAP for 5 years. Her job entails numerous clerical duties including answering its multi-line telephone system, typing complex and technical material, operating standard office equipment, and maintaining ADAP's closed case

files. During the last 3 years, she has been pursuing a degree in Office Administration. She is scheduled to graduate in the summer or fall of 2006.



**James Tucker, J.D.**  
**Director of Litigation**

James is an Alabama native who graduated from The University of Alabama in 1982 before he obtained his law degree from Emory University in Atlanta, Georgia. James is an active member of the Bar in Alabama and an inactive member in Georgia and Florida. Since law school graduation,

James has engaged exclusively in public interest practice while working at Florida Rural Legal Services, the ACLU of Alabama, and the Southern Poverty Law Center. He has been Litigation Director at ADAP since 1998. James has been the recipient of several awards for his work on behalf of persons with disabilities.



**Lonnie Williams, J.D.**  
**Staff Attorney**

Staff Attorney Lonnie Williams began working for ADAP in March of 2005. Lonnie is a graduate of the University of Alabama at Birmingham and the Birmingham School of Law. Prior to working at ADAP, Lonnie was an attorney for Legal Services Alabama

in its Florence office where he worked on domestic violence issues. Lonnie is on the Community Access Team at ADAP. Some of the issues he works on involve the proper treatment of persons in institutions and in the community, problems with guardianships and conservatorships, access to public accommodations, and access to government services.

# ADAP Prepares for FY 05-06

With the present fiscal year winding down, ADAP is starting to think about its work for the upcoming year.

The Children's Advocacy Team and the Community Access Team have reviewed information from a variety of sources to help them develop proposed goals/priorities for ADAP's work for FY 05-06. These sources included ADAP case data, input from ADAP's advisory councils, and a study of national and state policy trends.

If you'd like to offer your ideas about these proposed goals and the direction that ADAP's work is taking, you can:

1. Log onto ADAP's website and submit your comments electronically.  
ADAP's website is: [www.adap.net](http://www.adap.net).
2. Return the tear-off sheet (see below) with your comments to:  
2005 Goals & Priorities  
ADAP  
Box 870395  
Tuscaloosa, AL 35487

## Children's Advocacy Team Goals & Priorities

- Goal 1:** Children with disabilities will be educated in their least restrictive environment (LRE) with appropriate support and services.
- Goal 2:** A state special education monitoring and complaint system that will ensure state and district compliance with the Individuals with Disabilities Education Act (IDEA) will be utilized by the State of Alabama.
- Goal 3:** Children with disabilities will receive appropriate behavioral and mental health services.
- Goal 4:** Appropriate practices, procedures and policies with respect to the discipline of children with disabilities will be utilized by Alabama school districts.
- Goal 5:** Transition programs utilized by Alabama school districts will ensure successful movement from school to secondary school/work and independent living for children with disabilities.
- Goal 6:** Children with emotional or behavioral disorders who are placed in or who are at imminent risk of being placed in foster care and/or DHR custody will receive appropriate treatment and services.
- Goal 7:** Effective behavior interventions will be used in schools and other settings to support children with disabilities to eliminate seclusion and restraint usage and to promote the safety of children.
- Goal 8:** Children with disabilities will receive necessary medical screening and treatment as required under Title XIX's Early and Periodic Screening Diagnostic and Treatment (EPSDT) program.
- Goal 9:** ADAP will increase its outreach and advocacy services to children with disabilities and their families residing in Alabama's Black Belt.

## Community Access Team Goals & Priorities

- Goal 1:** Ensure that individuals residing in state funded community placements are safe and that residents are free from abuse and neglect.
- Goal 2:** Advocate for appropriate treatment or habilitation services in the least restrictive environment for persons residing in state funded institutions or participating in state funded community programs by providing technical assistance, training, developing materials and/or assisting with complaints
- Goal 3:** Ensure that people with disabilities are free from abuse and neglect in designated criminal detention or correctional facilities.



- Goal 4:** Increase awareness of disability services available to families and service providers in Alabama Black Belt counties.
- Goal 5:** Ensure that people with disabilities who are subject to court appointed guardians and conservators are appropriately represented by the appointed guardian and/or conservator.
- Goal 6:** Train individuals and service providers on advocacy strategies and disability issues that affect people with disabilities who have become victims of crime.
- Goal 7:** Ensure that people with disabilities who are involved in the criminal justice process have full access to programs and services available for alternative sentencing.
- Goal 8:** Work with people that have disabilities to ensure they have full access to the voting process.
- Goal 9:** Investigate and review any complaint of improper or inadequate services provided to a beneficiary with a service provider, employer or other entity involved in the person's return to work effort.
- Goal 10:** Assist individuals or groups seeking legislative changes by advising, drafting, or preparing individuals for legislative hearings or meetings.
- Goal 11:** Assess recreational facilities for disability access and train business owners and facility administrators on the need of people with disabilities to participate in recreational activities.
- Goal 12:** Work with other entities within the state to create programs that can provide accessible transportation to individuals with disabilities.

**COMMENT FORM FOR ADAP PROPOSED GOALS & PRIORITIES FOR FY 05-06**

I want to comment on:

**Children's Advocacy Team Goal/Priority \_\_\_\_\_ (identify the Goal/Priority Number, 1 -9)**

Please write your comments here (use additional paper if necessary)

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**Community Access Team Goal/Priority \_\_\_\_\_ (identify the Goal/Priority Number, 1-12)**

Please write your comments here (use additional paper if necessary)

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**Other suggestions or comments for ADAP's technical assistance services, legal services, publications, training and outreach:**

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