

adap news

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A Publication of the Alabama Disabilities Advocacy Program

december 2007



State of the Art *Leadership* Training in Alabama

by Alethea Pittman, Staff Attorney

It is hard to adequately describe Partners in Policymaking in Alabama. Partners was originated by the Minnesota Developmental Disabilities Council Director, Dr. Colleen Wieck. Dr. Wieck is known as one of the most outstanding contributors to the disability field. She noticed that when she went to public hearings and meetings only professionals spoke up. People with disabilities and family members did not feel comfortable offering input. She wanted to find a way to empower the people whose lives were more directly affected by disability - consumers and families. Dr. Wieck wanted individuals and families to have the skills to be influential with policymakers. With these goals in mind, she developed Partners in Policymaking.

Partners came to Alabama in 1991. Since that time, virtually every state and several other countries have adopted the model. There are now more than 15,000 graduates of Partners programs, forming an emerging network of community leaders who serve on civic boards, community councils, and in a host of other roles at every level of government. Today, even more people have benefitted by participating in online courses designed to augment Partners programs by the Minnesota DD Council. The online courses have won numerous awards including the 2007 Best of Web Digital Government Achievement Award.

Jayne Chase has been the Coordinator of Partners in Policymaking in Alabama for several years. Jayne has said, "Our purpose is to provide individuals with developmental disabilities and their family members the information and skills to be equal partners with the people who make policy, including legislators, school superintendents, city council members, and even the Governor." Partners begins each year with a new class, selected from applicants from every corner of the state. A selection committee reviews applications and ensures that the class is diverse in every way. This year the program in Alabama has a new nickname, Partners With a Twist, with more emphasis on including people with disabilities as participants and presenters. A Co-Coordinator, Darren Morris, has contributed greatly to the new format. The "twist" has been very successful!

To learn what Partners is really about, you have to listen to participants. Kelly Schmitt of Arab, Alabama, says that Partners is "life-changing." For the lucky people selected, Partners is a journey. Most class members in the current group had not heard of Jayne Chase prior to starting the program, and we had no idea what was in store for us. Some of us thought it would be like an extended field trip or an intensive camp. We began a journey coming from different places and with different maps. The journey led all of us to one destination. That destination is a community that does not separate or divide persons because of race, gender, religion, physical or mental disabilities, or any other meaningless

labels. We learned what true community means!

Jayne challenges Partners to think of a person as "just a person, no more or less special than the person sitting next to you." She challenges people to rethink the definition of words commonly used to describe people with or without disabilities. One phrase all Partners graduates will have resonating in their minds is this: "Normal is the setting on a dryer. Normal is a word that should not be used to describe people." We learned to ask ourselves, "What is normal, and who gets to decide?"

Everyone who has been in Partners describes the bond among the members. Jayne Chase describes it this way: "Strangers become friends. Partners are able to learn from each other. Every class member brings a unique perspective to the issues addressed." Tuscaloosa educator Earnestine Giles says that she learned about true community from the participants. Linda Collins of Luverne feels empowered by her experience. She has said, "Not only have I learned something. Partners has given me the ability to voice what I have learned. Now, I can tell others."

The graduates of Partners know

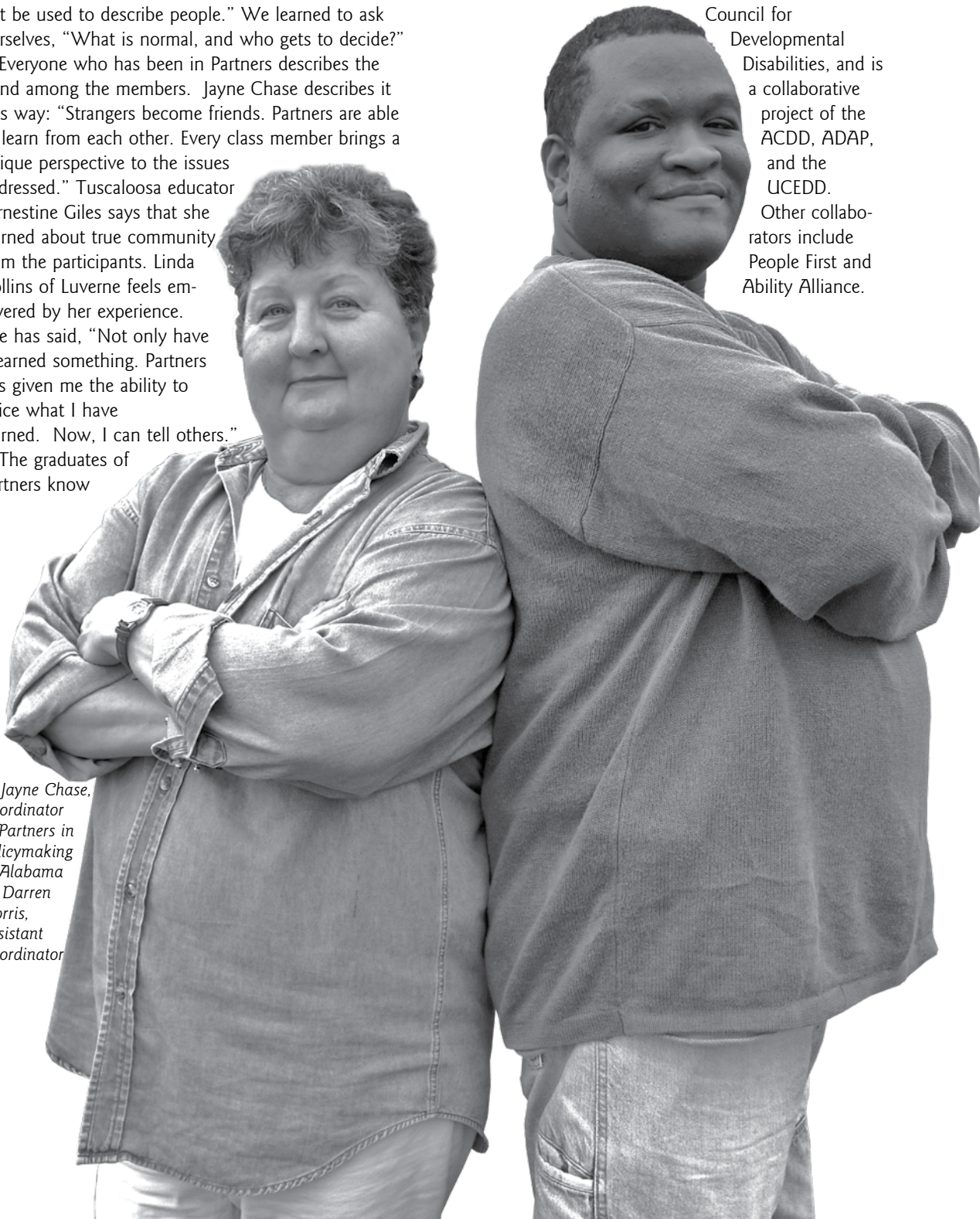
that they can be heard, and they know for certain that they can make a difference in the world.

Lonnie Williams of Tuscaloosa, states that, "As a lawyer, I can change circumstances. But, until you change minds, you will continue to have to try to change circumstances. Partners has given us the tools to change minds."

Partners in Policymaking is funded by the Alabama Council for

Council for
Developmental
Disabilities, and is
a collaborative
project of the
ACDD, ADAP,
and the
UCEDD.
Other collabo-
rators include
People First and
Ability Alliance.

(l) Jayne Chase,
Coordinator
of Partners in
Policymaking
in Alabama
(r) Darren
Morris,
Assistant
Coordinator





From the desk of Ellen B. Gillespie

ADAP Executive Director

Did you ever think ten years, even five years ago, that you could be bombarded with so much information? We live our lives connected to CNN, e-mail, phone mail, satellite radio, and Blackberries, not to mention "old-fashioned" newspapers, news magazines, and the U.S. Postal Service. There is no relief in sight as technology seems determined to keep us posted on every development everywhere 24 hours a day. I sometimes get e-mail from ADAP staff members at 2:00 a.m., and I regularly "talk" to one of the staff attorneys on Friday and Saturday nights. Seeking some balance from the stress of overload is difficult when you want to stay up-to-date on so many topics.

In the disability field, we have to stay educated on research, new treatment, and policy changes in order to effectively advocate for our clients. All of this information is a good thing, but reading and using technology are not enough. There are times that it is more important to actually talk, to meet with consumers and families and to collaborate with other agencies. ADAP staff work very hard to "stay connected" to the disability community in Alabama and across the nation. We are very appreciative of our Advisory Councils, who help us plan and determine priorities on an annual basis. We work closely with People First and other grassroots advocacy groups. This year we were honored

Ticket to Work and Work Incentives

by Alethea Pittman, Staff Attorney

Too often, people with disabilities who would like to contribute in the workplace and in the community do not explore their employment options for fear of losing medical and cash benefits. Congress recognized that the cost of this barrier to employment for people with disabilities was too high to both the individual and society - a life in poverty for the individual, and, for society, an untapped workforce at a time when workers are needed.

Protection & Advocacy for Beneficiaries of Social Security (or PABSS) and the Work Incentives Planning and Assistance (WIPA) are two federally funded programs established in the Ticket to Work & Work Incentives Improvement Act of 1999. Both programs are designed to assist Social Security beneficiaries with disabilities, who are working or who want to work, to take advantage of the work incentives available to make the transition from beneficiary to worker with only gradual or minimal impact on cash and medical benefits.

The Ticket to Work and Work Incentives Improve-

Getting OUT to Vote

by Brenda McComb, Senior Case Advocate

Nothing to it! We simply get in our cars, drive to our assigned polling site, get out of the car, walk into the building, find our table, say our name, sign on the dotted line, take the ballot, go into a booth and vote. Nothing could be easier, right? Well not for everyone. Alabama has hundreds of people in nursing homes who are missing out on one of our Nation's greatest liberties. The right to vote, to make a choice, to make our voice heard, to have a say, to be a true citizen of the United States.

So many of us take transportation for granted, but for those who no longer drive or have access to a vehicle, getting to and from the polling destination can be a major ordeal. A number of nursing homes provide transportation for a fee, others provide it freely. Some nursing homes do not have vehicles or accessible

to have been selected "Ally of the Year" by People First of Alabama. ADAP is active in the National Disability Rights Network (NDRN), our national organization, comprised of the protection and advocacy agencies in every state and territory. I serve on the NDRN Board of Directors, and James Tucker is beginning a second term on the critical NDRN Legal Committee.

There is one more important way we stay connected. In each state, the Administration on Developmental Disabilities, part of U.S. Department of Health and Human Services, funds three agencies for services to people with developmental disabilities. The DD Network in every state is composed of the state's Developmental Disabilities Council, the University Center on Excellence in DD, and Protection and Advocacy for Persons with DD (our PADD program). Our sister agencies in Alabama are the Alabama Council on DD and the Sparks Clinics/Civitan Center at UAB. This year we have worked together on Partners with a Twist, a new version of Partners in Policymaking. Next year (March 3 and 4, 2008) the DD Network will sponsor a conference in Tuscaloosa. The three sister agencies are very different, but we share the common goal of making life better for Alabamians with developmental disabilities.

All the answers are not found in technology. They never will be. Sometimes people have to slow down and talk, debate, question, and problem-solve together. No electronic device or publication can replace the power of diligent people working together toward common goals.

ment Act of 1999 was signed into law on December 17, 1999. Passage of this law represents the most significant advancement for people with disabilities since the enactment of the Americans with Disabilities Act. The express purposes of the Act are to improve training and placement services to individuals with disabilities who want to work, and to encourage states to limit barriers to employment for people with disabilities by expanding access to health care coverage available under Medicaid and Medicare.

In addition, the Act authorizes federal grant funding to States, through the Center for Medicare and Medicaid Services (CMS) and the Social Security Administration, to restructure and shape a service/information delivery system that enables people with disabilities to truly live and work in their communities. There is a strong mandate for people with disabilities to take an active role in the design and implementation of these new systems. PABSS' role is to identify and correct systemic barriers that impede access of people with disabilities on SSI and/or SSDI to vocational and rehabilitation services, employment and support services necessary to facilitate their re-entry to the workplace. ADAP's PABSS program will also assist with advocacy or legal assistance with return to work issues.

vehicles. A possible solution could be for the nursing homes to establish a transportation committee for the purpose of providing accessible, affordable transportation for residents to and from voting sites in time for the 2008 primaries and Presidential election. The committee should be made up of residents, Ombudsman, activity director, local transportation agencies that use federal funds to purchase vehicles, and other interested parties.

But there is more than transportation that prohibits residents of nursing homes from voting. There is the guardianship issue. Nursing home staff must be aware that people who have a guardian normally still have the right to vote.

Let's work together to make sure everyone is represented at the polls in 2008!

Disability Training to Law Enforcement

by Christy Johnson, Senior Case Advocate

A favorite song of mine states, "Well I miss Mayberry, sitting on the porch drinking ice cold Cherry Coke, where everything is black and white." I often wish I could turn back time, live at a slower pace, and only worry about what Barney Fife may be stirring up in town. Six years ago on September 11, our world felt much larger and changed in an instant. Society is now aware more than ever of the dangers that lurk in places that once felt safe.

What direct affect does global and local crime have on our local communities, if any? Local news stations report that crime-related deaths are at an all time high in Birmingham. Stations lead the first several minutes of their broadcast with crime-related news. It is becoming all too common to hear of people with disabilities who become the victim when law enforcement is called to respond to concerns in the community. According to an article published by the Arc in 2005, (www.speakout.org.za), "About three out of every 100 people have mental retardation, and as a law enforcement officer, there is a chance you will come in contact with a person who has this disability."

We undeniably need our local officers to maintain safety and order in our communities. However, we also need to ensure that our officers are provided necessary training to equip them to quickly assess a situation and respond accordingly. ADAP is working with a teenager who has autism, mental retardation and a psychotic disorder. He was recently caught in the midst of a neighborhood dispute which resulted in a call to local law enforcement. Although officers indicated that they were aware of his disabilities, their actions spoke more loudly than their words. During this encounter, police officers used unnecessary verbal and physical force, despite the cries of neighbors standing nearby who told them of the teen's disability. As a result, the teen suffered numerous injuries and was detained for two days in a juvenile detention center before being released back to his family.

Given the technology age, there is no excuse for a lack of knowledge and training in this area. There are countless guides, fact sheets, training videos and models that are available to anyone at the stroke of a finger on the internet. While ADAP and other organizations continue to address the lack of training issue, I urge you to consider asking your local authorities about the type of disability awareness training that is required of officers.

The following resources are available to the public. For additional resources, contact the National Disability Rights Network at (202) 408-9514, or send an inquiry to info@ndrn.org.

- "A Police Officer's Guide When in Contact with People Who Have Mental Retardation", www.speakout.org.za;
- "Improving Responses to People with Mental Illnesses: The Essential Elements of a Specialized Police-Based Program", www.consensusproject.org;
- Fighting Stigma in Law Enforcement, www.adscenter.org/memoranda/indexwinter2004.htm;
- Law Enforcement Awareness Network (L.E.A.N.), www.leanonus.org;
- Memphis Police Department, Crisis Intervention, www.memphispolice.org/Crisis%20Intervention.htm;
- Police Response to People with Disabilities (8-part video ADA training series developed by DOJ), www.ada.gov/policevideo/policebroadbandgallery.htm;

ADAP Annual Priorities and Objectives for Fiscal Year 2008

ADAP's annual priorities are determined with the assistance of their advisory councils (PADD and PAIMI) and input from the public. ADAP selects annual priorities on a fiscal-year basis (October 1 - September 30) from the goals set out in a five-year plan. The priorities must then be approved by ADAP's governing authority, The University of Alabama, Academic Affairs. The Priorities and Objectives are available to the public.

For printed copies, contact ADAP at (800) 826-1675, or view on our website: www.adap.net

Community Access Team

- Individuals with disabilities residing in institutions and in community placements will be safe and free from abuse, neglect and disability rights violations.
- Individuals with disabilities will exercise freedom of choice and retain individual liberties.
- Individuals with disabilities will have access to buildings, services and/or programs in the same manner as individuals without disabilities.
- Barriers that impede the ability of persons receiving SSI and/SSDI benefits to return to work will be removed.
- Individuals with disabilities will have full and equal access to the voting process.
- Individuals with disabilities will have access to Medicaid waiver and community services.

Children's Advocacy Team

- Students with disabilities will be educated in their least restrictive environment with appropriate support and services.
- 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.
- Youth with disabilities will receive appropriate behavioral and mental health services in their least restrictive environment and will be free from abuse and neglect.
- Appropriate practices, procedures, and policies with respect to discipline of students with disabilities will be utilized by Alabama school districts.
- Youth with disabilities will be provided effective school and community-based transition services to ensure successful movement from school to post-high school education/work and independent living.
- 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.

Autism: A Challenge for Our Schools

By State Representative, Cam Ward, District 49

One in 150 children is diagnosed with autism spectrum disorders. The Centers for Disease Control and Prevention (CDC) in February 2007 announced there is no information as to why autism is increasing. Nevertheless, we see more of these children in our schools every day.

Autism is only one of a group of disorders known as autism spectrum disorders (ASDs). ASDs are developmental disabilities that cause substantial impairments in social interaction and communication with others. These conditions all have some of the same symptoms, but they differ in each individual child that is diagnosed.

Some students with autism have better success in school when receiving individual support, others benefit from an inclusive setting while many students may need both. While all of this sounds confusing, it can also be highly frustrating for a special education teacher trying to work with these students.

Autism is sometimes referred to as a mysterious disorder since the specific cause is still unknown even though we know that education is the primary form of treatment. The Individuals with Disabilities Education Act that passed in 1975 gave a very important role to public schools around the country. In 2001, the National Research Council published the book Educating Children with Autism. The information in the book is a compilation of the knowledge regarding best practices in autism

education from some of the brightest minds in the country. The question is how much of this have we put into practice here in Alabama?

It is challenging to

educate a student with ASD but the importance of high quality education for a child and the impact that will have on long term outcomes is undeniable. A child with ASD needs to have the ability to communicate at his or her level which allows them to develop their social and emotional skills.

It is important for us to keep in mind that we are learning more and more about the intervention strategies that are useful to the student with ASD. Knowledge is power.

Alabama's school personnel deserve the most up to date research on intervention strategies so they can implement them effectively in their classrooms. Also, community support is vital to success. In confronting autism, the principal as well as the teacher, custodian, and crossing guard should all be on the same page in communicating with the child. A child with autism is best served by a consistent delivery of services throughout the year. At this time, year round programs are limited due to a lack of state funding. We must work to change this.

If you don't know a student who has autism now, chances are you will soon. If you would like more information on the Alabama Autism Task Force you can visit www.autism-alabama.org or go to my website www.camward.com.



Rep. Cam Ward and Tuwanna McGee, a member of the Alabama Autism Task Force visit with Special Education classes in West Blocton.

Advocacy Assistance for Incarcerated Inmates

by Delshonda Thomas, Case Advocate

The Community Access Team continues to provide advocacy to individuals with disabilities who are incarcerated in County jails and State prisons. ADAP advocates for appropriate medical treatment and medication while an individual is incarcerated. ADAP was recently contacted by a client's wife regarding her husband not receiving his prescribed medication while in jail. The client has a history of mental illness. He complained that he was receiving inappropriate dosages of his medication and eventually ran out of medication. The medication was not refilled in a timely manner. ADAP assisted the wife in writing a letter to the Sheriff of the County jail and the County Commission regarding the client's need for appropriate medical treatment. The Sheriff was provided a list of the client's medication and dosage. Subsequently, the medication was ordered and administered. ADAP advises individuals and their family to provide the jail or prison with copies of medical records and/or current prescriptions when initially incarcerated. This family is also advised that the individual may be held responsible for medical bills that are accrued while incarcerated.

Too often, people with disabilities who would like to contribute in the workplace and in the community do not explore their employment options for fear of losing medical and cash benefits. Congress recognized that the cost of this barrier to employment for people with disabilities was too high to both the individual and society - a life in poverty for the individual, and, for society, an untapped workforce at a time when workers are needed. Protection & Advocacy for Beneficiaries of Social Security (or PABSS) and the Work Incentives Planning and Assistance (WIPA) are two federally funded programs established in the Ticket to Work & Work Incentives Improvement Act of 1999. Both programs are designed to assist Social Security beneficiaries with disabilities, who are working or who want to work, to take advantage of the work incentives available to make the transition from beneficiary to worker with only gradual or minimal impact on cash and medical benefits.

"In An Instant" – Bob Woodruff 's Story of TBI

by Caroline Woodruff, ADAP Intern

In early 2006, the Woodruffs thought they had it all – a happy marriage and four beautiful children. Lee was a public relations executive and Bob had just been named co-anchor of ABC's World News Tonight. Then, Bob was sent on embed with the military in Iraq. While on routine military exercises, an improvised explosive device went off near the tank Bob was riding in. He and his cameraman, Doug Vogt, were hit, and Bob suffered a traumatic brain injury (TBI) that nearly killed him.

"In An Instant" is the novel about both Bob and Lee's story of their marriage, family, and trauma surrounding Bob's TBI injury. Their story is beautifully written to encompass the beginning of their lives together intertwined with the aftermath of the explosion. Lee uses the phrase, "We were lucky," to describe their family life prior to Bob's injury in Iraq. Before Bob's injury, their only contact with disabilities was

their daughter's diagnosis with hearing impairment at a young age. Though this diagnosis was difficult to cope with at first, Lee admits it did not prepare them for the crisis that awaited them.

Bob's recovery was slow and tedious, as Lee recalls, "Bob had to keep fighting, or he would die." Bob underwent numerous surgeries to repair the damage to his neck, back, and skull. Throughout his recovery, he contracted many infections that could have easily led to his death. Bob's story is a miracle of how with hope, love, and will an individual can recover from a TBI of the most serious kind.

During the long rehabilitation process, Bob became determined to shed light on traumatic brain injury. Bob wanted to do something good out of this tragedy, not only for him and his family, but also for the many soldier's affected by TBI. The Woodruff's created the "Bob Woodruff Family Fund for Traumatic Brain Injury" to raise awareness about the unseen injuries of war and to assist soldiers injured in the Iraq and Afghanistan conflicts. To find out more about Bob and Lee's story and to contribute to the fund visit <http://www.bobwoodrufffamilyfund.org/>.



“Not in my Backyard” NIMBY Issues

by Lonnie Williams, Staff Attorney

Persons with disabilities have the right to live in communities. One of the ways in which this may happen is in a group home arrangement.

“Not in my backyard” (NIMBY) issues involve opposition by neighbors to certain uses of other neighborhood properties. One common form of NIMBY issues is opposition to group homes for persons with disabilities in residential neighborhoods. This opposition is the result of incorrect stereotyped views about persons with disabilities and group homes.

Typically, NIMBY issues arise when city officials take enforcement action, claiming that the group home violates zoning requirements or that the operators need a business license. Sometimes, NIMBY issues arise when a neighbor files suit to enforce deed restrictions (restrictive covenants) aimed at limiting the use of the property. At other times, NIMBY issues arise in the form of petitions, protests, harassment, threats, or use of force.

A city can require operators to have a business license. However, zoning ordinances are a more complicated subject. The operator can claim that the usage meets the zoning, particularly if the city zoning ordinances are vague on the issue. Even if the usage does not meet the zoning, the city may be required to grant the operator a variance from the zoning as a reasonable accommodation under the Federal Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA).

Deed restrictions are not enforceable against group homes for persons with disabilities and attempting to enforce them through a state court action is a violation of the FHA, which is not necessarily excused by a person’s first amendment right to file suit.

Neighbors have a right to express their opinions, form and sign petitions, and even protest, unless it rises to the level of harassment or other criminal activity. The FHA prohibits harassment, interference, coercion, retaliation, threats, intimidation, or use of force against persons with disabilities regarding their housing rights. Threats of force or use of force can also be prosecuted as federal crimes.

The United States Department of Housing and Urban Development (HUD) is the federal agency that enforces the FHA. Alabama has three regional fair housing centers that can also provide assistance. ADAP can also assist by providing information and referrals, conferring with attorneys for the operator, conferring with city attorneys, conferring with city officials, and providing individual representation to group home residents to protect their rights.

Inclusive Schools Week Proclaimed by Governor Riley

PROCLAMATION BY THE GOVERNOR OF ALABAMA

WHEREAS: Alabama is committed to providing its children an education in schools and classrooms that are welcoming and capable of educating all of our children; and

WHEREAS: The educators of Alabama recognize that each child is unique, learns differently, and therefore, learns better if teaching is tailored to their abilities and interests; and

WHEREAS: The educators and families of Alabama have been working hard to ensure that our classrooms and schools are characterized as being high-performing and inclusive; and

WHEREAS: By their efforts to make our schools and classrooms high-performing and inclusive, the educators and families of Alabama have contributed significantly to building a stronger and more inclusive Alabama community:

NOW, THEREFORE, I, Bob Riley, Governor of Alabama, do hereby proclaim December 3 through December 7, 2007, as

Inclusive Schools Week

in the State of Alabama. I encourage schools and classrooms across the State to sponsor appropriate learning and community-building activities in its recognition.

Given under My Hand and the Great Seal of the Office of the Governor at the State Capitol in the City of Montgomery on the 13th day of November 2007.

/s/ Bob Riley
Governor Bob Riley



The Alabama Disabilities Advocacy Program (ADAP) is part of the nationwide federally mandated protection and advocacy (P&A) system.

Our mission is to provide quality, legally based advocacy services to Alabamians with disabilities in order to protect, promote and expand their rights.

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