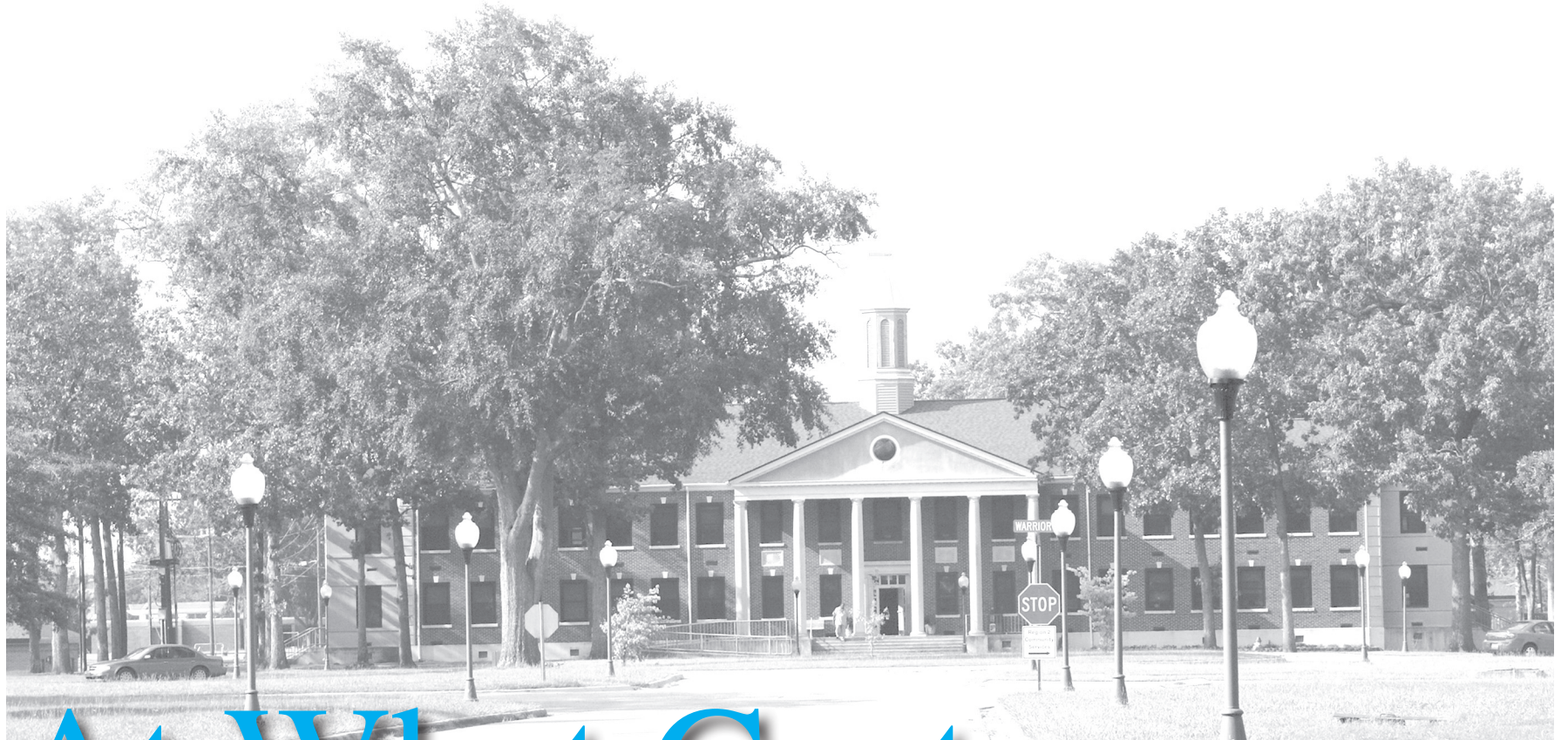


# adap news



A Publication of the Alabama Disabilities Advocacy Program

march 2009



## At What Cost Partlow's Legacy Of Shame

by Ellen B. Gillespie, Ph.D.  
ADAP Executive Director

Twelve years ago, the Alabama Department of Mental Health (DMH) operated five large institutions across the state for people with intellectual disabilities. The first of those centers closed in 1996. Three others followed suit over the last decade. Now, only one such institution remains open in Alabama. It is the Partlow Developmental Center in Tuscaloosa, which houses 200 people with intellectual disabilities from all locations in the state.

As complaints about the cost and the quality of care at Partlow have increased in recent years, the Alabama Disabilities Advocacy Program (ADAP) launched a year-long investigation of the Center. In December 2008, ADAP held a press conference at the State Capitol Building in Montgomery and released an in-depth report of its findings: "At What Cost: Partlow's Legacy of Shame." The report was the result of numerous monitoring visits, record audits, and reviews of federal oversight and financial documents. In addition to ADAP staff, consultant Amy Hinton helped draft the report. The National Disability Rights Network, the membership organization of the nation's protection and advocacy agencies, helped coordinate the release of the report, which has attracted press attention across the country.

### Report Highlights

It costs Alabama taxpayers \$263,000 to house an individual at Partlow for one year. It costs only one-third this amount to support individuals with similar needs in community placements!

In addition to this financial cost, there is a significant human cost to keeping Partlow open; Partlow provides inadequate services and an inhumane environment for the people living there. ADAP's report highlights inadequacies in the Center's medical and day programs, isolation experienced by the Center's residents, and the Center's failure to meet basic health and safety standards required by federal agencies for institutions of this type.

### Next Steps

To correct this financial and human waste, ADAP wants Partlow closed by October 1, 2009.

ADAP also calls for an immediate freeze on admissions, suspension of capital expenditures, and the use of a person-centered approach to support individuals and families in making choices among community options.

Alabama community service providers have a good record of developing and implementing support systems across the state, even for persons with complex needs. The time for institutions is over. People who live at Partlow told us over and over that they want to live in the community. Now it is up to state decision-makers to listen and to find ways to make that happen.

To receive a printed copy of the Partlow report, please call ADAP at (800) 826-1675. Or, download the report by using this link: <http://www.adap.net/partlow.htm>



*Food Service truck making deliveries of food trays. This tray is bound for the Infirmary. The tray is on soiled dirty plywood with dirt, bugs and other particles of food.*

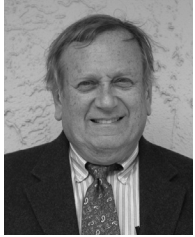


*Resident room has very little or no furniture, baseboards and carpet very dirty, TV and game player on floor in corner of room*



## ADAP News

### ADAP Opens New Office in Mobile



Slawkowski

ADAP opened a new office in Mobile on February 9, 2009, to improve outreach to persons with disabilities and their families in South Alabama. As ADAP has grown in recent years, its work in South Alabama has expanded likewise. In the second largest metropolitan area in the state, there are thousands of Mobilians who live with disabilities and need assistance to advocate for and protect their legal rights. The addition of the new office in Mobile brings the number of ADAP offices statewide to three, joining the main office at the University of Alabama and a part-time office in Montgomery.

ADAP's Mobile office will be staffed initially by David J. Slawkowski. Mr. Slawkowski was admitted to the Illinois Bar in 1975 and concentrated his practice in the areas of medical malpractice defense, professional regulation and healthcare counseling. Mr. Slawkowski has extensive trial experience, many years of experience counseling institutions on matters of healthcare law, especially pertaining to patient care and patient rights,

and is a trained mediator. He received a Bachelor's degree from the University of Notre Dame in 1972, and his J.D. from Harvard University Law School in 1975. Mr. Slawkowski also has published a number of articles and book chapters.

Legal intake for the Mobile office will continue to be handled through ADAP's office at the University of Alabama. Please feel free to contact us toll free at (800) 826-1675 for legal assistance in South Alabama or elsewhere in the state.



Mujumdar

### Attorney Aron Mujumdar Joins ADAP

Aron Mujumdar has joined ADAP as a staff attorney on the agency's Children's Advocacy Team. Mr. Mujumdar is a 2004 graduate of the University of Alabama School of Law. He received his undergraduate degree from Birmingham-Southern College in 2001. Mr. Mujumdar will

focus on the agency's work related to school mental health, special education and juvenile justice. Prior to joining ADAP, Mr. Mujumdar was an adjunct professor of law at the Unity University College School of Law in Addis Ababa Ethiopia.

## Bookshare

### Digital Library for Persons with Disabilities

People with certain disabilities may find it difficult to access and enjoy printed materials. Fortunately, a digital library called Bookshare™ is available, allowing people with disabilities the freedom to enjoy the same reading materials as people without disabilities.

Bookshare offers more than 42,000 on-line digital books, textbooks, teacher-recommended reading, periodicals and assistive technology tools, available for a nominal yearly membership fee to individuals and FREE to all U.S. students who have a qualifying visual impairment, physical disability, or learning disability. Organizational memberships are available for any organization that serves persons with disabilities, such as schools, libraries, rehabilitation agencies, resource centers, retirement communities and group homes.

For more information about Bookshare in Alabama, please contact Technology Assistance for Special Consumer (TASC), a program of United Cerebral Palsy of Huntsville and the Tennessee Valley, Inc. TASC Program Manager Lisa Snyder can provide more information about Bookshare's services and membership protocol. Ms. Snyder can be reached at (256) 859-8300 or via email at [lsnyder@ucphuntsville.org](mailto:lsnyder@ucphuntsville.org).

You can also visit <http://tasc.ataccess.org/> for complete information on Bookshare and other TASC services.

## ADAP and Protection & Advocacy for Beneficiaries of Social Security (PABSS)



Social Security Administration (SSA) beneficiaries with disabilities may be eager to work but need someone to help them navigate through an often-confusing web of Employment Networks, Social Security Disability Insurance and Supplemental Security

Income beneficiary rules, legal issues, and employment issues.

The Ticket to Work program reflects the SSA's commitment to protecting the rights of people with disabilities to return to work without jeopardizing their government-assisted benefits. Included in the program is a network of Protection & Advocacy projects in all 50 states and U.S. territories. This network of projects, referred to as Protection and Advocacy for Beneficiaries of Social Security (PABSS), represents the nation's largest provider of legal advocacy services for individuals with disabilities.

ADAP's PABSS program, like the others in the nation, provides legal assistance specifically related to disability employment issues. ADAP's PABSS services are free to eligible individuals, though it cannot take every case referred to it.

#### Areas that PABSS may help you with:

- Access to and Disputes with Community Service Providers
- Special Education and Transition
- Health Care
- Disability Benefits and Work Incentives
- Rights and Conditions of Employment
- Vocational Rehabilitation and Preparation
- Rights, Responsibilities, and Reasonable Accommodations Under the ADA
- Wage and Hour Issues
- Transportation
- Housing
- Assistance Removing Barriers to a Beneficiary's Return-to-Work Goal

#### Areas that PABSS may NOT help you with:

- Issues Not Related to the Employment of the Disabled Beneficiary
- Social Security Disability Determination
- Personal Injury
- Criminal Defense
- Attempts to Obtain Guardianship
- Property and Probate Issues
- Malpractice

## What happens when you call ADAP with a question or problem?

When you call ADAP, a member of our support staff will gather contact information from you and ask you to briefly describe your question or problem.

This information will be turned over to an ADAP intake advocate who specializes in the issue you are facing.

The advocate will contact you and, depending on the complexity of your problem, may be able to provide you the help you are looking for during this call. In some cases, after talking with you further about your concern, the advocate may need to do some research and get

back in touch with you again.

If the advocate believes your question might require individual case advocacy services, ADAP staff will review the issue according to the agency's case eligibility criteria.

If we are able to assist you, an advocate or attorney will be assigned to your case. If ADAP is not able to provide you with individual case advocacy services, we will make every effort to refer you to an organization or private attorney who might be able to help you.

## Social Work Students at ADAP

Each semester, ADAP accepts undergraduate and graduate level students from the University of Alabama's School of Social Work to complete field placements for academic course credit. While at ADAP, these students have the unique opportunity to participate in various types of advocacy work with persons who have disabilities in the state of Alabama.



Thomas

#### Sara Thomas

Sara is an MSW Advanced Standing Program student at the University of Alabama. She was previously employed as Maternity Care Coordinator with the Gift of Life Foundation in Montgomery. Her volunteer activities include Alabama Governor's Youth Leadership Forum, Troy Health and Rehabilitation Center and Alabama's Campaign to Prevent Teen Pregnancy.



Isaac

#### Karen Isaac

Karen is a First Year MSW Student at the University of Alabama. She was previously employed as a case aide with the Tuscaloosa Department of Human Resources. Her volunteer activities include weekly involvement with her church's youth department.



Tarver

#### Jane Tarver

Jane is a First Year MSW student at the University of Alabama. She was previously employed at Indian Rivers Mental Health in Tuscaloosa with the Goodwin Center. Her volunteer activities include Habitat for Humanity and Stewpot Soup Kitchen in Jackson, MS.

## Special Education Issue/Answer:

### What is an independent education evaluation?

**Issue:** D'Andre Hobbes is seven years old and receives special education services. D'Andre has problems with verbal and written communication. At an IEP meeting held at the start of the school year, Alicia Hobbes, D'Andre's mother, suggested to the IEP Team that the school conduct an assistive technology (AT) evaluation to see if AT services would help her son. The Team agreed and the evaluation was conducted within the month.

Mrs. Hobbes was not happy with the evaluation results when they were reviewed a few weeks later by the IEP Team. The school's evaluation concluded that D'Andre didn't need any AT services. Mrs. Hobbes contacted ADAP's intake, saying, "No matter what the school's evaluation says, I still believe D'Andre may need AT services. What can I do?"

### Assistive Technology

Under the IDEA, an assistive technology (AT) device is any piece of equipment that is used to increase, maintain, or improve the functional capability of a child with a disability. An AT service is any service that assists a child in the selection, acquisition, or use of an AT device.

During the IEP process, AT must be considered for every child and then provided by a school if required to provide him with an appropriate education. AT devices may include everything from pencil grips to computers and wheelchairs. Other examples of AT devices include: voice output devices, word processors, electronic books, talking calculators, alternate computer keyboards, switches, adapted chairs, sidelyers, standers, screen magnifiers, FM systems, adaptive sporting equipment, and walkers.

For more information about your child's right to AT evaluations, devices and services, contact ADAP at (800) 826-1675.

**Answer:** Mrs. Hobbes can tell the school system that she wants to have an independent education evaluation (IEE) done to evaluate her son's need for AT services.

Briefly, an IEE is an evaluation done by a qualified evaluator who is not employed by the school district and who is chosen by the child's parent.

A parent can obtain an IEE done at her own expense at any time.

In addition, the IDEA gives a parent the right to have an IEE paid for by her child's school system whenever the parent disagrees with any evaluation conducted by the system. In this situation, the school district must pay for the IEE except under certain circumstances (see IEE Advocacy Tips). A parent is entitled to only one IEE at public expense each time the school conducts an evaluation with which the parent disagrees.

When a parent requests an IEE, the school district has to provide her with information about where she might obtain an IEE – evaluators or agencies who are available to do such evaluations. The school also has to provide the parent with information about the qualifications which the district requires of its own examinations and examiners.

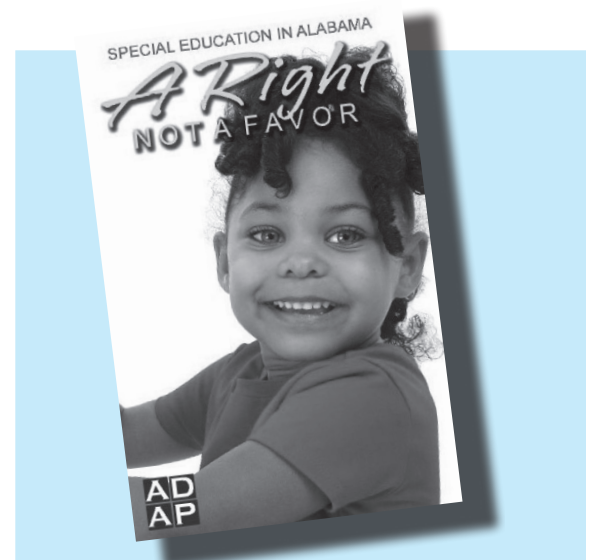
While a district must provide a list of potential evaluators to the parent, the parent does not have to choose an evaluator who is on the list as long as the evaluator chosen by the parent meets the qualifications set out by the school. Further, the school may not impose any conditions or timelines related to a parent getting an IEE at the school's expense.

When a parent requests an IEE, the school must respond in one of two ways without unnecessary delay:

- The school must ensure that the IEE is provided at its expense, or:
- The school must initiate a due process hearing to show that its evaluation – the one contested by the parent – is, in fact, appropriate. If the school files a due process complaint and the hearing officer's decision is that the school's evaluation was appropriate, the parent still has the right to an IEE, but not at the school's expense.

If a parent requests an IEE, the school may ask the parent why she objects to school's evaluation. However, the school can't require her to provide an explanation and can't unreasonably delay either providing the IEE at its expense or filing a due process complaint to request a hearing to defend its evaluation.

Any IEE, whether paid for by the parent or the school, must be considered by the child's IEP Team when planning the child's IEP.



### IEE Advocacy Tips

- Be comfortable with the evaluator you are choosing. Research possible evaluators, seeking out advice from other parents or trusted professionals.
- Typically, requests for IEE's should be directed to the school district's special education coordinator.
- Put your request for an IEE in writing so that you have documentation of when and to whom the request was made.
- ADAP's special education manual, "Special Education in Alabama: A Right Not a Favor," has a sample letter you can use for an IEE. See [www.adap.net](http://www.adap.net) or request a copy of the manual be mailed to you by contacting our office at (800) 826-1675.
- For further information about IEE's, see:
  - IDEA federal regulations at 34 C.F.R. Section 300.502
  - Ala. Admin. Code 290-8-9.02(4)
  - Website for the Office of Special Education Programs (OSEP) at <http://idea.ed.gov/explore/home>
  - Letter to Parker, OSEP Policy Letter, February 20, 2004 found at <http://www.ed.gov/policy/speced/guid/idea/letters/2004-1/index.html>

## Alabama Family Ties Announces Family Leadership Training

**Leadership Institute of Alabama Family Ties, Inc.**



Alabama Family Ties (AFT), an advocacy organization devoted to supporting families of children with severe emotional challenges, is running a free leadership training program called Leadership Institute of Alabama Family Ties (LIFT).

"Alabama Family Ties has created this Institute to help families learn how to be better advocates for their children," says AFT Executive Director Sarah-Ellen Thompson. "We also want to help develop leaders who will work to improve services for all children in their communities."

During the ten-day Institute, to be held over a series of weekends in the late winter and early spring, family members will study a wide range of issues impacting children with mental health or behavioral concerns. Topics will include things like medication and treatment regimens for youth, public and private insurance options, advocacy development, school concerns for youth, and how Alabama's mental health system presently services children. Program sessions will be run by family members and professionals and advocates from various private and state agencies.

The program is open by application to persons who are caring for a youth under the age of 25 with a mental health need who is receiving mental health services.

Those accepted into the Institute will be provided all lodging, meals and materials for the training sessions.

Reimbursements will be considered for families needing assistance with childcare or transportation expenses.

"If you want to be a leader, to help your family as well as other families by improving the health system for Alabama's children," says Ms. Thompson, "LIFT wants you!"

For more information, contact AFT at (877) 834-0615 or via email at [help@alfamilyties.org](mailto:help@alfamilyties.org).



## ADRS & ADAP Serve Those with TBI

by Maria Crowley, ADRS, President of NASHIA

What do you call damage to the brain that causes lifelong consequences for individuals and families?

The Veteran's system calls it the "signature wound" of the Operation Enduring Freedom and Operation Iraqi Freedom conflicts.

The "silent epidemic" is how it is referred to by the injury prevention community.

No matter what it is called, traumatic brain injury (TBI) is a significant public health problem with more than 1.4 million injuries occurring each year and at least 5.3 million Americans currently living with a long-term or lifelong need for help to perform activities of daily living as a result of a TBI.

TBI is a complex disability that has long-term consequences and may cause enduring physical, emotional, intellectual, and social changes for survivors and their families. While many individuals and their families can return to activities without consequence, there are those individuals for whom the process of returning to school or work is impossible without intensive, hands-on assistance. States are challenged to respond to the needs of persons with TBI and their families, crossing multiple programs including Medicaid, Vocational Rehabilitation, Education, Mental Health, substance abuse, and long-term care programs.

### Alabama and TBI

The Alabama Department of Rehabilitation Services (ADRS) has been serving those with TBI and their families for the past 25 years. Maria Crowley, MA, CRC, currently serves as ADRS State Head Injury Coordinator. The quality of life for many Alabamians affected by TBI has been improved through services implemented by

ADRS and its partners, including services implemented by the Alabama Head Injury Task Force, funded by the Impaired Drivers Trust Fund (IDTF). Other state systems model service delivery programs after those created in Alabama.



also reaches out to educate others, including Congress, federal agencies, and related organizations, which need to know more about brain injury.

NASHIA operates the TBI Technical Assistance Center under a contract with the Federal Health Resources and Services Administration, encouraging information and resource exchange and providing technical assistance to states.

Additionally, NASHIA subcontracts with National Disability Rights Network (NDRN), which serves as a national information and training clearinghouse for the Protection & Advocacy system (including the Client Assistance Programs). NDRN has training and technical assistance contracts supporting the nation's P&A system. [Note: ADAP is the NDRN affiliate in Alabama that protects and promotes the legal rights of persons with brain injury.]

### Upcoming NASHIA Activities

NASHIA will partner with the Congressional Brain Injury Task Force in sponsoring the Annual Brain Injury Awareness Fair on Capitol Hill March 25, 2009.

Additionally, NASHIA is hosting the 1st Annual Public Policy Seminar on The Health Care Reform Debate: Implications for Civilians and Veterans with Traumatic Brain Injury on March 26, 2009. Both events focus on issues impacting health, rehabilitation and long-term care needs of Americans with TBI. Please make plans to attend these two outstanding events. For more information about registering, or NASHIA, visit [www.nashia.org](http://www.nashia.org).

For information about Alabama's TBI services, contact Ms. Crowley at in-state 1-888-879-4706.

### NASHIA

The National Association of State Head Injury Administrators (NASHIA) is the only organization to address the role of state government in formulating brain injury programs, services and policies. Mrs. Crowley was elected President of NASHIA in September 2008. NASHIA's mission is to assist state governments in promoting partnerships and building systems to meet the needs of individuals with brain injury and their families. NASHIA pursues its goals by producing numerous publications, its Annual State of the States in Head Injury meeting, web casts, and forums. NASHIA

## A Green Approach to the ADAP Newsletter



In recent years, ADAP has expanded our email list to include many of you in the electronic distribution of our newsletter. In addition, this newsletter, along with all of our publications, is always available on our website, <http://www.adap.net>.

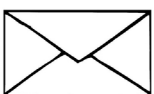
We want to accommodate you if you need a paper copy of our newsletter. If you wish to receive a subscription to print copies of the ADAP newsletter:



- Please call (800) 826-1675 to sign up for your free subscription.



- Or, use this form to fax or mail your subscription request to us. Fax requests can be sent 24 hours a day to (205) 348-3909.



- Or, mail this form to ADAP at:  
ADAP  
Box 870395  
Tuscaloosa, AL 35487-0395

If you have any changes to your e-mail address, please let us know at [adap@adap.ua.edu](mailto:adap@adap.ua.edu).

Dear ADAP

Please mail me printed copies of ADAP's newsletter.

Please send an electronic copy to my e-mail

I need information on: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Phone \_\_\_\_\_

Mail to: ADAP  
Box 870395  
Tuscaloosa, AL 35487-0395

## Accessibility Surveys

by Angie Allen, Case Advocate and Glenn Baxter, Attorney

ADAP performs accessibility surveys of commercial eating establishments, or other businesses, in accordance with the Americans with Disabilities Act. The United States Department of Justice has set out specific requirements in regulations known as the Americans with Disabilities Act Accessibility Guidelines ("ADAAG"). After completion of the survey, ADAP will send the owner a detailed written report of its findings of those items found to not be in compliance with ADAAG.



Research has indicated that accessible businesses may attract twenty percent more business than those businesses without accessibility.

Typical areas surveyed at these establishments include, but are not limited to, the following:

1. **PARKING:** Accessible parking space or spaces, including potentially van accessible spaces, are required. Specific location, slope and signage are required. The number of such spaces is dependent upon the total number of parking spaces at the establishment.
2. **RAMP:** In the event one is required to step up in order to gain access to the establishment, an accessibility ramp is required. The length of the ramp is dependent upon the height of the step or steps. Ramps longer than six feet must have handrails on both sides.
3. **SEATING:** Accessible tables are required with specific ranges of dimensions for height, width and depth. The number of such tables is dependent upon the total seating capacity of the establishment.
4. **RESTROOMS:** Must have an accessible stall. There are requirements for specific type of signage. Specific clearances are required to allow a person in a wheelchair to approach and turn. There are requirements setting forth the location of the stall, size of stall, door hardware, grab bars, toilet height. Lavatories must be of certain height and clearance. Exposed pipes must be

insulated. Faucets must be operable with one hand and shall not require twisting of the wrist. Heights of mirrors, soap dispensers and towel dispensers are regulated.

There are many other requirements reviewed, including requirements for entrance accessibility, accessible paths, permanent signage, and more. All requirements are designed to give equal access to individuals with disabilities so they can enjoy the same service, and features of a business as those without disabilities.

For information about selection criteria for this survey service, please contact ADAP at (800) 826-1675. Unfortunately, ADAP cannot grant all survey requests.

## Tuesday Teleconferences: ADAP Sponsoring Children's Mental Health Teleconferences

ADAP is continuing to sponsor hour-long toll-free educational and networking teleconferences for families of children with mental health and behavioral challenges.

So far, the teleconferences have addressed Alabama family support resources; community mental health and school partnerships to address children's mental health needs; and how to create strong advocacy and support networks among families.

Here's the schedule for upcoming teleconferences:

- **Tuesday, March 31 at noon:** "How to use the Individuals with Disabilities Education Act (IDEA) to address your child's mental health and behavioral needs."
- **Tuesday, April 21 at noon:** "Crisis! Your child's school has called the police on your child. What happens now?"

To participate in these teleconferences, just call this toll-free number and pass code on the scheduled day and time: (888) 617-3400, pass code: 890367.

Advance registration is not necessary but all advance registrants will receive *Special Education: A Right not a Favor*, ADAP's special education rights manual, and *Way to Go*, a publication of the Bazelon Center for Mental Health Law that highlights good school mental health programs.

To pre-register or for more information, call ADAP at (800) 826-1675 or email at [adap@adap.ua.edu](mailto:adap@adap.ua.edu)



## Alabama Mental Health Historical Committee

by Steve Davis, Historian. DMHMR

The large white dome of Bryce Hospital can be seen from several directions upon entering the city of Tuscaloosa. That dome and the building it sits upon are landmarks not only for Tuscaloosa but for the history of the treatment and care of persons with mental illness.

From the inspiration of the 19th century social reformer Dorothea Dix through the leadership of Bryce's first Director Peter Bryce, Bryce Hospital was, in its early days, a model for the care of people with a mental illness.

Later, because of the *Wyatt v. Stickney* lawsuit, Bryce became the center of the civil rights movement for people with mental illness.

So that Alabama and the nation do not lose the history of Bryce Hospital, its staff and, most importantly, the stories of its residents, Alabama Department of Mental Health Commissioner John Houston has appointed a historical committee charged with identifying Bryce structures, sites and objects to be considered for restoration and preservation; identifying and securing historical documents, artifacts and memorabilia; and formulating a public awareness campaign to inform the general public about restoring and preserving these important items.

The committee, under the able leadership of Dr. Tom Hobbs, Executive Director of the Western Mental Health Center, Inc., has focused initially on the Bryce Hospital buildings. The committee has recommended to Commissioner Houston that the Kirkbride Sloan footprint of the main building, the main entrance and other important structures on the campus be preserved. (During the 19th century, Dr. Thomas Kirkbride promoted a standardized method of "asylum" construction and mental health treatment. Dozens of "Kirkbride" facilities were built across the country.)

The Bryce Cemeteries have been placed on the Alabama historic cemetery register with plans to purchase historic markers with private funds.

The public awareness campaign has been extremely effective with six major newspaper articles and several speaking engagements. Because of the public awareness campaign, several scrapbooks and artifacts have been donated back to the department.

The committee continues to work digitalizing old records and collecting materials from the public. Most importantly, the committee is working on the possible creation of a museum in honor of persons experiencing a mental illness or intellectual disability, with emphasis not only on facilities but also community-based treatment.

## Voting News

by Brenda McComb  
ADAP Senior Case Advocate



ADAP has been involved in some exciting projects through the Help America Vote Act (HAVA) and I want to share just one with you...

On the day of the presidential election, ADAP monitored a total of eight polling sites to check on the accessibility of the sites and the set-up and use of the AutoMark machine, ballot-marking technology that allows voters with disabilities and other special needs to mark a ballot privately and independently. The monitored polling sites were located in Tuscaloosa, Jefferson, Hale and Dallas Counties.

Here are the results from our site visits:

- Two polling sites, one in Dallas and the other in Hale County, refused to take the Automark machine out of its carton.
- Three out of eight polling sites placed the AutoMark in areas that provided no privacy to the voter.
- In addition to these problems, poll monitors found poll workers who did not know how to properly use the AutoMark, the AutoMark placed in inaccessible locations, and insensitivity on the part of one poll worker regarding the use of the machine by a person with a disability.

As appropriate, this information was passed on to the Alabama Secretary of State's office.

### News Update:

Be aware of a bill before Alabama's Legislature. This is the Photo Voter ID, sponsored by Representative Greg Canfield and Senator Larry Dixon. If passed, this law would require any person voting either in person or by absentee ballot to submit valid photo identification. The ID would have to be a driver's license, state ID card from the Department of Public Safety, passports, or other photo ID cards issued by the federal or state governments. How many people with disabilities have the money, transportation and time to stand in line to purchase a picture ID in order to vote? How many people with disabilities will have to give up their right to vote?

# Alabama Property Tax Exemptions for People with Disabilities

In today's tough economy, people with disabilities may want to learn more about two property tax exemptions that exist in Alabama.

Section 40-9-19(a) of the Code of Alabama exempts homesteads of residents with disabilities from state ad valorem taxes. The statute states, in part: "The homesteads of residents of this state...who are retired due to permanent and total disability..., or who are blind...regardless of...whether such person is retired, shall be exempt from all state ad valorem taxes." The statute also states that the Commissioner of Revenue is empowered to issue certificates of disability for the purpose of claiming this exemption.

Section 40-9-19(d) of the Code of Alabama exempts homesteads of residents with disabilities from the first \$5000 of assessed value for county ad valorem taxes, including those levied for school taxes. The statute states, in part: "... for residents of this state...who are retired due to permanent and total disability...or who are blind... regardless of...whether such person is retired, homesteads...are hereby exempted from ad valorem property taxes levied by any county of this state, including such taxes levied for school districts. In no case shall such exemption exceed \$5,000 in assessed value, nor 160 acres in area." The statute also states that the Commissioner of Revenue is empowered to issue certificates of disability for the purpose of claiming this exemption.

Section 40-9-21 of the Code of Alabama exempts the principal residence and 160 acres adjacent thereto of any person with a disability. The statute states, in part: "... the following shall also be exempt from ad valorem taxation: the principal residence and 160 acres adjacent thereto of any person who is totally disabled..."

According to an October 25, 2006 opinion written by the State Attorney General to the Commissioner of the Department of Revenue, property owned by a person who meets the criteria for these exemptions receives the full exemption, regardless of whether the person meeting the criteria is a sole owner or a joint owner. So if the property is jointly owned, but only one owner meets the criteria, these exemptions still fully apply.

While ADAP hopes this information will be helpful, we encourage you to contact the Alabama Department of Revenue at (334) 242-1170 and/or seek the advice of a tax professional to learn more about these exemptions and whether they are available in a particular situation. The Department of Revenue has a chart that helps explain these exemptions: <http://www.ador.state.al.us/advalorem/exemptions/homestead.pdf>

## ADAP's Priorities

ADAP's Annual Priorities for Fiscal Year 2009

(October 1, 2008 - September 30, 2009)

### CHILDREN'S ADVOCACY TEAM

- Students with disabilities will be educated in their least restrictive environment with appropriate academic support and services.
- Alabama schools will use appropriate practices, procedures and policies with respect to the discipline of students with disabilities.
- 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.
- Students with behavioral or mental health needs will be provided appropriate school-based supports and services.
- Youth with disabilities will be provided appropriate community-based mental health and behavioral services.
- Youth with disabilities involved in the juvenile justice system will receive appropriate educational and treatment services and will be free from abuse and neglect.
- Youth with disabilities residing in residential treatment facilities, developmental centers, or institutions will receive appropriate educational and treatment services and will be free from abuse and neglect, and disability rights violations.
- 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.

### COMMUNITY ACCESS TEAM

- Individuals residing in mental health facilities, developmental centers and community placements will be safe and free from abuse, neglect and disability rights violations.
- Adults with disabilities have individual rights which will be protected, including freedom of choice and being free from the restraint of individual liberties.
- Adults with disabilities will have access to buildings, services and programs in the same manner as the general public.
- Barriers that impede the ability of persons receiving SSI and/or SSDI benefits to return to work will be removed.
- Persons with disabilities will have full and equal access to the voting process.
- Persons with disabilities will have access to Medicaid waiver and community services.

THE UNIVERSITY OF  
**ALABAMA**

### Alabama Disabilities Advocacy Program

Box 870395

Tuscaloosa, AL 35487-0395

(205) 348-4928 (V/TDD)

(205) 348-3909 (FAX)

1-800-826-1675 (for clients-instate only)

e-mail: [adap@adap.ua.edu](mailto:adap@adap.ua.edu)

web site: [www.adap.net](http://www.adap.net)

ADAP is open Monday - Friday: 8:00am-4:45pm

We are located on the 5th floor of Martha Parham West on The University of Alabama (Tuscaloosa) campus.

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