

ADAP

Alabama Disabilities Advocacy Program



JULY 2006



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

ADAP Executive Director

Conspiracy of Good People

I love memories and the important part they play in shaping our lives. This column is about a special memory. Everyone knows I also love to tell a story!

When I was a graduate student in Chapel Hill, North Carolina, I took advantage of an impromptu opportunity one afternoon and learned something that has stayed with me for over 25 years. I saw a notice in the school newspaper that Charles Kuralt was making a speech on campus and that the seminar was free — an important factor for a graduate student. I can remember going into the sun-filled auditorium that afternoon and listening to Mr. Kuralt's memories of traveling all over the country, collecting the stories of Americans from every walk of life.

The point that Charles Kuralt made that was so special to me was that the most important
(Continued on Page 2)

30 Years of Disability Advocacy

This is the second in a series of interviews of leaders in the field of disability in Alabama. Willodean Ash has worked in the disability field for more than 30 years and presently works for the Department of Mental Health/ Mental Retardation (DMH/MR). She is also the chair of ADAP's Advisory Council for Individuals with Developmental Disabilities. Denise Smith, ADAP Director of Case Advocates, interviewed Willodean.

Denise Smith (DS): Willodean, it is a pleasure to talk with you about the work you've done over the years to assist individuals with disabilities, both in institutions and in the community. Tell us a little about your journey over the years in the DMH/MR system.

Willodean Ash (WA): Currently, I am the director of Region II Community Services. I've served in this capacity for 6 years. Prior to assuming the position of director, I worked in several other capacities in Community Services including Regional Coordinator for 12 years, Placement Coordinator for several years and Service Coordinators' Supervisor. Prior to



working in Community Services, I worked as a Mental Health Social Worker at Partlow, starting there in 1973 directly following the onset of the Wyatt court order. I also worked at the Brewer Porch Children's Center for three years and at Bryce Hospital for one year. I returned to Region II Community Services in 1987 and have remained there to this day.

DS: How have things changed in
(Continued on Page 2)

(30 Years, Continued from Page 1)***your 30 years of disability work?***

WA: Lots of things have changed in the past 30 years. I mentioned earlier that I came to Partlow directly following the onset of the Wyatt court order in 1972. When I arrived at Partlow, it was a large institution that housed over 2,000 persons. I saw it evolve into the state's five developmental centers.

Later, in the early 80's, I saw the movement of individuals to smaller group home settings. I was actually the Placement Coordinator for Community Services at that time and participated in the development of services to support individuals in these smaller group settings.

As time progressed, we learned that the quality of life for individuals would be even better in even smaller, more personalized settings. There was a shift from large group home settings to supervised living homes with three beds or less. We began to focus more on person-centered planning, individual choice and personal preferences.

By 2003, with downsizing and closures, Partlow remained as the only

developmental center in the state, housing approximately 215 persons. The majority of persons with mental retardation are now supported in community living arrangements.

As Director of Region II Community Services, I am responsible for the development of services and supports for individuals with mental retardation that live in a 13-county area.

DS: *So you've come from the beginning stages of institutional reform all the way to providing services in the community that are more person-centered. What kinds of services are provided now in the community?*

WA: In the community right now there is a wide spectrum of services to support individuals who have MR: residential services, day and personal care, respite services. Just about any service that you can receive in an institutional setting you can receive in a community setting with the appropriate supports.

DS: *How easy is it to get those services?*

WA: It's based upon each individual's challenges and needs.

For some individuals, it is a relatively easy process.

There are other individuals that have

more challenges and needs and the appropriate services and supports may not be readily available.

So it just depends upon the individual.

DS: *What about children? Do families need to get in touch with Community Services to access services for their children?*

WA: The mental retardation service delivery system uses comprehensive 310 Boards and Specialty 310 Boards as the central point of entry for services.

The 310 Boards assumed this role in the early 90's. This moved the major responsibility for intake and completing assessments for service eligibility determination to the local level — closer to where the individuals live.

Families should follow the same process for their children as every one else. They should contact their local 310 to begin the application process.

Case management is also provided by 310 Case Managers. The idea is that local case managers can get to know the person better and is familiar with the communities' resources. This allows them to better advocate and provide services to those individuals.

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**From the desk of
Ellen B. Gillespie**

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surprise he found in his travels was the existence of "a conspiracy of good people." I have kept that concept in mind all the years I have worked supporting people with disabilities. Many of the people who come together to do this work - consumers, families, and professionals - really do comprise a conspiracy of good people.

You know when you meet a member of this conspiracy. The person has a solid philosophy, is energetic, positive, and rarely turns down an opportunity to do something to help others or to do

the right thing.

Over the years I have been grateful to meet and work with many members of the conspiracy of good people. There are lots of these folks in Alabama.

There are also people in the conspiracy who rise to an even higher level. They are people who have made extraordinary contributions over a long period of years. Their work has resulted in major changes in individuals' lives and in human service systems.

We are looking for such superstars in Alabama.

On Friday, November 3, 2006, ADAP will celebrate its 30th anniversary

with a celebration at the State Capitol. As part of this celebration, we want to honor these most extraordinary people among the conspiracy of good people. Spend some time thinking about the individuals who most deserve to receive a special award from ADAP for their exceptional contributions to this field. Let me know who they are by calling me at (205)348-4928 or e-mailing your ideas to Egillespie@adap.ua.edu.

Then, come join us for the celebration on November 3.

And remember, if people tell you there is a conspiracy, it could be a good thing.

Some Linden Neighbors say “NIMBY” to Group Home

By Lonnie Williams, Staff Attorney

No casseroles or baskets of homemade muffins greeted three new residents of a Linden, Alabama neighborhood this spring. Instead, they were faced with the prospect of losing their home only weeks after they moved in.

The men have mental retardation and live in a group home set up and run by the ARC of Fayette, Lamar and Marengo Counties (ARC).

Upon learning of the group home, some nearby residents started a petition objecting to its presence in their neighborhood. Some approached community officials demanding that the home be shut down.

A local newspaper got involved in the issue, attacking the rights of persons with disabilities to live in the community and slamming the intentions of service providers and advocates.

The ARC contacted ADAP looking for help to ensure

that the home and its residents could stay put.

Among the efforts undertaken by ADAP and the ARC, the two agencies addressed a meeting of the Linden City Council. ADAP explained the anti-discrimination requirements of the Fair Housing Act and the Americans with Disabilities Act and stressed that people with disabilities

want what we all want: a safe and stable home. The ARC educated the attendees on how group homes operate and the ARC's role in supporting the home's residents.

Many members of People First showed up at the meeting to demonstrate support for the three men and their right to live wherever they choose.

Following the meeting, the ARC and ADAP were informed that Linden would not take any action against the residents or the ARC. The ARC reports that things have been going well at the home.

In fact, the ARC is consider-

ing holding a Fourth of July party at the residence and inviting the neighbors.

“Living in the community is essential to independence and full participation for people with disabilities. Accessible, available and affordable housing is key to living in the community. ... Resistance in communities to group homes for people with mental illness and mental retardation remains prevalent, despite antidiscrimination laws such as the Fair Housing Act Amendments of 1988. A number of studies indicate that group homes do not affect the value of residential property or the stability of neighborhoods, however discrimination persists.”

National Council on Disability
Achieving Independence
July 1996

ADAP Recruiting Americorps*VISTA Workers for Housing Initiative

By Delshonda Thomas, Case Advocate

ADAP is recruiting self-motivated and responsible people to serve as AmeriCorps*VISTA workers.

These workers, called “members” by VISTA, will assist ADAP in a new project focusing on housing for persons with disabilities.

The new project is called Housing for Everyone. It is a project initiated by United Cerebral Palsy (UCP) of Greater Birmingham. ADAP is partnering with UCP in this program by recruiting and hosting two workers in its Tuscaloosa office.

These workers will help design and conduct a statewide survey of Alabama's housing resources for persons with disabilities, looking at available support services, agencies and any available untapped resources. The survey will also address housing needs in this population. The program will focus on 8 areas - Mobile, Montgomery, Dothan, Birmingham, Tuscaloosa, Anniston, Selma and

Huntsville. No direct services will be provided.

The workers will receive an annual living allowance of \$9,708. FICA and state taxes will not be taken out of the living allowance and it will not be considered as income. Members who successfully complete a term of service are eligible to receive either an AmeriCorps Education Award of up to \$4,725 or an end-of-service stipend of \$1,200. Additional benefits include training, limited health care benefits, student-loan forbearance or deferment, and non-competitive eligibility. They may also be eligible for childcare assistance.

Members must be available to serve full-time for one year.

AmeriCorps*VISTA provides full-time members to community organizations and public agencies to create and expand programs to bring low-income individuals out of poverty. Since 1965, more than 140,000 Americans have served through VISTA.

For more information about these positions, please contact Delshonda Thomas at (205) 348-4928 or visit the AmeriCorps*VISTA website at <http://www.americorps.gov>

(30 Years, Continued from Page 2)

Upon completion of the intake and assessment process, the 310 Boards send the referrals to the Regional Community Services office for eligibility approval, referral tracking, technical assistance, funding, and/or to be added to the waiting list for services.

DS: *What do you have to do to be eligible for services?*

WA: A person has to meet the definition of MR established by the American Association on Mental Retardation in 1983. A person must have significant limitations in both intellectual and adaptive functioning. A person's IQ must be assessed to be at 70 or below. Also, there must be documentation that the person's condition was diagnosed prior to age 18. A person has to meet all three criteria to receive mental retardation services.

DS: *Your services are provided under the state's waiver programs?*

WA: Yes, most services are provided under the MR Waiver or Living at Home Waiver.

DS: *Tell me about "Money Follows the Person" legislation. How would the enactment of such a program in Alabama impact services?*

WA: With "Money Follows the Person" if a person needs a different type service or support, money is supposed to follow that person to whatever new place or service he chooses or needs.

DS: *So people have a choice of where they want to live, including in the community as opposed to an institution, and have a choice about what they want to do and how they do it?*

WA: That's correct, funding isn't tied to a program, because people could move their services around all the time.

If legislation were enacted and a person received services from a program and decided it was just not

working for them there, they could choose to change services.

Choice would be offered annually during a person's Service Plan Development Meeting. But a special team meeting could be called at anytime if a person was unhappy with his services or if the person was in an unsafe environment. Availability of resources would however impact when services were implemented.

DS: *How did you wind up in this business? Tell me the story.*

WA: I had just graduated from Atlanta University with a Masters Degree in Social Work. I had been out of school for a few weeks. I sent my resume and transcripts to Partlow after seeing a job announcement in the NASW Newsletter. I went to Partlow for the interview and was essentially hired on the spot. At that point, I had never been on a tour of Partlow. I accepted the job and returned in a few days to begin my employment. When I returned and was taken on my first tour of Partlow it was a little bit different from my textbook expectations!

DS: *What are some of the issues and challenges facing consumers now?*

WA: I think some of the issues and challenges facing consumers now relate to really becoming truly integrated into communities.

The majority of persons with mental retardation actually live in community settings now. At least they have a residence in the community. But it is a challenge for people to be truly integrated into community affairs, community social activity, community medical services, or just about any kind of service. There is still a tendency to have a bowling night for persons with mental retardation or to schedule appointments for persons with disabilities at doctors' offices on certain days. I see groups of individuals going to the credit union and banks in a van to do banking. To truly integrate and include persons with

mental retardation into the community is the largest challenge.

Accessibility to community resources and activities is an issue since a lot of people do not have a driver's license or access to transportation. Transportation issues are important. There is transportation for persons to be able to get to jobs or day programs but transportation to get to the mainstream of the community is still an issue.

Things are getting better with constant emphasis on improving the quality of life for persons with disabilities, but it is not okay to do the things we used to do like the group bowling night. There are still a lot of attitudes that need changing and lots of barriers that need to be removed so that persons with disabilities can achieve full inclusion into the community. There needs to be more public awareness and more public education. Persons that are uninformed foster the idea that persons with disabilities are a danger to themselves and others if allowed to live in a community setting. This is totally a misleading concept. These persons just want to live in their own homes, go to their own jobs and do the things that other people in the community do. They are not dangerous and they are not out of control.

DS: *I appreciate your sharing your thoughts on Community Services and what you do there. Do you have any last thoughts for us?*

WA: If you are planning to work with persons that have a disability, you need to first be committed. If you are committed and devoted, then you are going to do your job to the best of your ability. We don't need persons who do not have that kind of commitment in this field. There's lots of ground to be covered to pave the way to advocate for folks that cannot fully advocate for themselves.

New Social Security Disability Determination Process

The Social Security Administration (SSA) will soon begin a new process for determining eligibility for benefits. The purpose of the new process is to provide claimants with more accurate, consistent, fair, and timely decisions. The administrative review process consists of several steps, which must be requested within certain time periods.

When you file for benefits, SSA will make an initial determination on your claim, and in certain circumstances refer your claim for a quick disability determination (QDD). If you are dissatisfied with SSA's initial determination, you may request review by a Federal reviewing official.

If you are dissatisfied with the Federal reviewing official's decision, you may request a hearing before an administrative law judge. The administrative law judge's decision will be the Social Security Administration's final decision, unless your claim is referred to the Decision Review Board (DRB). When the DRB reviews your claim and issues a decision, that decision is the SSA's final decision. If you are dissatisfied with the SSA's final decision, you may seek judicial review in Federal court.

In summary, the new process provides for the following:

- Individuals who are clearly disabled will have a process through which favorable determinations can be made within 20 calendar days after the date the DDS receives the claim.
- The Medical and Vocational Expert System will enhance the quality and availability of medical and vocational expertise that our adjudicators need to make accurate and timely decisions.
- A new position at the Federal level - the Federal reviewing official - will be established to review DDS initial determinations upon the request of the claimant.
- The right of claimants to request and be provided a de novo hearing conducted by an administrative law judge is preserved.
- The record will be closed after the administrative law judge issues a decision, with provision for good cause exceptions to this rule.
- A new body, the Decision Review Board, will be created to identify and correct decisional errors and to identify issues that may impede consistent adjudication at all levels of the process.
- The Appeals Council will be gradually phased out as the new process is implemented throughout

the nation.

The Social Security Administration will continue to assist claimants throughout the claims process by:

- obtaining information needed to support a claim;
- arranging for a representative payee to assist in the development of the information for the claim and to administer the benefit payment, if a claimant is mentally incompetent;
- providing extra assistance to the homeless to complete the proper forms and obtain evidence and an interpreter if the claimant has limited English proficiency, or is hearing impaired;
- using the expedited procedures in place for terminal illness cases, military service casualties, severe impairment, and disaster cases;
- explaining denial notices and how to file an appeal; and
- referring claimants for services outside the scope of the Social Security program using information and referral files that detail public and private agencies available in the service area to assist with housing, food, clothing, counseling, child care, medical needs, legal services, and other needs.

Information taken from www.ssa.gov.

Katrina Aid Today - An Update

By: Elaine Gallien, Senior Case Advocate

Although a new hurricane season has begun, ADAP continues work on its Katrina Aid Today (KAT) project.

The goal of ADAP's KAT project continues to be to plan, implement and evaluate long term recovery plans for those individuals with disabilities affected by Katrina.

Referrals for case management services for Katrina survivors with disabilities have come to the agency from all areas of the state, with the greatest number of referrals from south Alabama.

In addition to this case management work, ADAP staff is

involved in disaster preparedness efforts. ADAP staff has provided information on working with and addressing the unique needs of persons with disabilities to a statewide coalition of agencies and programs working on disaster and evacuation plans.

Staff members have also provided small group training that focuses on personal preparedness and disasters.

ADAP will have a representative at the national Conference on Emergency Management and Individuals with Disabilities and the Elderly scheduled for June 28, 2006 in Washington, D.C.

Upcoming ADAP Events

Medicaid Teach-In - Nationwide, Medicaid provides funding for health treatment for 40 million Americans, including 8 million people with disabilities. This ADAP-sponsored teach-in will be conducted by experts from the National Health Law Program, a national public interest law firm that seeks to improve health care for America's working and unemployed poor, minorities, the elderly and people with disabilities. We will explore how Medicaid is administered in Alabama and the challenges facing the system.

Date: October 2006

Location: Montgomery



30th Anniversary Celebration

ADAP will celebrate 30 years of service to the disability community in Alabama.

Friday, November 3, 2006 at the State Capitol



STAR IS SHINING BRIGHTER

Assistive Technology Program Given New Life

By Donna Bowden, STAR Training and Technical Assistance Coordinator

STAR is Alabama's Statewide Technology Access and Response System. Housed in the Alabama Department of Rehabilitation Services, STAR helps Alabamians access assistive technology. At the time of its inception in 1994, STAR was on borrowed time, its funding slated to dry up in 2005.

Today, because of changes in 2004 to the Assistive Technology Act, the program has new life as a formula grant from the Rehabilitation Services Administration - a change that has provided stability for STAR and other assistive technology programs nationwide.

And for Pamela Blome, STAR's executive director, new life means a renewed focus, along with greater responsibility and improved accountability and structure. "It's an exciting time," Blome said. "We have a wonderful opportunity to fill a unique need. Ultimately, though, it's all about more efficiently getting assistive technology to Alabamians - both young and old - who need it the most."

Many of the program's services remain the same: information and referral, alternative financing, and training and technical assistance. STAR also continues to provide device reutilization services through three subcontracted recycling centers statewide - Waste Not in Huntsville, 3-R in Anniston, and Mobile Recycling.

However, added to the array of services are expanded device demonstration and short-term loan programs through 14 additional partners statewide - a "try before you buy" approach. These demonstration sites offer consumers a broader range of choices and options prior to using precious funding resources. The program is also intensifying its effort to get the word out that it assists people with disabilities of all ages, across all ADRS divisions.

"We collaborate with programs across the entire ADRS continuum," said Blome, "and we have all sorts of resources - data collection tools, training modules, electronic newsletters, a revamped web-site and AT user/customer-responsive resources."

For more information about STAR and its services, call 1-800-STAR656 or visit www.rehab.state.al.us/star.



ADAP will host a recreation and inclusion conference on September 8, 2006 at the Bryant Conference Center in Tuscaloosa. The conference is part of ADAP's recreation grant and will feature expert training from the National Center on Accessibility. ADAP's goal is to inform managers of recreation sites across the state of the need for greater access and accessibility.

For additional information contact ADAP at 1-800-826-1675 or e-mail: adap@adap.ua.edu

June Primary Reveals Access Problems ADAP Working on Compliance With Voting Laws

By Lauren Carr, Senior Staff Attorney

During the recent primary election, ADAP staff visited polling sites to monitor compliance with new accessibility mandates required under the Help America Vote Act (HAVA), including checking to see how new, accessible voting machines were being used. These spot checks revealed some basic HAVA violations. Here is what we discovered:

1. Many polling sites did not have accessible parking. At many locations, no parking was designated as accessible, creating entrance barriers for people using canes, crutches, walkers and wheelchairs. Access ramps were blocked or were too steep to maneuver properly. When poll workers were asked about the lack of accessible parking, they responded they did not know they were required to provide signs and specific parking. This is also a violation of HAVA because poll workers are required to be trained.

2. Where polling sites had accessible parking, the spaces were used by poll workers, leaving no space for people who were coming to vote.

3. Polling sites were not organized for ease of maneuvering through the room. In many instances the tables for voter check-in took all the space in the polling sites, leaving no space for a person to vote. The new voting machines mandated by HAVA were shoved in an inaccessible area or placed on a table where it was difficult to use the machine because of the lack of appropriate space or because a table was too

high or too low to facilitate easy access to the machine.

4. Poll workers discouraged the use of the accessible voting machines or would not allow people to use them, believing that they did not have a disability. At one location a sign was posted on the machine that said it was only available for people that were deaf or blind and that it would take at least 20 minutes to use the machine to vote. These machines are not limited to people who are deaf or blind. The machines can be used by anyone who does not know how to read or who has visual problems with reading the provided ballot. Finally, the machines do not take 20 minutes to use. I know. I used one.

Enacted in response to the “hanging chads” problem during the 2002 presidential election, HAVA requires many changes to our country’s voting procedures, including requirements to ensure the right of people with disabilities to have the ability to vote independently.

As part of ADAP’s efforts to ensure compliance with HAVA, we have published a book on voting and voting access. This book is available on ADAP’s website.

In addition, ADAP has contacted all Alabama counties to offer technical assistance on voting accessibility and HAVA compliance. Unfortunately, not all counties have accepted our offer of help.

Given our experiences during this last election, there’s a lot of room for improvement when it comes to voting access. ADAP plans to continue our advocacy - reaching out to county election offices and monitoring for accessibility problems on election days.

ADAP Students 2006



Kathryn Bettis

University of
Alabama School
of Law

I am so grateful for this opportunity to clerk at ADAP and

be a part of its important civil rights work. I have joined the Community Access team for the summer, which strives to protect human rights and dignities in a broad range of forums. I am particularly concerned by the lack of basic care afforded the disabled and elderly in Alabama prisons. Each client inspires our hardest work, and I know the experience I gain at ADAP will continue to inform my public interest practice far into the future.



Stephanie Schlatter

Western New
England College
School of Law

After graduating from Jacksonville

State University, I worked for two years in Washington D.C. and then received my Masters Degree in Education from George Mason University.

I have always wanted to be an attorney and knew from the beginning that I wanted to do public interest work. Coming from a military family, I have traveled extensively in the U.S. and Asia and feel that has shaped my desire to help others through advocating on their behalf.

I was thrilled to get the opportunity to be in Alabama for the summer - I have family in Birmingham and Pell City. The work is exciting and challenging - and the staff is so much fun! I’m looking forward to a great summer.



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