

Alabama Disabilities Advocacy Program

July 2009



No More “R” Word

By Ellen Gillespie, ADAP Executive Director

What’s in a name? A name can be endearing, but it can also be derogatory, even insulting. In Alabama, advocates have succeeded in having legislation passed to remove the dreaded “r word” from the name of a major state agency.



On May 14, 2009, Governor Bob Riley signed a bill to change the name of the Alabama Department of Mental Health and Mental Retardation to Alabama Department of Mental Health. Earlier, the Division of Mental Retardation had become the Division of Intellectual Disabilities Services, after numerous people with intellectual disabilities had explained their reasoning for the needed change.

Members of the ADAP Advisory Council were instrumental in pushing for the name change. Jeff Ridgeway, Mark McClellan, and George Neal were very articulate and persistent in explaining that the “r word” was no longer appropriate and carried negative connotations. Commissioner John Houston and Associate Commissioners Patricia Martin and Catherine Crabtree worked as partners to make this request from self-advocates a reality.

There is still much to be done to make sure all people are treated with respect. The Alabama State Department of Education still uses some unacceptable language in their documents, as do some other agencies.

This, however, is real progress! Congratulations to advocates around the state for this success.

ADAP Survey: We need to hear from you!

This is your chance to tell ADAP what we should do. We are conducting a quick survey to determine the ADAP goals and strategies for the next fiscal year. Please click on this link and complete a survey, and feel free to distribute this link to other interested individuals and stakeholder groups. Thank you for your help! Go to this link for the survey: http://www.surveymonkey.com/s.aspx?sm=AMdMh8RJc1vTSpWxGnsnIA_3d_3d



Bryce Hospital Property For Sale

By Delshonda Thomas, ADAP Case Advocate

Bryce Hospital in Tuscaloosa provides inpatient psychiatric care to adults in the north-central part of the state. The property is in serious disrepair and is sought by the University of Alabama. The University of Alabama wants to buy the 188-acre property to accommodate its student body. The sale of the property can be a win/win if the consumers’ rights are protected. The sale of Bryce property would present a great opportunity for the DMH to move forward with

developing and providing appropriate services to individuals in their local communities instead of in an institutional setting.

Thorough evaluations recently completed by the DMH indicate that approximately 50% of the individuals currently at Bryce could live and receive treatment in a different (mostly less restrictive) setting. The remaining individuals may need some type of hospital setting. Thus, with the sale of the Bryce property, a new Bryce type facility will be needed. What will be the size and bed capacity of the new Bryce? ADAP would like to see the new Bryce built, preferably in Tuscaloosa, with a smaller bed capacity and a large number of individuals being moved into community placement.

Rightfully so, Tuscaloosa officials have concerns regarding patients being adequately supported in the community if the hospital property is sold. ADAP strongly believes that with adequate funding and the development of new and improved services patients can live successful and meaningful lives in the community.

Plans are already under way to close the Alice Kidd Nursing Facility and the Adolescent Unit, both located on the Bryce campus. About half of Kidds's 30 patients likely will move into community nursing homes while the others will move into the Mary Starke Harper Center, a short-term geriatric psychiatry hospital. The small number of minors on the Adolescent unit will be served closer to home in community or hospital settings.

Kathy Sawyer, former MH commissioner, has been hired as a consultant to gather information and make recommendation to the Governor regarding what to do with Bryce Hospital and its 300 patients if the property is sold to the University of Alabama. Ms. Sawyer released her preliminary report on the possible sale in April. See provided link to review the actual report. The report makes recommendations about selling the property to the University and describes Mental Health Department estimates about the cost of replacing Bryce.

Historic Bryce Hospital Fact Sheet

Bryce Hospital has been in continuous operation since 1861. Designed in the Italianate style, the four-story building features an imposing white dome that has been a landmark on the eastern skyline of Tuscaloosa for almost 150 years. Over the decades, the original six wings were extended to accommodate a patient population that grew from the initial 250 to over 5,000 individuals. Due to the federal lawsuit, Wyatt v. Stickney, the hospital became the focal point in the U.S. for the civil rights movement for people experiencing mental illness. For the rest of the story please follow this link: <http://www.mh.alabama.gov/COPI/HistoricBryceHospital.aspx>



Bryce Hospital Project Report available online

Kathy Sawyer, former mental health commissioner, released her preliminary report on the possible sale of the Bryce Hospital property in April. Go to: http://www.mh.alabama.gov/Downloads/COPI/Bryce_Hospital_Project_Interim_Report_and_Recommendations.pdf

New Legislation Introduced to Restore Parent Right to Expert Witness Fees Bill Will Ensure Meaningful Rights to Due Process & Protect Children With Disabilities

On June 5, 2009, Congressman Chris Van Hollen of Maryland and Congressman Pete Sessions of Texas introduced the IDEA Fairness Restoration Act. This bipartisan bill would allow parents to recover expert witness costs in litigation under the Individuals with Disabilities Education Act (IDEA) if they win their case.

In 2006, the Supreme Court held that parents cannot recover these costs in a case named *Arlington Central School District v. Murphy*. The IDEA Fairness Restoration Act will override the Supreme Court's decision and allow parents in IDEA cases to recover expert fees just like prevailing plaintiffs in litigation under the Americans with Disabilities Act, Title VII of the Civil Rights Act, and other civil rights laws.

Approximately seven million children with disabilities are covered by the IDEA. Nonetheless, parents proceed to litigation only as a last resort. In 2003, the Government Accounting Office (GAO) reported that there were only five hearings per 10,000 special education students. Parents prevail in IDEA cases only when they show that the school district provided an education so inferior that it failed its legal obligations.

However, the right to a hearing before an impartial, independent hearing officer is meaningful only if parents can afford it. Few parents can afford the thousands of dollars needed to pay qualified medical, educational, and technical experts needed in IDEA due process litigation -- almost two thirds (2/3) of children with disabilities live in families earning under \$50,000 a year. By contrast, school districts can pay their experts with taxpayer dollars or use staff already on their payroll.

University of Alabama Sponsoring Conference on Attention Deficit/Hyperactivity Disorder October 26-27, 2009

The University of Alabama, together with a statewide advisory committee, will host a conference on Attention Deficit/Hyperactivity Disorder (AD/HD) on October 26-27, 2009 at the Bryant Conference Center in Tuscaloosa.

Keynote speakers include Dr. Russell A. Barkley, an internationally recognized authority of AD/HD in children and adults. Dr. Barkley's most recent books include "ADHD in Adults: What the Science Says" (2008) and "Your Defiant Teen" (2008).

Conference sessions will address issues related to both youth and adult populations, including the following:

- Optimal Treatment of Adults with AD/HD in Primary Care Settings
- Intervention Strategies for Children Demonstrating AD/HD and Aggression
- Surviving the Ride: Unique Challenges Facing Teens with AD/HD
- Optimizing the Educational Experience for College Students with AD/HD

The conference is designed to meet various requirements for professional development contact hours.

For further information, please contact Geri Stone, UA College of Continuing Studies at: 205-348-6225 or via email at gstone@ccs.ua.edu. Or, visit <http://adhd.ua.edu> (available July 1, 2009).



Voters with Disabilities

This month the GAO released a report on the current state of accessibility to polling places for voters with disabilities, comparing its data with results from a similar report in 2000.

- Polling places with no accessibility issues nearly doubled from 16% to 27%. The most significant improvement to accessibility was at polling place entrances, with 41% being accessible in 2000 as compared to 75% now.
- Polling places found to have four or more obstacles to accessibility dropped significantly, from 29% to 16%
- Nearly all voting places complied with the recommendation to provide at least one polling place for individuals with disabilities that was private and allowed for independent voting. In most cases, this privacy was equal to or better than the privacy offered to other voters.
- Only 27% of polling places had accessibility issues and did not offer curbside voting as an alternative.
- Through the Protection and Advocacy for Voter Access (PAVA), P&As received grants to improve accessibility at polling places.
- To educate individuals about voter rights, PAVA conducted accessibility trainings to a wide range of groups, distributed and utilized the Department of Justice ADA Checklist for Polling Places, and provided checklists to poll workers before the polls opened so they could fix potential barriers to accessibility.
- In advance of election days, PAVA surveyed polling sites, highlighted violations, and settled with counties to make temporary and permanent accessibility accommodations.
- To aide constituents, PAVA gained media coverage, created toll-free hotlines to report barriers to accessibility on election days, and collaborated with paratransit agencies to ensure rides to polling places.
- While clear steps have been made to improve accessibility at polling places, there is clearly still a way to go to achieve full accessibility everywhere.
- Continued outreach and advocacy, as demonstrated by PAVA, has helped improve accessibility, and must be ongoing.

The Department of Mental Health Local Planning Meetings

The Department of Mental Health, in collaboration with local 310 Board planning bodies, is coordinating a series of local planning meetings across the State of Alabama during the months of August and September. These planning meetings will review the Department of Mental Health's planning process, discuss connections between local identified needs and state level priorities, provide an overview of the budget outlook, and review data for Mental Illness, Substance Abuse, and Intellectual Disability services including meetings for both adults and children/adolescents.

A directory of all local planning meetings is available in PDF format on the Department of Mental Health's website (<http://tinyurl.com/mdpv77> or visit www.mh.alabama.gov <<http://www.mh.alabama.gov/>> homepage to find a link). This directory provides dates, times, and locations of each local planning meeting and is sorted by county. Please visit often as the document will be updated as new planning meetings are scheduled.

The Department of Mental Health would like to invite and encourage all stakeholders, community collaborators, and planning partners to participate in these local planning meetings.

ADAP Calls for Restrictions on Seclusion and Restraint in Schools

By Nancy Anderson, ADAP Senior Staff Attorney



Citing injuries to students and teaching staff, the Alabama Disabilities Advocacy Program (ADAP) seeks restrictions on the use of seclusion and restraint in Alabama schools.

In a recently released report, ADAP notes that Alabama is one of nineteen states that have no laws regulating the use of either practice in the state's public schools and that these potentially dangerous practices are used disproportionately on children with disabilities.

The report highlights more than a dozen chilling incidents of school-based seclusion and restraint that ADAP investigated over the last three years, including one involving a mechanical restraint being used on a five year old child with autism and mental illness.

Among the recommendations made by ADAP is an outright ban on the school use of seclusion and any chemical, mechanical and prone restraints -- a particularly unsafe restraint in which the restrainer forcibly keeps a child's body face down on a surface. Tighter controls on the use of other restraints are called for, along with required staff debriefing after a restraint incident and data collection for performance improvement purposes.

"A restraint should only be used by well-trained and monitored staff and only when there is clear, imminent danger of injury to a child or others," said ADAP staff attorney Nancy Anderson.

A recent congressional hearing shined a spotlight on the use of seclusion and restraint. In response to the hearing testimony, including testimony from one mother whose child died as the result of a prone restraint, Education Secretary Arne Duncan has called for state school chiefs across the country to address the use of seclusion and restraint.

"To its credit, the Alabama State Department of Education has begun thinking about how to eliminate the use of these practices and how to enhance the safety and behavioral needs of students," said Anderson. "No teacher wants to restrain or seclude a child. Prevention is key. We have to provide teachers with intensive training and supports in positive behavior management and crisis de-escalation so they have better skills to handle challenging situations before they get out of hand -- so the perceived need to restrain or seclude a child doesn't come up in the first place."

To download and review ADAP's report, go to: http://.Seclusion & Restraint_final.pdf

- Has your child ever been secluded or restrained in school?
- Does your child need more support in school to address his or her behavioral needs?
- Do you want to learn how training in positive behavioral interventions can help you as a teacher?
- Do you want to learn how to fund and expand the use of positive behavioral interventions in your school through the use of Medicaid or Federal stimulus funds?
- Would you like more information about national and state advocacy activities regarding positive behavioral supports and the elimination of seclusion and restraint?
- Other?

Please contact ADAP at 1-800-826-1675 or via email at adap@adap.ua.edu.

An Assistive Technology Resource for Alabama

By Christa Hackney, Senior Case Advocate

Technology Assistance for Special Consumers (TASC) is a non-profit organization that provides various assistive technology support for individuals with disabilities. TASC's mission is to provide individuals with disabilities, their families, and/or advocates, and associated professionals access to assistive technology devices and services to increase independence at home, school, and work.

In 2005, TASC began a partnership with United Cerebral Palsy of Huntsville and Tennessee Valley (UCP) to maximize the provision of services to clients. TASC relies on funding from grants and from community donations to offer a range of services to its clients for minimal or no cost. Some of these services include access to:

- Computer Resource Center. Staff provide consultations and training on equipment, devices and appropriate software.
- Lending Library. Individuals can borrow, for example, switches, switch mounts, augmentative communication devices, software, adapted toys, adapted books and a variety of other adaptive equipment.
- Assistive Technology Evaluations. TASC evaluators assess an individual's specific needs and then provide recommendations for assistive tools and resources to obtain the tools.
- Augmentative and Alternative Communication Evaluations. Through UCP's speech therapists, TASC facilitates the evaluation process.
- Professional and Family Training.
- Community-Based Training.

For more information, please contact TASC at (256) 859-8300 or visit <http://tasc.ataccess.org/>

Rotors, Wings & Wheels (RWW) is for you

By Angie Allen, Case Advocate

If by an accident or from an unexpected turn of a medical condition you find your abilities more limited, or if your doctors are telling you that your life won't be the same because of an injury or disability; if you still have dreams of accomplishment and meaning, remote controlled flying may be your answer.

Rotors, Wings & Wheels is a program dedicated to introducing people with disabilities, their family and friends to the hobby/sport of remote controlled flight. There is much to learn and through demonstration flights, verbal instruction, hands on practice and the help of others who build and fly model planes, you can learn to do the same.

The goal of RWW is to demonstrate RC flight and to encourage those with old and new disabilities that they are only as limited in what they can do with this hobby/sport as they want to be. This can be fun and exciting for the whole family too.

Remote controlled flight can involve electric or nitro and gas powered airplanes and helicopters. They can be small enough to fit in your hand and be flown indoors to giant scale (80 inch wingspan or larger) which can include modern aircraft and war birds.

This hobby/sport is good for those who enjoy working with their hands, as in building and maintaining the aircraft, and for those who like an easy, relaxing day flying them. If you have the competitive spirit, there are a wide range of competitions to enjoy with enough practice.

If you live in the greater Tuscaloosa, Alabama area or want to visit us here, we would be happy to arrange a meeting to show you what this great hobby/sport has to offer for you and/or your group and give a demonstration flight if possible. The West Alabama Aero Modelers RC Club works with RWW to make their model airfield

available whenever possible. It is a wonderful site located off Watermelon Road and also features accessible rest rooms, water fountain and a host of helpful individuals.

RWW was the inspiration of Jim and Angie Allen of Tuscaloosa, AL. Through personal experience with disabilities (medical conditions gone wrong and an automobile accident) Jim and Angie have both found that by looking to the future, using a hobby/sport as a main focus, they were able, at different times in their lives, to have that sense of goals accomplished.

Please contact Jim or Angie for more information and to arrange a meeting or demonstration flight for yourself, someone who needs a positive activity in their life or for your group. Please e-mail Jim and Angie at: rotorswingswheels@gmail.com

You can visit Rotors, Wings & Wheels' website at www.rotorswingswheels.com ...HAPPY FLYING!

Accessibility Issues at High School Football Stadiums

By Lonnie Williams, ADAP Attorney

Football season is approaching. But will some be discriminated against or excluded from the stadium due to inaccessibility issues again this year?

Across the State of Alabama, there are numerous high school football stadiums that are not accessible to people with disabilities. Some problems that frequently exist include:

- 1) the lack of adequate accessible parking
- 2) the lack of an accessible entrance
- 3) the lack of accessible seating that is not confined to one area or segregated away from other seating areas, does not have line of sight problems, and has appropriate companion seating
- 4) the lack of accessible bathroom facilities
- 5) the lack of accessible concession stand counters and
- 5) the lack of adequate signage to direct people to accessible parking, entrances, seating, restrooms, etc.



The persons affected by these issues can be anyone, including visiting team or home team students, fans, band members, faculty, and family members of performers and players. These issues are particularly problematic for visitors, who may have no way of knowing about the accessibility issues they will face or the location of accessible features.

If you have any questions or concerns about accessibility issues at a high school football stadium, please feel free to contact [adap@adap.ua.edu/](mailto:adap@adap.ua.edu)

SSA's Hiring Plans for 2009: Linking Candidates with Disabilities to SSA Jobs



The Social Security Administration has recently received funding to hire a significant number of employees throughout the country. This hiring initiative offers a unique opportunity for individuals with disabilities who may want to get a job with SSA. These jobs will be at various skill levels including a number of entry-level positions.

What kinds of jobs is SSA offering?

SSA is recruiting employees to work in field offices and teleservice centers where they will assist the public by phone and in person with a wide variety of program related activities such as filing claims, applying for a new or replacement Social Security cards and other types of inquiries. SSA also is recruiting employees to work in claims processing centers and to work in hearings offices in legal and paralegal positions.

Where are these jobs located?

All across the United States; for example, some are in the local SSA field offices or SSA hearings offices, some in the 37 teleservice centers nationwide, some in SSA's program service centers and some at SSA headquarters in the Baltimore area.

How will SSA recruit?

SSA will use a variety of avenues to recruit and hire people with disabilities. In particular, the Agency is reaching out to Ticket to Work ticket holders who are trying to return to work, veterans with disabilities through programs such as the Wounded Warrior transitional program, and students with disabilities. Many individuals with disabilities will qualify for consideration under a special placement authority called "Schedule A."

If you have specific questions about this initiative or want to submit an application or resume for consideration, please send those to our special e-mail address, Selective.Placement.Applications@ssa.gov. Please include QUESTION in the subject line for all questions and use RESUME for all submissions of resumes.

As SSA is a small portion of a broader Federal Government hiring initiative, Employment Networks, Vocational Rehabilitation Agencies, and other employment service providers are key partners in bringing talented and available candidates to SSA and all agencies. Thank you for getting involved and helping SSA reach its goal to increase diversity and opportunities for employment of people with disabilities at SSA locations across the nation.




Birmingham City Council's Miriam Witherspoon dies

When Miriam Witherspoon was elected to the Birmingham City Council in 2005, she was an appropriate metaphor for a city that struggled for years to comply with the then-15-year-old Americans with Disabilities Act.

Ms. Witherspoon, injured in a car crash near the end of her junior year of law school many years ago, was paralyzed and used a wheelchair. The City Council dais could not accommodate her chair without substantial renovation. The remodeling job was quickly accomplished, and the council platform was ready when Witherspoon took her place on the council that November. She was the city's first council member in a wheelchair.

Ms. Witherspoon's place on the council dais was noticeably vacant at Tuesday's brief meeting. She died earlier in the day at the age of 48.

Ms. Witherspoon's election in 2005 underscored a glaring shortcoming in Birmingham. We were not a city of easy access for disabled residents, especially those in wheelchairs.



Only a few months earlier, Birmingham had agreed to a settlement with the U.S. Department of Justice, promising to bring 53 city buildings and other public spaces into compliance with ADA. Elevators, bathrooms, sidewalk ramps, doorways and a long list of other items had to be fixed before Birmingham would comply with the federal directive. The upgrading continues even today.

While many people may have seen Ms. Witherspoon as somebody who represented the city's physically challenged -- and she was a longtime advocate for the disabled around the state -- she did not want her disability to define who she was. She viewed herself first as the elected representative of everybody in District 7, which covers Central Park, East Brownsville, Garden Highlands, Germania Park, Grasselli Heights, Green Acres, Hillman, Hillman Park, Industrial Center, Jones Valley, Riley, Roosevelt, Sand Ridge, Tarpley City, West Brownsville, parts of Oakwood Place, Powderly and West End Manor. Witherspoon planned to run for re-election later this year.

A successful lawyer for two decades and a former Ms. Wheelchair Alabama, Ms. Witherspoon didn't allow her disability to derail ambitious goals. She was elected to the council without a runoff, defeating six other candidates.

Though a new council member at the time, Ms. Witherspoon was picked by her colleagues to be the president pro tem and officiated at council meetings when council President Carole Smitherman was not present.

Ms. Witherspoon loved her city and worked hard to improve it. Our prayers and condolences go to her family and friends.