

Alabama Disabilities Advocacy Program

July 2010

Alabama Disability Summit: 20th Anniversary Celebration of the Americans with Disabilities Act (ADA)

On July 26, 2010, people representing organizations from across the state will come together for a Disability Summit to celebrate the 20th anniversary of the ADA. This event will take place at the Sheraton Civic Center in Birmingham from 8:30 a.m. to 3:00 p.m. Mayor William Bell of Birmingham and Governor Bob Riley are invited speakers. Jim Comstock-Gallagan, a resident of New Orleans, and Executive Director of the Southern Disability Law Center, is the keynote speaker. The Alabama Governor's Office on Disability will present awards to businesses



that have gone beyond the minimum requirements of the ADA to ensure access for all.

President George H. Bush signed into law The Americans with Disabilities Act (ADA) to ensure the civil rights of people with

disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. The ADA has expanded opportunities for Americans with disabilities, reduced barriers, changed perceptions, and has increased the participation in community life. Daniel Kessler, Executive Director of Independent Living Resources of Greater Birmingham, Inc., who was present on the lawn of the White House for the signing of this landmark legislation said; "We all had great hopes the day the ADA was signed. Although much has been accomplished, we still have work to do."

In the afternoon, the Alabama Disability Advocacy Network (AL DAN), a grassroots coalition representing all people with disabilities will hold a membership meeting to set priorities and elect Advisory Board members. AL DAN was founded in 2009 with a grant from the Alabama Council on Developmental Disabilities, and already has over 500 members.

To register for this event go to www.ilrgb.org/events.php

National Park Service Offers Free "Access Pass" to People with Disabilities

This is a lifetime pass for U.S. citizens or permanent residents with permanent disabilities. Documentation is required to obtain the pass. Acceptable documentation includes: statement by a licensed physician; document issued by a Federal agency such as the Veteran's Administration, Social Security Disability Income or Supplemental Security Income; or document issued by a State agency such as a vocational rehabilitation agency.

The pass provides access to, and use of, Federal recreation sites that charge an Entrance or Standard Amenity. The pass admits the pass holder and passengers in a non-commercial vehicle at

per vehicle fee areas and pass holder + 3 adults, not to exceed 4 adults, at per person fee areas (children under 16 are admitted free). The Access Pass provides a 50 percent discount on some Expanded Amenity Fees charged for facilities and services such as camping, swimming, boat launching, and specialized interpretive services.

In some cases where Expanded Amenity Fees are charged, only the pass holder will be given the 50 percent price reduction. The pass is non-transferable and generally does NOT cover or reduce special recreation permit fees or fees charged by concessionaires.

Free weekend in August at all 147 National Park sites. The National Park Service will offer fee-free weekends this summer to encourage cash-strapped families to visit national parks - and to help boost local economies. All 147 National Park Service sites that charge entry fees will waive them on August 15 and 16. The fees at these parks normally cost from \$3 to \$25, so it's a nice savings.



Assistive Technology

by Angie Allen, Case Advocate

Assistive Technology (AT) promotes greater independence by enabling people to perform tasks that they were formerly unable to accomplish, or had great difficulty accomplishing, by providing enhancements to or changed methods of interacting with the technology needed to accomplish such tasks.

Disability advocates assert that technology is often created for the general public. As a result, persons with disabilities face unnecessary barriers. For example, conventional telephones are generally inaccessible to people who are deaf or hard of hearing. AT such as a video relay system uses sign language interpreters to provide effective communication.

Durable medical equipment is also a type of assistive technology and comes in many forms. One such device, called a standing frame, standing aid or active stander, assists people with mobility impairments such as quadriplegia, paraplegia or other conditions that make standing difficult or impossible. It provides the support needed to stand, exercise and move about the house while standing.

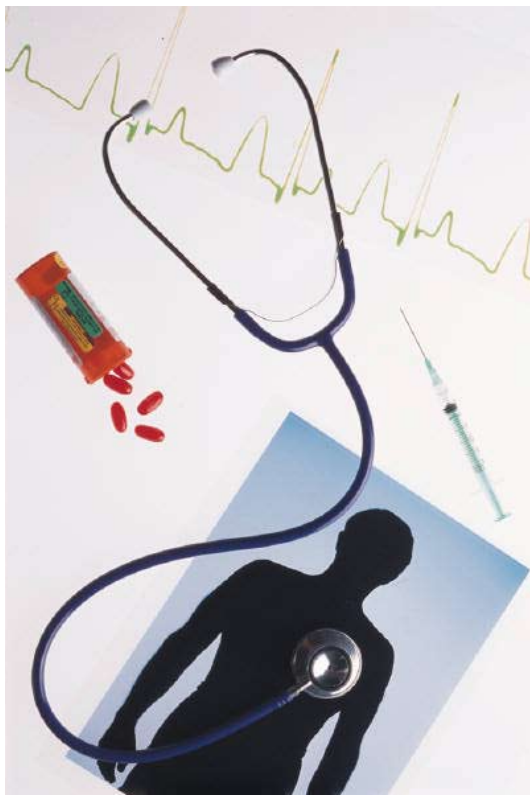
Assistive technology can assist in removing numerous barriers, but is sometimes extremely expensive. If the item is not covered

by insurance, including private, Medicare or Medicaid, another option may be to contact Alabama's Statewide Technology Access and Response (STAR) program at the Department of Rehabilitation Services. The STAR program has an alternative funding program to assist with paying for AT. This program is available to any Alabama resident who (1) has a disability or has a family member with a disability; and (2) whose independence or quality of life would be improved by the acquisition of the adaptive equipment.

The STAR program also has device demonstrations and short term loans of assistive technology available for clients, caregivers, professionals and providers to increase awareness, and to support informed decision making about device selection.

Reuse programs are also available across the state. In cooperation with community based programs, there are at least four centers, one in each region of the state, that offer free or low cost assistive technology to a person in need. The centers accept donations of used assistive technology of any type in good condition. Donated items are then refurbished, if needed, and offered at low or no cost to anyone needing that particular item. Under this program, the recipient agrees to take care of the item and return it to the center when it is no longer needed.

To contact STAR, call 1-800-499-1816 (TTY) or Toll-free: 1-800-STAR-656.



What is New about Health Care?

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

While no one understands all the details of health care reform and the multi-year rollout, here is a quick and easy list of some things that changed immediately:

1. Children up to 26 years of age can be insured under their parents' group plan.
2. There are tax credits for small employers (fewer than 25 employees and average wages of under \$50,000) when they purchase health care coverage.
3. Retirees over the age of 55 will have a temporary reinsurance program until they are eligible for Medicare, if the employer provides other health care coverage.
4. People with preexisting medical conditions will now be able to purchase health coverage under a national high-risk pool.
5. The famous "doughnut hole", or gap in prescription coverage for Medicare recipients, will be eased by a \$250 rebate.
6. The lifetime limit on coverage will be prohibited.
7. Some preventative services, such as immunizations, preventive care for babies, children, and adolescents, and preventive care and screenings for women, will be provided by health care plans without cost-sharing.

All of these provisions are important, but they are especially important to people with disabilities. In the coming months, ADAP will try to break down more of the relevant information in this newsletter. Stay tuned!

“May I Help You?”

Part 3 in a 3 Part Series on Title III of the ADA

by Patrick Hackney, Senior Staff Attorney



This is the final article of a three part series discussing Title III of the Americans with Disabilities Act, access to places of public accommodations for persons with disabilities, and focuses on reasonable modifications

for persons with disabilities.

“May I help you?” is a common question asked by sales clerks to customers and others visiting a business. Persons with disabilities often do not need “help,” but are, rather, entitled to reasonable modifications at places of public accommodations. Reasonable modifications benefit both persons with disabilities and the operator of a business. Persons with disabilities gain access to goods and services, while operators are able to tap into an expanded base of customers, in addition to being in compliance with federal law.

The ADA requires a public accommodation to “make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities. 42 U.S.C. §12182(b)(2)(A)(ii); 28 C.F.R. §36.302(a). Courts have held that a person with a disability must request a modification.

The modification must also be reasonable. Modifications should be looked at on a case-by-case basis. One needs to consider the effectiveness of the modification, the nature of the disability, and the cost. The modification cannot impose an “undue financial or administrative burden.” In other words, it should not be overly expensive or difficult to implement. For example, a local two-story

hardware store would not be required to install an elevator to access the second floor. The store may, however, need to have an employee bring items down to the first floor for a person with a disability to inspect and possibly purchase.

The types of reasonable modifications for persons with disabilities are limitless. Three broad types of modifications include modifying policies, providing auxiliary aids, and removing architectural barriers. An example of modifying a policy is to allow a person to use a service animal in a place that has a “no pet” policy. With respect to auxiliary aids, something as simple as allowing a person who does not use spoken language to use a pen and paper to order from a drive thru constitutes an auxiliary aid. Removing some architectural barriers can also be accomplished with relative ease. For instance, removing floor displays from aisles could provide enough room for a person using a wheelchair to access the aisles and items on them.



Under Title III of the ADA, persons with disabilities have the right to access places of public accommodations and the operators of such places have an obligation to provide access. Reasonable modifications, which promote access for persons with disabilities, do not have to be complicated or expensive. The next time an employee of a place of public accommodation asks “May I help you?” feel free to answer “yes” and explain what

type of modification you need to become a valued patron of the business.

If you would like more information on Title III of the ADA or feel as though you have been denied access to a place of public accommodation because of your disability, please contact ADAP, 1-800-826-1675, or visit ADAP’s website, www.adap.net.

Effective Communications and Law Enforcement

by Lonnie Williams, Staff Attorney



The ADA and Section 504 of the Rehabilitation Act requires that law enforcement agencies communicate effectively with persons who have hearing impairments. This means that law enforcement agencies must provide communication aids and services when needed, unless it would result in an undue burden or fundamental change in the nature of law enforcement activities being conducted. In doing so, the law enforcement agency must give primary consideration to the preferences of the person receiving the communication aids and services.

This requirement is for the benefit of not only witnesses, victims and the general public, but also suspects, arrestees, etc.

The type of communication aid or service required to achieve effective communication is highly dependent upon the circumstances involved in a particular situation. For instance, the communication aids and services required in emergency situations (such as a crime in progress) or simple transactions (such as checking a license) can be far different from the communication aid or service required in lengthy and complex transactions (such as interviewing a victim, witness, suspect, or arrestee).

Law enforcement agencies should not charge fees for providing communication aids or services.

If sign language is required, it is usually inappropriate for law enforcement agencies to ask family members or friends to interpret.

In jails, law enforcement agencies must also provide TTY or TDD systems or other assistive technology to allow persons with hearing impairments to use the telephone.

If you have any questions or concerns about effective communications and law enforcement, please feel free to contact ADAP for further information and/or assistance.

Protecting Institutionalized Youth from Abuse and Neglect

At the recently concluded national conference of the Protection and Advocacy (P&A) network, two ADAP staffers made presentations about our work in protecting institutionalized youth with disabilities from abuse and neglect.

As a participant in an investigations workshop, Senior Case Advocate Christa Hackney highlighted several unique areas of ADAP's work involving advocacy for youth in psychiatric residential treatment facilities:

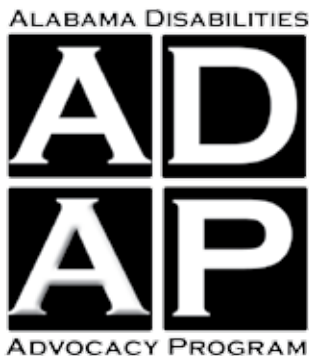
- To enhance federally-mandated reporting of serious occurrence incidents among youth (death, serious injury and suicide attempt), ADAP has collaborated with the Alabama Department of Human Resources (DHR) and the Alabama Medicaid Agency to institute a required universal reporting form for use by all thirteen psychiatric residential treatment facilities for youth in Alabama.
- Following the implementation of this universal form, ADAP conducted a mandatory training for the facilities, highlighting the federal reporting requirements, explaining how to use the form, and noting ADAP's role in conducting follow-up investigations.
- ADAP has designed a database to collect information regarding these incidents, which it will use to analyze any systemic trends of abuse and/or neglect in these facilities.

ADAP attributed the positive outcomes achieved by development of the reporting and incident management protocol to our continued partnership with DHR and Medicaid.

ADAP Senior Case Advocate Christy Johnson, along with two other presenters, conducted a workshop on investigating in juvenile justice facilities.

Participants were provided information about the legal authority of the P&A system to access secure juvenile justice facilities to conduct investigations; how to use practical information and analyze evidence to identify violations; and how to apply culturally sensitive interviewing skills when working with incarcerated youth with disabilities.

Held in Los Angeles, the annual conference was put on by the Training and Advocacy Support Center (TASC), a division of the National Disability Rights Network (NDRN), in conjunction with Disability Rights California. NDRN is the nonprofit membership organization of the P&A network.



Planning Underway for 2010-11

Councils to review plans at Joint Meeting on August 13

Summer's hot, humid weather may be draining but the season brings a sense of renewal to ADAP. It's during this time that we begin planning in earnest for the coming fiscal year.

During the last couple of months, ADAP has been seeking input from Alabama consumers, families and service providers on advocacy targets for FY 2011. The opinions we've gathered help us lay out work objectives under our fourteen priority areas (see sidebar). Input has been gathered through focus groups, trainings and other meetings, and an on-line survey.

A draft FY 2011 work plan will be presented for review at a joint meeting of our Advisory Councils on August 13. It's not too late for you to provide input on what you think we need to be focusing on during the coming year. Take our on-line survey at http://www.surveymonkey.com/s.aspx?sm=AMdMh8RJc1vTSpWxGnsnIA_3d_3d

ADAP's Advisory Councils

As required under federal law, ADAP has two 12-member Advisory Councils. Our PAIMI Council advises us on services for people with mental health issues. The PADD Council advises us on issues related to developmental disabilities. The Councils meet three times a year. At least 60% of the membership seats of both Councils must be held by persons with disabilities and/or family members.

PADD Advisory Council

Jayne Chase
 Jim Dill
 Stef Eisen
 Herman Hatch
 Myra Jones
 Darren Morris
 Iris Plescencia
 Laurie Lou Smith
 Evelyn Tannehill
 Murray Townsend
 Vicki Turnage
 Betsy Walker

PAIMI Advisory Council

Jon Brock
 Alvin Callier
 Jim Dill
 Diane Durbin
 Sheri Farris
 Gloria Hampton
 Jen Horton
 Sheila Scott
 Joel Sogol
 Tim Stone
 Donald Tubbs
 Ricky Wyatt

ADAP Priorities 2009-2011

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.

CHILDREN'S ADVOCACY TEAM

- Eligible students with disabilities will be identified for services and 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 in schools or daycare centers will be provided appropriate mental health supports and services and will be protected from the inappropriate use of seclusion and restraint.
- 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 and disability rights violations.
- 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.

My time at ADAP...

by Katie Gramling, ADAP Attorney



In May 2009, I graduated from Wake Forest School of Law with a plan to head to New York and work for a large law firm. However, the law firm that I was to begin working for announced that they would be offering fellowship grants for time spent working at a non-profit agency. I immediately saw this as an opportunity to gain experience in an area that I had otherwise ruled out. I began my search for non-profit agencies that worked with children and those that worked with people with disabilities. ADAP quickly rose to the top of my search list as a place where I could gain invaluable experience at a non-profit agency.

So here we are, July 2010, and I am wrapping up my experience at ADAP, again with the plan of heading to New York. During my time with ADAP, I have had the opportunity to work on both the children's team and the community access team in a wide range of roles from advocate, to investigator, to researcher and many more.

Most significantly, my time here was spent working with the children's team on the Psych <21 project. From the very beginning this seemed like a daunting project-with 13 different facilities all across the state and no consistent reporting method. My days were spent traveling across the state of Alabama, something I never thought I would be doing, completing investigations at facilities where children were seriously injured. I was shocked learning the backgrounds of these children and found myself wondering why more wasn't being done to protect them on a state level.

During the time I was here, Christa Hackney and I were able to work together, along with the Department of Human Resources and the Department of Mental Health to create a uniform reporting form that is now required of all 13 facilities. Together we have increased the reporting generally, but more specifically we have increased compliance with the Federal Reporting Requirements. Beginning the collaboration process between multiple state agencies is an experience that I learned from and one that I will take with me.

I appreciate the time spent here, lessons learned while here and thank you all for this opportunity to learn from and about you and what drives you.

ACDD 2010 PUBLIC FORUMS WE NEED YOUR HELP!!!

The ACDD is seeking community input for its new Five-Year State Plan (2012-2017) at our upcoming public forums.

SAVE THE DATE:

- July 28, 2010—Huntsville, Alabama
 - Session 1—12:00-2:00 p.m.—Embassy Suites
 - Session 2—5:00-6:30 p.m.—Embassy Suites
- July 29, 2010—Birmingham
 - 12:00-2:00 p.m.—Alabama Dept. of Rehabilitation Services
 - 236 Goodwin Crest Dr., Homewood, (5th Floor)
- August 25, 2010—Mobile, Alabama
 - Session 1—12:00-2:00 p.m.—Renaissance Mobile Riverview Plaza Hotel
 - Session 2— 5:00-6:30 p.m.—Renaissance Mobile Riverview Plaza Hotel
- September 10, 2010—Tuscaloosa, Alabama
 - 11:30 a.m.-2:00 p.m.—Bryant Conference Center

For questions or special accommodations, please respond by calling 1-800-232-2158 30 days prior to the public forum in your area.

Don't Forget to check us out...

The screenshot shows the website interface for the Alabama Disabilities Advocacy Program. At the top, there is a navigation bar with links for Home, About Us, Services, Eligibility, Your Request, and Publications. A prominent red banner on the right side displays the website URL 'adap.net'. The main content area features a large banner for 'SPECIAL EDUCATION IN ALABAMA' with the slogan 'A Right NOT A FAVOR'. Below this, there is a 'Welcome to ADAP's web site!' section followed by a 'Spotlight' section listing several key events and reports, such as 'Help ADAP by Checking the Accessibility of Your Voting Place' and 'Plead Pleasa - Complaints and Neglect of Children with Disabilities in Tallapoosa County Schools'. The bottom of the page is organized into three columns: 'Links', 'About Us', and 'Contact Us', each containing relevant information and contact details.

ACDD Innovative Ideas Grant Request for Proposal (RFP)

The Alabama Council for Developmental Disabilities is an organization that advocates for the full inclusion of people with developmental disabilities in all facets of community life.

The Council cordially invites the submission of proposals that outline innovative ideas and approaches to address the provision of services and supports to Alabamians with developmental disabilities and their families.

The Alabama Council for Developmental Disabilities is interested in receiving innovative proposals that indicate a well planned program that is quickly and easily understood, that has direction, has broad based support and high priority need in the community. The applicant should demonstrate expertise in the project area and creative collaboration and leveraging of other resources. Innovative Ideas Grants should respond to a barrier or issue that has not been successfully addressed to any real extent in the implementation area. Innovative Grants may replicate “best practice models” or propose an entirely new project that increases the inclusion of people with disabilities in community life, particularly around the areas of relationships, homes, jobs, education, health, supports or transportation. Projects should be focused on improving the lives of people with developmental disabilities and their families. The ultimate outcome of Innovative Ideas Grants is to support promising ideas, expand best practices, improve services and supports, promote policies, and capacity building that will contribute to sustainable system changes.

Schedule

- The Alabama Council for Developmental Disabilities will accept applications on or before July 23, 2010.
- Twelve hard copies and one electronic copy of the application should be submitted by 1:00 p.m. of the date due by mail or hand delivery only. No faxed proposals will be accepted.
- A Q&A meeting will be held at the RSA Union Building, Suite 400 in Montgomery on July 6th at 10:00 a.m. The purpose of this meeting will be to answer additional questions about the grant process. RSVP by July 2nd to debra.florea@mh.alabama.gov or by calling ACDD staff office at 1-800-232-2158.



Mark your calendar!

**September
22-23, 2010**

Self-Determination Summit on Quality of Life

Continue to be a part of the growing foundation for Self-determination in Alabama.

Join us!

Participants from 2009 Birmingham and Mobile “Self-Determination Staying Power Alabama” Sessions. This is your second-year follow up. Registration limited to first 100 people.

What's Planned?

Two days of sessions with talented trainers and focused results. Full attendance and participation is essential and expected.

Date

Wednesday, September 22, 2010

10:00 a.m. - 4:00 p.m. (Lunch Included)

Thursday, September 23, 2010

8:00 a.m. - 2:30 p.m. (Breakfast & Lunch Included)

Where?

The Marriott Montgomery-Prattville at Capitol Hill Hotel
2500 Legends Circle
Prattville, Alabama 36066*

Why?

To build a lasting foundation of self-determination through meaningful and useful information for Alabama.

Registration

Call 1-800-572-7159 or email

cherylharris18@comcast.net to register today.

*Stipend covers rooms for guests outside of 75-mile radius of hotel.

Registration is free. Deadline 8/1/10.

Limited Enrollment and Stipends.

This project is funded through a grant from the Alabama Council for Developmental Disabilities. Training provided by Imagine Enterprise and Community Drive. Materials from the Center for Self-Determination.