

# Alabama Disabilities Advocacy Program

May 2010

## Accessible Gardening

### Tomatoes: How to Grow Big Ones

By Graham L. Sisson, Jr.

Ever since I was a young boy, I have loved growing tomatoes. My father was my mentor who shared many of his personal tomato secrets with me. Growing and eating them are one of the many passions in my life. I am an equal opportunity grower, planting all different varieties and colors, including red, yellow, orange, black (purple), and white, but my favorite varieties to grow are the heirlooms and beefsteaks, especially Burpee's Porterhouse tomato, which matures to 2 to 4 pounds. Note the pictures below which show a 3 pound Porterhouse tomato I grew last summer. Regardless of the variety, there are defined steps I take every year. I will briefly describe those steps so that the reader may also enjoy tomato growing as a rewarding hobby.

I order tomato seeds from two seed catalogues, both accessible from the internet. The companies that sell the seed in the catalogues are Burpee and Totally Tomato. After the seeds arrive in late January, I plant them in peat pots that are placed under grow lights. Once the seedlings have 2 or more leaves, I thin each peat pot to contain only one plant. After all danger of frost, I place the young plants outside to harden them off. This process is necessary so that the plants can endure full sunlight. It is accomplished by placing the plants in partial shade for 1 to 2 weeks and moving them into less shaded areas for short periods (usually 4 to 5 days) until they are in full sun. Hardening off usually takes 3 weeks.

Select a planting site that gets at least 6 hours of sunlight although 8 hours is optimal. The soil should be rich in organic matter which may be composted manure or black humus from a compost pile. The compost I produce each

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Graham Sisson is well-known in Alabama for his disability advocacy, leadership roles, and delightful spirit. He is the Director of the Governor's Office on Disabilities. Graham is also an accomplished gardener, and is not slowed down by accessibility issues just because he uses a wheelchair. It's Spring and this is a timely topic!



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year comes mainly from leaves and rotten vegetables. It is important to not over fertilize tomatoes as too much nitrogen will lead to a larger plant with very few tomatoes. I use a combination of spaces rotated yearly in my 15' by 25' garden plot and two wooden planters I built from scrap wood from the fences in my backyard, in which to plant 6 to 10 plants. The planting site should be well drained so that plants do not get flooded during periods of heavy rains.

After selection of site, one should next dig deep holes (12 inches to 2 feet deep) at least 18 inches apart. This allows for sufficient growth and space for harvesting. I mix 2 to 3 shovels worth of compost or cow manure with the dirt in each hole. I mound the dirt up at the top of each hole. I then plant the hardened off plants in the hole up to the first

leaf of each plant. This will allow additional root growth and a healthier plant in the long term. Planting should only be done after all danger of frost has passed. In Alabama, this usually means mid-April to early May. Those planting in Montgomery or further south may even be able to plant earlier. One can even consult the Farmer's Almanac for specific planting time information. Do not forget to water plants immediately after placing them in the ground. One should water weekly as needed.

Immediately after I finish planting, I place metal wire cages at least 4 to 5 feet in height around each plant with wooden stakes and plastic ties used to anchor the cages at the bottom.

After 3 weeks have passed since planting, I fertilize the plants with organic seaweed liquid fertilizer that I get from an organic gardening catalogue company, Gardens Alive. I fertilize in this manner at least once every 3 weeks. As I do not use pesticides, I monitor the plants every week for insects (usually tomato worms) and remove them immediately. Occasionally, I use organic pesticides such as hot pepper spray.

Depending on the variety, tomatoes take anywhere from 55 to 80 days from planting outside to harvest. If I plant in late April or early July, I have some of my first tomatoes on July 4.

I hope this inspires new tomato enthusiasts and provides some helpful tips to those with more experience.

## Accessible Gardening Internet Websites

### Accessible Gardening

<http://www.mdausa.org/publications/Quest/q31garden.html>

### Way to Grow: The Accessible Garden

<http://www.newmobility.com/articleView.cfm?id=385&action=browse>

### Accessible Garden Village Garden Web Blog

<http://forums.gardenweb.com/forums/accessible/>

### I'm not getting older, I'm just getting stiffer

<http://www.gardenguides.com/2249-m-not-getting-older-m-just-getting-stiffer.html>

### Gardening With the Elderly

<http://ohioline.osu.edu//hyg-fact/1000/1642.html>

### Horticultural Therapy

<http://www.gardenforever.com/pages/artenabled.htm>

### Gardening With Ease

<http://www.gardeningwithease.com/>  
Garden tools and products designed for a accessibility.

### Gardener's Supply Company

<http://www.gardeners.com/>  
Garden supplies and tools, including several items that are useful for physically challenged gardeners.

### Wheelchair Accessible Gardening and Adaptive Gardening with Raised Beds

<http://www.apparelyzed.com/accessible-gardens/accessible-garden.html>

# “We don’t serve your kind here”

Part 2 in a 3 Part Series on Title III of the ADA

by Patrick Hackney, Senior Staff Attorney

*This is the second 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 what constitutes discrimination under Title III. The final article, appearing in the next edition of ADAP’s newsletter, will discuss reasonable accommodations for persons with disabilities.*

Although this phrase may not be said very often, the message, people with disabilities are not welcome, is frequently implied for persons with disabilities attempting to access places of public accommodation. Discrimination based upon disability takes many forms including establishing eligibility criteria that affects persons with disabilities, failing to make reasonable modifications, declining to provide auxiliary aids, and refusing to remove architectural barriers.

The ADA prohibits places of public accommodation from having eligibility criteria that adversely affects persons with disabilities. Specifically, a place of public accommodation cannot “impose or apply eligibility criteria that screen out, or tend to screen out, an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations.” 42 U.S.C. §12182(b)(2)(A)(I); 28 C.F.R. §36.301(a).

Suppose for example, a bank requires customers to produce a valid, driver’s license as the sole means for cashing a check. This would be discriminatory in that persons with vision impairments may not possess this type of identification.

Title III requires places of public accommodation to make reasonable accommodations to persons with disabilities. “A public accommodation shall 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). Failing to do so is discrimination under Title III.

For example, restaurants are required to allow service animals even though the restaurant does not normally allow pets inside the premises. A service animal is not a pet and refusing to allow a service animal in the restaurant is

discrimination. It should also be noted that refusal to allow the service animal in any area where the general public is permitted violates the ADA.

A public accommodation must provide auxiliary aids and services when they are necessary to ensure effective communication with individuals with hearing, vision, or speech impairments. “Auxiliary aids” include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD’s), videotext displays, readers, taped texts, brailled materials, and large print materials. If a place of public accommodation fails to provide auxiliary aids and services to persons with disabilities, it is acting in a discriminatory manner. “A public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services.” 28 C.F.R. §36.303(a). An example of discrimination under this section would be the refusal of a Court to provide a qualified sign language interpreter to a person with a hearing impairment during a Court hearing or other proceeding.

Architectural barriers often prohibit persons with disabilities from accessing places of public accommodations. Steps, narrow doorways, and constricted aisles are just a few examples of architectural barriers. Any facility occupied after January 1993 must be “readily accessible to and usable by” persons with disabilities. In other words, newer facilities must be fully accessible. For older buildings, refusing to remove architectural barriers when it is relatively easy and inexpensive to do so constitutes discrimination. In evaluating the ease and cost, a business’s resources must be taken into account. For example, a national hardware chain will be required to remove more barriers than a locally owned store if the business is located in a facility built before 1993.

Discrimination can take many forms. While a refusal to admit or serve persons with disabilities may not necessarily be overt, the failure to provide equal access to the goods and services offered by places of public accommodation is discrimination. One of the central purposes of the ADA is to ensure that persons of all abilities can access, use and enjoy public places.



# A New Start

A parent's successful advocacy story

*"He's an all-star."*

That was the first thing Henry Thomas said when he was asked by an ADAP staffer to describe his seven year old son Sean.\*

"Sean has strong reading skills and can even become bored in class by material that is too easy," he continued. "But, he also has some significant behavior problems that I can't get the school to pay attention to."

Mr. Thomas went on to describe to the ADAP staffer how Sean had been diagnosed with ADHD in 2008. School reports stated Sean could become easily upset and frustrated, was restless, and frequently interrupted others. Mr. Thomas said Sean could have explosive meltdowns or shutdowns -- where he withdraws from all classroom activities. Early in the school year, Mr. Thomas reported that he was called to school repeatedly because of these kinds of behaviors. One time, he found his son curled on the floor in a fetal position.

Mr. Thomas said he had shared information about Sean's ADHD diagnosis with his son's school and asked the principal for help with Sean's behavior problems with no result. While Mr. Thomas acknowledged that Sean's teachers were sympathetic to his concerns, he was frustrated they were not providing the support needed to help address his son's behaviors.

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ADAP explained to Mr. Thomas that special education is more than just providing a child with a disability with academic remediation or support. Rather, special education is about meeting all the needs of a child with a disability -- academic, developmental and functional -- if those needs are impacting a child's educational performance. With that in mind, ADAP talked with Mr. Thomas about how his son's behavioral needs could potentially make him eligible for special education services and supports.

With prompting from ADAP, Mr. Thomas approached the school again and asked for help.

The school agreed to evaluate Sean to see if he could be served with special education services.

After the evaluations were concluded, ADAP provided Mr. Thomas guidance to help him advocate for his son during the meeting that would determine if his son met the necessary criteria outlined in state law to be found eligible for special education services.

Contacting ADAP right after the meeting, Mr. Thomas reported with relief that Sean had been found eligible for services.

"The information you shared with me was extremely helpful to me during the eligibility meeting. It helped me to 'speak their language' and understand what they were telling me, as well as better communicate with them what I needed them to know about my son."

"My wife and I signed all the documents they provided and, I assume, services will begin soon," stated Mr. Thomas.

Even with this new start for Sean, Mr. Thomas expressed frustration about the time that was wasted and how Sean was hurt in the process: "The school system had formal notice that Sean had special needs for the last year and a half. If the 'system' is allowed to, will they go back to denying Sean (and many like him) the resources it is responsible for providing?"

"They gave many explanations for why it took so long to get Sean the help he needed," said Mr. Thomas. "But the only difference that I could see was that the school knew ADAP was helping me. They knew that they now had to do more than talk about it."

"I am glad and relieved that things are working out for my son. Our advocacy story is a successful one, but I have learned that the progress made to date is just the first step. There are many more steps to go. The meeting where he was found eligible was a favorable outcome but I want to make sure it's not the final outcome as to what is provided for Sean. Sean is a 'full-time boy' and we have a long way to go."




\* All names have been changed.

## Parent Advocacy Tips

Written by

Henry Thomas, father of Sean

"I'm very passionate about this issue and protecting and providing for my son. I hope what I have learned will help another parent or, more importantly, another child."

- Parents should create and maintain a file dedicated only to matters relating to their child and the school system. It doesn't have to be fancy, just a legal pad and a folder to keep everything in is sufficient. 
- Keep a calendar. A free one from the bank or anywhere will do. "Dates" (when something is said or done) are very important to the school system and, therefore, should be to the parents as well. Make a note on the calendar anytime ANYTHING is communicated to you about your child and who made that communication. 
- Keep ALL documents and make sure they are dated, and always ask for copies. Their documents will use their language, and their language is something every parent needs to learn and try to use when talking to anyone in the school system. Learn their "buzz words" and use them. 
- Introduce yourself to the principal of your child's school and communicate with the principal as often as possible. (The principal is an "agent" of the school system and if you have notified the principal of a matter concerning your child, you have notified the school system.)
- Refrain from negative comments or personal attacks toward school staff.
- Ask questions in writing. Anyone can say, "That's not what was said," but if you have it in writing, there is less possibility of misunderstanding.
- Lastly, NEVER give up, and let school staff know that you aren't going away. The best interest of your child should be yours.



# Upcoming Training for Families!

## Alabama Family Ties Annual Conference

Supporting families of youth with mental health and behavioral challenges



Training, networking and fun are on the agenda for the upcoming Alabama Family Ties (AFT) Conference being held at the Mobile Marriott

from Friday, June 4 to Saturday, June 5.

Geared for families of children who have a severe emotional disturbance (or who are at risk of being diagnosed with one), the conference is jointly planned by AFT, the Alabama Department of Mental Health (DMH), and families of youth with serious emotional disturbance.

“The conference offers families a wonderful chance to network with other families,” said Sarah-Ellen Thompson, Executive Director of AFT. “We also have a schedule of great speakers to help families learn how to support their children at home, in school, and in the community.”

Sessions topics include helping children with personality disorders and ADHD, special education advocacy, guardianships, SSI and trusts, and parenting skill-building.

### Youth Track Offered

The conference is not just for grown-ups. Youth are strongly encouraged to attend with their parents or caregivers.

Kim Hammack, Child and Adolescent Coordinator with DMH/Mental Illness Division, is coordinating the conference’s two youth tracks, one for youth age 13 to 16 and a second

“transitional” age track for youth age 17 to 21.

Gayla Caddell with DMH and staff from local community mental health centers have put together a program that mixes self-advocacy skill-building along with recreational excursions to sites around Mobile, including tours of the Battleship Alabama and a local art museum.

To register for the Conference and to inquire about a limited number of scholarships for family members, call AFT at 1-877-834-0615.

*AFT was first organized by DMH’s Mental Illness Planning Council in 1998 with support from a federal grant from the Substance Abuse Mental Health Services Administration (SAMHSA).*

*AFT’s networking and training efforts are focused on ensuring that children who have mental, emotional, and behavioral disorders remain at home, in school, out of trouble, and grow up to live independently.*

*AFT seeks to ensure that parents and caregivers receive support in their communities and are treated as experts by professionals in all child-serving systems.*

*Given that national research estimates suggest that only one-fifth of children with a diagnosable mental or emotional disorder receive appropriate services and treatment, family support and advocacy groups like AFT are vital for the health of Alabama’s children.*

## STAND

By Rascal Flatts

You feel like a candle in a hurricane  
Just like a picture with a broken frame  
Alone and helpless like you've lost your  
fight  
But you'll be alright  
You'll be alright

Cause when push comes to shove  
You taste what you're made of  
You might bend, till you break  
Cause it's all you can take  
On your knees you look up  
Decide you've had enough  
You get mad you get strong  
Wipe your hands shake it off  
Then you stand  
Then you stand

Life's like a novel with the end ripped out  
The edge of a canyon with only one way  
down  
Take what you're given before its gone  
Start holding on, keep holding on

Cause when push comes to shove  
You taste what you're made of  
You might bend, till you break  
Cause it's all you can take  
On your knees you look up  
Decide you've had enough  
You get mad you get strong  
Wipe your hands shake it off  
Then you stand (then you stand)  
Yea, then you stand (then you stand)

Everytime you get up  
And get back in the race  
One more small piece of you  
Starts to fall into place, yea  
Ooohhh

Cause when push comes to shove  
You taste what you're made of  
You might bend, till you break  
Cause it's all you can take  
On your knees you look up  
Decide you've had enough  
You get mad you get strong  
Wipe your hands shake it off  
Then you stand (then you stand)  
Then you stand (then you stand)  
Yea, then you stand (then you stand)  
Yea (then you stand)  
Ohhh (then you stand)  
Ohhh (then you stand)  
Ohhh (then you stand)  
Ohhh (then you stand)  
Then you stand

*Our daughter, Mallory had to write an essay in English in which she had to choose a song as the sound track for her life. She chose a song by Rascal Flatts. If you don't know it, the lyrics are in the sidebar. We wanted to send it to you so that you can share it with the good people at ADAP so that all of you can see who you are fighting to help every day. We hope that all of you stay the course and continue to fight. Even when cases don't go the way like they should, as did ours, don't give up. We appreciate every one of you.*

## "Standing Strong"

By Mallory Parton

Have you ever reached a breaking point; a point where you lost all motivation and you believed you could not push forward? I know I have found myself in this predicament many times, but I refused to let myself fall permanently. I always revert to one song that helps me conquer any obstacle. It's bold title and powerful message never fails to give me the encouragement that I need to rise up and continue. "Stand" by Rascal Flatts, reminds me that it is alright to bend until I break, but I must shake it off, and live my life. This song describes the virtues that define the life that I live: courage, strength, and determination.

Although courage is not always easily found, we all possess it deep within our souls. My life is full of trials and struggles. Like everyone else, I face life, but I face it differently. For me, each and every day is far from easy. The simplest tasks for most can pose as an impossible mission for me. I become frustrated with myself and I begin to worry that I will not be able to achieve things alone. Sometimes "I feel like a candle in a hurricane, alone and helpless like I've lost my fight," but I get mad and I become stronger and I find the courage to find my inner strength and keep going.

Like courage, strength is sometimes difficult to find. To me, strength does not come from physical abilities, because what I lack in physical strength, I make up for in emotional and mental strength. Life is about the mystery of living; never knowing what to expect is the thrill of it. I know that most of the things in my life will be a challenge, just like everyone else has their challenges, but I choose to face each challenge directly. When I hit a bump in the road, I remember the dramatic lyrics of this song and I repeat to myself, "every time you get up and get back in the race, one more small piece of you starts to fall into place." I know the challenges and difficulties that I face do not define me. The way that I chose to face these adversities makes me the person I am today and the person I will be in the future.

Also, I am determined to make something of myself. "Take what you're given and start holding on." I know that I have been faced with all of these obstacles for a reason; a reason that I may never know. I am determined to make something of myself. I refuse to give up. I make it a priority to make sure that people do not feel sorry for me, because being able to walk is not a requirement to live a wonderful life. Even when I am at my lowest point and I feel like I'll never be as successful as I hope to be, my thoughts return to this song. It always inspires me to never give up.

Clearly the song "Stand" has made a major impact on the way I view not only myself, but the way I view life. I may not be able to stand physically, but I do not have to. My attitude stands tall. The way I project myself is the way people view me, and I hope that people can see that I am strong. "Life is like a novel with the end ripped out." The ending is for me to fill in; I will finish my novel with courage, strength, and determination.

## Moving to the Community...

By Delshonda Thomas, Case Advocate

The Region II planning workgroup has developed and submitted a proposal to the Department of Mental Health to transition approximately 96 individuals from the extended care unit of Bryce Hospital into community placement. The proposal makes the region service providers responsible, as a group, for achieving this outplacement and bed reduction goal. The Region II service providers proposed to develop additional community resources to accommodate this effort. The resources include Evidence Based Practice Sup-



ported Apartments, MOM Apartments, 3-bed group homes, 10-bed groups, and Peer Bridgers. The providers who will put residential services in place to accomplish this outplacement goal will participate on a service development

and operations oversight committee to oversee the project. This oversight committee will be responsible for reviewing the Region's progress toward the outplacement target and will determine changes in the service programming as needed to meet the target.

The resources that Region II will dedicate to and develop for this project were determined by the consumer needs reported in the assessments of extended care patients that were conducted in February 2009. Placement planning will involve the MHC and hospital personnel, the individual, an advocate from ADAP and the Office and Advocacy Services. ADAP will participate in this effort to ensure consumer choice is respected to the maximum extent possible in combination with the individual's treatment and support needs and geographic availability of these services. ADAP feels that Individuals should return to their home community or to their place of choice, if possible.

Commissioner John Houston has approved the implementation of Region II's service development plan. Placement interviews will begin when DMH gives the final approval to start. Once, started, it is expected that the outplacement process will proceed at a pace that would allow 24 individuals to be outplaced every two months. The project is expected to achieve its target in approximately eight months.

## Psych 21 Training

By Christa Hackney, Case Advocate

ADAP has recently collaborated with the State Department of Human Resources (DHR) and the Alabama Medicaid Agency to institute the requirement of a universal reporting form by all thirteen psychiatric residential treatment facilities providing services to youth under 21 (Psych < 21). According to the federal regulations outlined in the Children's Health Act of 2000, Psych < 21 facilities must report any serious occurrences (including deaths, serious injuries and suicide attempts) to ADAP, DHR and Medicaid.

Until now, no standard form existed for serious occurrence reporting, which has resulted in a system-wide under-reporting of these incidents. Instituting a universal reporting protocol allows ADAP to consistently monitor serious occurrences while also advocating for residents to receive appropriate treatment and services in a safe environment.

Recently, a training was jointly provided by ADAP, DHR and Medicaid to Psych < 21 facilities highlighting the federal reporting requirements and introducing the newly adopted reporting form. ADAP, DHR and Medicaid will now be working together to ensure facility reporting compliance and will review reports received on a quarterly basis to ensure consistency in reporting among all of the facilities.

### Don't Forget to check us out...

[adap.net](http://adap.net)

A screenshot of the Alabama Disabilities Advocacy Program (ADAP) website. The header includes the program name and navigation links: Home, About Us, Services, Eligibility, Your Request, Publications, and Contact Us. The main content area features a banner for "SPECIAL EDUCATION IN ALABAMA" with the slogan "A Right NOT A FAVOR" and a photo of a smiling man and child. Below the banner is a "Welcome to ADAP's web site!" message and a "Spotlight" section listing recent news items such as "Help ADAP by Checking the Accessibility of Your Polling Place" and "Press Release - Complaint to End Register of Children with Disabilities in Tuscaloosa County Schools Filed by ADAP". At the bottom, there are sections for "Links", "About Us", and "Contact Us".

ADAP Survey, Susan J., Partlow, Polling Place Survey, Lots of information for you everyday!