



Connecticut Disability Advocacy Collaborative Bulletin

“Enhancing the effectiveness of disability activism by organizing and empowering individuals, families, groups and organizations”

**Disability Rights is a Civil Rights Issue
December, 2005**

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jayne@kleinmanconsulting.com or skoslosk03@comcast.net — or Jayne Kleinman,
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In This Issue

	<i>Page</i>
Calendar of Events	2
Disability Advocacy Collaborative Update	2
More on Medicare Part D and related state legislation	3
Bazelon Center Conducting an Investigation in CT	4
Energy Assistance – Its Time to Apply!	4
News from CAHS	5
Meet Sassy, and How to get Food Assistance	6

Need a Ramp! CIL has Them!	6
P&A Investigates Academy	7
News from NFB	7
Spokebenders Schedule, and Another Hurtful Supreme Court Decision	8
News from AAPD	9
Community Living Bill Proposed	10
New Fact Sheet from the Kaiser Commission, and Briefs on Transition Planning and LD Resources	11
A Challenge from Steve Gold!	11

Calendar of Events

<u>Date</u>	<u>Event</u>	<u>Location</u>	<u>Sponsor</u>	<u>Contact</u>
Dec. 7 – 6 pm	Annual Meeting of Arc/CT	Courtyard by Marriott – Cromwell	Arc/CT	860-953-8335
Dec. 8 – 2 pm	UCEDD Holiday Open House	UCEDD – 263 Farmington Avenue - Farmington	UCEDD	860-679-1500
Dec. 9 – 9 am – 2 pm	Gift of Opportunity	Hartford Convention Center	State Department of Labor and Aetna	860-263-6774
Dec. 11-14	White House Conference on Aging	Washington, D.C.	US Administration on Aging	www.whcoa.gov
Dec. 12 - 6:00 p.m.	People First Board meeting	The Arc of Southington	People First	203-792-3540
Dec. 15 – 3 – 5 pm	Greater Hartford Advocacy Network	60 B Weston Street - Hartford	Disability Advocacy Collaborative	860-679-1513
Sept. 16, 2006	Disability Advocacy Collaborative Convention	CT Expo Center - Hartford	Disability Advocacy Collaborative	jjk1009@hotmail.com 203-238-9391

Disability Advocacy Collaborative Update

Larry Robinson of Bridgeport will soon join the team of people (Stan Kosloski and Jayne Kleinman) working on developing regional advocacy networks under the Disability

Advocacy Collaborative. A VISTA member, Larry will begin by helping establish steering committees in the southwest and northwest corners of the state, and planning local activities that will attract others to the Collaborative.

Hartford Network to Meet

Individuals living in the Greater Hartford area are invited to a meeting of the advocacy network being started in the north central part of the state. The meeting will take place at the Office of Protection and Advocacy, 60B Weston Street in Hartford, from 3-5 pm on December 15. Refreshments will be provided.

Among the items on the agenda will be a list of possible priorities for the Greater Hartford network to address. The agenda will include a discussion of these priorities with selection of one or two for the area network to concentrate on in the next year.

Medicare Part D

Beth Leslie, Legislative Liaison for the Office of Protection and Advocacy, reports that late last week (12/1/05) the Connecticut House of Representatives and Senate unanimously passed legislation to help Connecticut residents who will be affected by the new Medicare Part D federal drug plan. Without action by the State, the Medicare plan would have left people who are on ConnPACE and people who are dually eligible for Medicare and Medicaid financially responsible for the cost of some prescriptions that are now covered by Medicaid. The Keep the Promise Coalition, Advocacy Unlimited, and the Center for Medicare Advocacy were among the community advocacy organizations that persuaded the legislature to act.

Specifically, the new state legislation:

- requires the state to cover the federal co-pays for full benefit Medicare-Medicaid dually eligible people (those eligible for Medicaid benefits, who had previously also received their prescription benefits through Medicaid; it does not cover special groups that received limited Medicaid assistance only with their monthly Medicare premiums and coinsurance), and
- establishes a "Medicare Part D Supplemental Needs Fund" to help Medicare Part D beneficiaries who are also ConnPACE participants or full benefit Medicare-Medicaid dually eligible recipients; the bill also transfers \$ 5 million to the fund out of Medicaid appropriations for FY 06.

The full text of the legislation is available at the legislative website at: www.cga.ct.gov/

Consumer Guide Available to Assist in Navigating Medicare Part D Drug Coverage

Advancing Independence, a disability-focused policy organization, has released a new guide for people with disabilities, benefits counselors, and disability organizations on transitioning to the Medicare Part D prescription drug benefit. While many organizations are developing helpful materials to assist Medicare beneficiaries through this transition, this guide was written specifically to address special concerns of people with disabilities. The guide was written in a question and answer format and includes worksheets that individuals can use in consulting their physicians about current pharmaceutical use and in comparing and selecting a plan that meets their needs.

Free copies of the guide can be obtained in PDF and HTML formats at <http://hpi.georgetown.edu/rxchanges.html>.

National Advocacy Group to Investigate Connecticut

On Monday, December 6, 2005 the Hartford Courant reported that the Bazelon Center for Mental Health Law in Washington, D.C. has been working with advocacy organizations in Connecticut regarding concerns about people with psychiatric disabilities who are placed in nursing homes. The specific concern is whether individuals have had an opportunity to exercise their rights under state and federal law to court hearings, or are placed in locked wards without proper psychiatric care. At least 2700 individuals labeled “mentally ill” are in Connecticut nursing homes.

Under state law, individuals placed in psychiatric hospitals must have a hearing before a judge, and an annual court review of their status. The law apparently does not apply to people with psychiatric disabilities placed in nursing homes. The State Department of Mental Health and Addiction Services reports they are studying the problem and a report is due out in January.

The Connecticut Legal Rights Project and the state Office of Protection and Advocacy for Persons with Disabilities are working collaboratively with the Bazelon Center on the investigation.

Energy Assistance - It's Time To Apply!

The latest newsletter from CABHN (Connecticut Alliance for Basic Human Needs) brings the following news about energy assistance:

“Are you worried about how you’ll pay your heating bills this winter? Apply for energy assistance. Applications can take up to 45 days to process, but immediate fuel delivery can be made available if needed. Deadline to apply is March 15, 2006, but since funding may be tight, don’t wait until then.

For further information on winter heating assistance, call your local Community Action Agency. You may get this information from Infoline by dialing 211, from Statewide

Legal Services (1-800-453-3320 or 860-344-0380) or from the Connecticut Energy Assistance Hotline 1-800-842-1132.

Other things to consider:

- You may be eligible for benefits (depending on your income and rent amount), even if heat is included in your rent payment.
- If you have an unsafe or broken furnace, ask at the energy assistance site about a repair or replacement. Some homeowners receiving energy assistance may be able to get emergency furnace repairs. If the homeowner receives cash assistance from DSS (TFA, AABD or State Supplement, or SAGA), repairs are also available through DSS in a separate program, when necessary to allow the individual to remain in the home; contact your DSS case worker to apply.
- Protect yourself from a winter shut-off by applying for “hardship” status from your electric and gas companies. If you are on state welfare (TFA), think about what you can really afford when you make a payment agreement. Your income may drop if you are at the end of your 21-month time limit or the end of an extension, and it may be hard to pay what you agreed upon. Call Statewide Legal Services (see number above) for free advice.
- If you heat with electricity from CL&P or UI, or gas from Yankee Gas, SCG or CNG - and you owe the utility company money - contact the company and apply for the “arrearage forgiveness” program. Arrearage forgiveness is a payment program that forgives back bills in exchange for making regular, agreed upon payments. It is important to make sure you can afford to make the payments you agree to under this program.”

News from CAHS

The Connecticut Association for Human Services reports that with heating fuel costs skyrocketing, many low income people will be facing the classic "heat-or-eat" quandary this winter. The federal government expects this winter's average monthly natural gas heating bill to jump 41 percent, to \$173/month, or 19.4 percent of the income from a full-time, minimum wage job.

The federal nutrition programs can't completely solve this problem for low-income families, but they can help. This link (www.frac.org/pdf/energy_paper05.pdf) leads to a new Food Research and Action Center publication, "Heat and Eat: Using Federal Nutrition Programs to Cushion the Shock of Skyrocketing Heating Bills," which reviews various strategies.

For more information about how you can help people here in Connecticut, CAHS is making available its free "How to Get Food in Connecticut" resource guide (www.cahs.org/publications/05-06_ct_guide.pdf), which describes several nutrition assistance programs that can help to compensate for the increased burden of high heating costs this winter. You may order materials through CAHS' website's "Publications" link at www.cahs.org.

The contact person at CAHS for follow up information is Tracy Helin (thelin@cahs.org or phone-(860) 951-2212, ext 236).

Sassy Goes To Work

Travel through Sassy's life from her dog days in Kentucky, where she was rescued, to her life now as a highly trained service dog. In *Sassy Goes to Work*, a new book by Therese Nadeau, action-packed photographs highlight the activities she performs daily to assist her "human mommy." With Sassy's help, Therese, who uses a wheelchair, is able to live independently and follow her dreams. Enter the world of this amazing duo and help young children learn to recognize the differences and talents of individuals.

To purchase the book, which costs \$20, make out a check, money order or purchase order to University of Connecticut Health Center and send to the University of Connecticut A.J. Pappanikou Center for Excellence in Developmental Disabilities Education, Research and Service, 263 Farmington Ave., MC 6222, Farmington, CT 06030. For more information call Therese at 679-1500 in the Hartford area or toll-free at (866) 623-1315.

Food Resource Guide Now Available

The Connecticut Association for Human Services (CAHS) announces the availability of the 2005-2006 food and nutrition resource guide, "How to Get Food in Connecticut." The guide contains an overview of federally funded nutrition programs, such as Food Stamps, WIC, and the Summer Food Service Program, which help families to stretch their household budgets. The guide is a tool that meets the needs of social service providers and clients alike. This edition includes updated income guidelines for the Food Stamp Program that went into effect October 1. Copies may be requested by calling CAHS at (860) 951-2212, or by email at info@cahs.org. The guide is also available for download at www.cahs.org.

CIL Ramping Up!

Earlier this year the Corporation for Independent Living (CIL) in Wethersfield launched a new program called AccesSolutions. The program was created in response to the growing need for ramps among low income people with disabilities. Termed "temporary", the ramps may be used by individuals and families "until they are no longer needed". When the ramps are no longer needed, they are returned to CIL and are available for reuse. The Hartford Foundation for Public Giving is supporting the initiative, and additional support is being sought from corporations and foundations throughout the state.

For more information call CIL at 860-563-6011.

P&A Releases Investigative Report

The state Office of Protection and Advocacy (P&A) has called for shutting down the Hartford Transitional Learning Academy, saying students with learning disabilities and behavior problems are dumped at the school and left to languish. P&A launched an investigation of the school in early 2004 following allegations of inappropriate seclusion and physical abuse of students by staff members.

Although changes have been made to address the presenting problem, the report found other deficiencies at the school, including a weak, unimaginative academic program; a lack of therapeutic services; and a lack of protocol for admitting students who transfer from other schools.

The school, on Washington Street in Hartford, serves middle and high school special education students who are emotionally disturbed or have a history of negative behavior. Some of the students have served time in adult prison or in juvenile detention centers.

For a copy of the report, contact P&A at 860-297-4300.

News from the CT Chapter of NFB

The National Federation of the Blind of Connecticut is working to honor the 200th anniversary of Louis Braille's birth with the issuing of a commemorative coin by the U.S. Treasury. The anniversary won't occur until 2009, but NFB is acting now to insure that a coin will be minted in that year. A bill (H.R. 2872) has been introduced in Congress to create the coin.

Louis Braille promoted the tactile code for reading and writing that has brought independence to people who are blind and visually impaired. Born in 1809, he became blind because of an accident in his father's workshop in Paris. Without his insight and positive viewpoint, blind people would be less likely to succeed without being able to read and write.

“Because of Braille, blind workers now are living proof that literacy is our pathway to success”, according to Beth Rival, Vice President of NFB of Connecticut. “We are working to improve hope and understanding of blindness. However lack of a solid commitment teaching young students to use Braille is far too prevalent in our nation's schools. Only 10 per cent of our children learn how to read Braille in school. Therefore, increasing the Braille literacy to the blind will increase employment and productivity.”

And More....

The National Federation of the Blind (NFB) Jernigan Institute has announced that the Imagination Fund has been designated one of Basket Magic's 2005 charities. The Imagination Fund was established to support the work of the National Federation of the Blind state affiliates and local chapters across the country and the initiatives of the

Jernigan Institute, the nation's center for innovations in programs and services that help blind and visually impaired individuals live full and productive lives.

Gift basket, wreath, or floral arrangement purchases that are made through Basket Magic between September 1, 2005, and December 31, 2005, will result in a donation to the Imagination Fund. To place an order, go to www.basketmagic.com or call 410-719-6263 or 443-740-4312. Mention that you heard about Basket Magic from the National Federation of the Blind, and 10 percent of your purchase (excluding shipping, delivery costs, and taxes) will be donated to the Imagination Fund.

Spokebenders Home Games in December and January

Fans interested in seeing the Connecticut Spokebenders wheelchair basketball team in action are invited to attend a series of home games this month and in January. The 'Benders home gym is at the HSC Community Center, located at the corner of Corbin Avenue and Osgood Street in New Britain:

- On December 10, at 1 and 3 pm, the Spokebenders will be paid a visit by a newly formed team from Long Island, the Brookhaven Bombers.
- And on December 17, Connecticut will host a mini-tournament featuring the New England Blazers and the NEPVA Celtics, both from Brockton, Massachusetts (game times 11 am, 12:45 pm, 2:30 pm and 4:15 pm).

On the week-end of January 14-15 the Spokebenders will hold the Paul McKane Invitational Tournament at the HSC Community Center. Participating teams include the NEPVA Celtics, the Nassau County Kings, and the Scranton Allied Forces. The tournament is named in memory of Paul McKane, leading scorer for the Spokebenders throughout the decade of the 90s, who passed away two years ago.

Supreme Court Rules Against Parents

On Monday, November 14, 2005, the US Supreme Court handed down its decision in *Schaffer v. Weast*, ruling that the burden of proof in an administrative hearing under the Individuals with Disabilities Education Act (IDEA) is on the party seeking relief. The Individualized Education Plan (IEP) is a blueprint for the services a student in special education will receive as mandated by IDEA. Normally, developing the IEP is a collaborative process between the student (and family or guardian) and the school system. When the two parties cannot come to an agreement on the appropriateness or the sufficiency of an IEP, the IDEA provides for an "impartial due process hearing," which either party can initiate, to challenge the IEP. The IDEA does not say who has the burden of proof at these hearings.

Attorneys for Brian Schaffer, a student with learning and speech-language disabilities, argued that the school system was better able to bear the burden of persuasion regarding the student's IEP than the student and his parents. The school system argued that

Congress intended the burden to be allocated to the party initiating the hearing and seeking relief.

Many parents of students in special education had hoped that the Court's decision would give them more influence in the IEP process, but school systems were concerned that a ruling on behalf of the Schaffers would force them to spend more money and time in court than in the classroom. The decision in this case will have far-reaching implications for students in special education and their families, educational funding, taxpayers, and the IDEA program as a whole.

Information Technology Internships for College Students with Disabilities

The American Association of People with Disabilities (AAPD), through partnerships with Microsoft Corporation and the Mitsubishi Electric America Foundation, has announced two internship opportunities for college students with disabilities for summer 2006. Undergraduate students interested in pursuing careers in information technology are encouraged to apply. Accepted candidates will work in various agencies in the executive branch of the federal government. Roundtrip air travel and housing will be provided to interns, and each student will receive a stipend. Applications now available from www.aapd.com and must be received by December 12, 2005. If you have questions about the program write: aapdmsintern@aol.com.

An AAPD Call to Action

The U.S. House of Representatives returned from the Thanksgiving recess December 5, 2005, and the U.S. Senate will return December 12, 2005. When they do reconvene, they will be addressing the budget bills passed during November by the respective chambers. Both the House and Senate leadership want to have the final budget bill approved by both the House and the Senate before they adjourn in December.

The following analysis of the budget bills (S 1932 and H 4241) have been provided courtesy of the American Association of Persons with Disabilities (AAPD):

Senate bill S 1932:

- * Provides for a total of \$35 billion in cuts, including \$4.3 billion over 5 years to Medicaid and the Children's Health Insurance Program
- * \$5.7 billion in cuts over 5 years are to Medicare
- * Targets mostly providers of federal benefits, such as pharmacies and drug companies.
- * Does not make any Medicaid cuts that directly affect beneficiaries. No cost-sharing is included.
- * Contains provisions for Money Follows the Person (MFP) and Family Opportunity Act, but the MFP - a demonstration project - would not begin until 2009.

House bill H 4241

- * Budget cuts in this bill totaled \$49.9 billion.

- * Will give states greater flexibility to administer Medicaid; the end result of this could be increased cost-sharing on the part of beneficiaries, as well as cut-backs on people being served.
- * According to a Congressional Budget Office (CBO) report, nearly \$9 billion of the \$11.9 billion Medicaid cuts fall directly on enrollees.
- * Will tighten rules regarding asset transfers for Medicaid eligibility.
- * 225,000 fewer low-income people will receive food stamps, according to the CBO report.

AAPD also reports that the Senate has passed a \$60 billion tax cut package and the House delayed any action on the tax bill until they return on December 5, and it is possible they will recommend even greater tax cuts than the Senate.

AAPD SUMMARY:

"At this point, both the Senate and the House will try to reconcile the many significant differences in their budget reconciliation bills in a Conference Committee. Many moderates in the House voted for the budget reconciliation at the last minute because they were promised that the cuts would be softened in conference with the Senate.

Remember: nothing is final yet with either spending or tax cuts! And the final passage is NOT a given. The margins of what did pass were slim. It is imperative that you keep your calls, e-mails, op-eds, and visits with your Congressional members coming. 2006 is an election year for many of them. Don't let them forget that! Call 800-426-8073 TODAY!"

New Community Living Bill Proposed

On Wednesday, November 2, 2005, U.S. Senators Edward Kennedy (D-MA) and Mike DeWine (R-OH) announced the introduction of S 1951, the Community Living Assistance Services and Supports (CLASS) Act of 2005. S 1951 would create an insurance program for adults who become functionally disabled and would provide a cash benefit to help obtain services and supports in the community while providing individuals with disabilities more choices in their lives.

Over 100 groups representing people with disabilities, seniors, and American workers have signed on to support this legislation. Included in that support are the American Association of People with Disabilities, the National Council on Independent Living, ADAPT, the Association of University Centers on Disabilities, and the Disability Policy Collaboration.

CLASS would create a voluntary insurance program that is based on the principles of independence, choice, and empowerment. It would be financed by voluntary payroll deductions of individuals (at least 18 years old) who have contributed to the program at least five years.

The Collaborative encourages readers to express their wishes to Senator Christopher Dodd and Senator Joseph Lieberman.

Kaiser Commission Publishes New Fact Sheet

A new two page fact sheet from the Kaiser Commission on Medicaid and the Uninsured summarizes the relationship of Medicaid with state budgets. The fact sheet provides an update about the fiscal situation in the states and how it is affecting Medicaid programs.

For more information go to: www.hcbs.org/moreInfo.php/nb/doc/1440

The Transition Planning Process

A data brief recently published provides a national view of the transition planning process undertaken during high school with and for youth with disabilities as they prepare for life after school. The information reported comes from a mail survey of school personnel conducted as part of the National Longitudinal Transition Study-2 (NLTS2). Findings from NLTS2 generalize to youth with disabilities nationally who were 13-16 years old, to each of the twelve federal disability categories, and to each age group.

For more info go to: www.hcbs.org/moreInfo.php/nb/doc/1441

New Fact Sheets for Parents

The National Center for Learning Disabilities has developed three Parent Advocacy Briefs aimed at helping parents navigate through the special education system and understand the relevance of the No Child Left Behind Act (NCLB). One Brief provides an overview of school choice and supplemental educational services that might be available, another addresses appropriate assessment accommodations that might be relevant to students with learning disabilities, and the third covers participation in statewide tests required by the NCLB.

If interested, follow up through the organizations web site – www.ld.org/nclb/nclb.cfm .

A Challenge from Steve Gold

“Nearly six years ago, the Supreme Court issued its Olmstead decision. As you remember, this decision was based on the ADA's mandate that ‘A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.’

The Court recognized that Congress had found that "unjustified institutional isolation of persons with disabilities is a form of discrimination." The Court understood that a "State's responsibility, once it provides community-based [services] is not boundless."

What the Court said about an "effectively working plan" is very critical to persons in nursing homes who have stated they want to reside in the community and who could

reside in the community with appropriate services. Namely, the Supreme Court stated "if the State were to demonstrate that it had a comprehensive, effectively working plan for placing qualified persons [in nursing homes] in less restrictive settings, and a waiting list that moved at a reasonable pace not controlled by the State's endeavors to keep its institutions fully population," then the State could properly use the "reasonable modification"(i.e., not boundless) defense. The Court recognized that a State could ask "a person to wait a short time until a community bed is available."

We're now six years down the road.

What should disability advocates do?

1. Without a written, effectively working Olmstead Plan specifically stating how many persons will move from nursing homes each year and how the money will be allocated, disability advocates should bring individual lawsuits on behalf of persons who are being discriminated against under the ADA because they are "unnecessarily institutionalized." Without an Olmstead Plan, your State has no ADA defense!
2. Ask your P&A attorneys, law school clinics, legal services attorneys, the private bar for representation to bring individual lawsuits to implement the ADA.
3. Remind your local newspapers that providing services in the community is much cheaper than services in the community. Let's end discrimination, follow the ADA, implement the Olmstead mandates, and save money at the same time.
4. The time for excuses is over. Remember, "Power concedes nothing without a struggle." The ball is in your court."

Steve Gold, The Disability Odyssey continues. Back issues of other Information Bulletins are available online at www.stevegoldada.com with a searchable Archive at this site divided into different subjects. To contact Steve Gold directly, write to stevegoldada@cs.com

Please relay this Bulletin to your membership including those who do not have e-mail access. Suggest your membership go to the library and go onto www.kleinmanconsulting.com to view or print a copy. If you would like to see previous issues of the Bulletin, read about the background of the Collaborative or if you would like to be added to the mailing list, you may also go to www.KleinmanConsulting.com.

How can you find your federal Representatives and Senators? Go to www.congress.org and find the box under the heading "Write Elected Officials." Type in your Zip Code and press the "Enter" key. Then, when the names of your elected officials come on the screen, click on the word "Info" under the name of the elected official you want to contact. The telephone number will be listed on the page that comes up next. You may also call the U.S. Capitol Switchboard at 1-888-818-

6641. The best way to contact your Member of Congress is via phone (or ideally in person). The best time to call either in CT or in Washington, D.C. is early in the morning.