

## **On Target**

Informing Indiana About Disability Issues  
Indiana Governor's Council for People with Disabilities  
January & February 2009

Volume 22 Number 1

## **New government brings hope for change**

President Barack Obama took the oath of office on Jan. 20, and Congress began its first session of the year Jan. 14. So, what will these changes mean for the disability community?

At the annual Conference for People with Disabilities Dec. 2, 2008, in Indianapolis, Curt Decker, J.D., executive director of the National Disability Rights Network, shared his insights about the possibilities for positive change under the Obama Administration.

With new leaders taking control, there's an opportunity to influence policy changes, said Decker. For instance, many laws will be up for reauthorization, which provides an opportunity to review key programs and make adjustments. Laws that could be altered include the Individuals with Disabilities Education Act (IDEA), Developmental Disabilities (DD) Act and Rehabilitation Act. The new administration and other elected officials also usher in an opportunity to move forward with agenda items such as autism and hate crimes.

"This is a time of hope," Decker said. "But it won't be an easy slam dunk to get policy changes made in favor of the disability community. There's no guarantee."

Curt Decker's organization is part of the Consortium for Citizens with Disabilities (CCD), a coalition of more than 100 national organizations. Marty Ford, chairperson of the coalition, sent a letter to President Obama on Nov. 26, outlining eight short-term recommendations for improvements in policy areas important to the disability community:

- **Disability program funding:** Adopt a spending bill for the Departments of Labor, Education, and Health and Human Services to fund disability programs through the end of fiscal year 2009.
- **Federal Medical Assistance Percentage (FMAP) for Medicaid:** Enact a significant, temporary increase to the federal share of Medicaid spending to counteract states' fiscal crises.
- **Social Security:** Provide adequate funding to the Social Security Administration (SSA) to reduce the backlog of pending cases for disability determination.
- **Employment:** Make the employment of people with disabilities a priority in all major workforce initiatives. Also, the federal government should be a significant employer for people with disabilities by working toward a workforce in which at least 5 percent of employees are individuals with disabilities.
- **Housing:** Invest in the development of new, permanent supportive housing units.
- **State Children's Health Insurance Program (SCHIP):** Champion SCHIP legislation that extends coverage to all eligible children, and allow states to expand SCHIP coverage to children in families with incomes greater than 250 percent of the federal poverty level.
- **Rights of people with disabilities:** Sign the International Convention on the Rights of Persons with Disabilities and submit the treaty to the U.S. Senate for ratification.
- **Veterans Affairs:** Adequately fund the Department of Veterans Affairs' health care system.

For further details about these recommendations, as well as CCD's long-term policy suggestions, visit the CCD Web site at [www.c-c-d.org](http://www.c-c-d.org) or call (202) 783-2229 (voice).

## **2-1-1 service provides needed resources**

We have all been trained to call 9-1-1 in an emergency, but what if you need help that doesn't require an ambulance or fire truck? Call the new national 2-1-1 phone service. This new program connects people with much-needed services, such as food banks, shelters, legal aid and employment resources, to name just a few.

This free service is spreading across the nation, and in Indiana it's currently available in 67 counties, reaching about 85 percent of Hoosiers. Most cell phone providers — including Verizon, AT&T and Sprint — offer free access to the service.

2-1-1 offers information for essential, non-urgent services and allows 9-1-1 lines to stay open for emergency calls. All information shared on 2-1-1 calls is confidential. The program is made possible through combined efforts of the United Way and the Alliance for Information and Referral Systems.

You can learn more about the 2-1-1 program by visiting [www.in211.org](http://www.in211.org). Click the "I need help" button on the home page to find out if the service is available in your area. You can also visit the national 2-1-1 site at [www.211.org](http://www.211.org) and type in your zip code to find out if you're located in the service area.

## **Court rules driving not covered by ADA**

A recent ruling by the 10th Circuit Court of Appeals demonstrates how the ADA Amendments Act, which took effect Jan. 1, extends coverage to people with disabilities who were not originally protected by the Americans with Disabilities Act of 1990 (ADA). In this case, the 10th Circuit Court ruled that driving is not a "major life activity," as defined in the ADA, and that, in turn, epilepsy does not fall under the law's definition of "disability." Because this case began before the ADA Amendments Act took effect, the decision was based on the original ADA.

Ireane Kellogg brought forth the case after she was fired from her job at Oilind, an industrial safety company for which she traveled to oil fields to provide services. Kellogg was diagnosed with epilepsy in 2005 and was subsequently fired from Oilind because she could not provide a "full release" from her doctor that would allow her to drive on the job.

Kellogg sued Oilind, alleging the company discriminated against her according to the ADA by firing her after the epilepsy diagnosis, and the district court ruled in her favor. The ADA defines "disability" as a physical or mental impairment that substantially limits an individual's ability to conduct one or more major life activities. Oilind won on appeal, where the 10th Circuit Court said the U.S. Equal Employment Opportunity Commission's regulation on major life activities does not mention driving, and stated that driving is merely a "means to an end" and not a major life activity in and of itself.

Because the court ruled driving is not a major life activity, and Kellogg was unable to present evidence that she was substantially impaired in any activity except driving, the court ruled that

she did not have a disability. However, the new ADA Amendments Act broadens the definition of “disability” to ensure individuals with conditions such as epilepsy, depression and cancer are covered by the ADA. To learn more about the ADA Amendments Act, visit [www.access-board.gov/about/laws/ada-amendments.htm](http://www.access-board.gov/about/laws/ada-amendments.htm).

## **Social Security and SSI benefits up 5.8 percent**

In January, recipients of monthly Social Security Disability and Supplemental Security Income (SSI) saw a 5.8 percent increase in benefits, the largest increase since 1982. Benefits are automatically modified each year to match the increases in cost of living expenses, known as the Cost-of-Living Adjustment.

However, backlogged Social Security and SSI cases continue to be a problem in Indiana and other states. According to an article in the “Fort Wayne News-Sentinel,” more than 18,800 Hoosiers were waiting for disability determination hearings as of Oct. 31, 2008. The Social Security Administration (SSA) issued a news release in October announcing it hired 190 new Administrative Law Judges, opened a National Hearing Center and eliminated virtually its entire aged case backlog of more than 135,000 cases waiting more than 900 days for a hearing decision.

The National Hearing Center, located in Falls Church, Va., “allows [the SSA] to capitalize on new technologies such as electronic disability folders and video teleconferencing,” according to Michael J. Astrue, commissioner of Social Security. The SSA also implemented two programs, Quick Disability Determination and Compassionate Allowances, for expediting the process.

William Jarrett, spokesperson for the SSA, said Indianapolis is one of the cities given the tools to have backlogged cases heard this way. “You can feel confident that the cases are being heard at the National Hearing Center. [We are] in the process of expanding the video hearing capacity in Indianapolis to allow more Administrative Law Judges from the National Hearing Center, and other regions, to assist the Indianapolis hearing office with its increasing workloads,” added Jarrett.

For more information about Social Security and SSI benefits and changes, visit [www.ssa.gov](http://www.ssa.gov) or call (800) 772-1213 (toll free). Individuals with hearing impairments can call (800) 325-0778 (toll free), Monday through Friday, 7 a.m. to 7 p.m.

## **New higher education act becomes law**

Former President George W. Bush signed The Higher Education Opportunity Act of 2008 (HEOA) into law before leaving office to help make post-secondary education more accessible for all Americans. The HEOA, which is the first reauthorization of the Higher Education Act of 1965 in more than a decade, includes several provisions that may be of particular interest to students with disabilities. Key provisions include:

- Create a new Web site to make costs more transparent.
- Establish a national center to provide support services and best practices for colleges, students with disabilities and their families.

- Assist colleges with recruiting, retaining and graduating students with disabilities.
- Improve educational materials and facilities for people with disabilities.
- Provide tips to reduce educational barriers for students with disabilities.
- Define Universal Design for Learning (UDL), a framework for curriculum design that fosters access to learning for everyone, and prepare educators to use UDL principles in their instruction.
- Increase the maximum Pell Grant from \$5,800 to \$9,000 per academic year and make it available year-round for the first time.
- Simplify the federal financial aid application process.

After the HEOA was signed into law, U.S. Rep. George Miller (D-Calif.), chairman of the House Education and Labor Committee, issued the following statement:

“Today is truly a momentous day for America’s current and future college students and families. With this bill signed into law, we have taken the next critical steps towards restoring the promise of our nation’s higher education programs: To help all students gain access to a world-class college education.”

Visit [www.ed.gov/heoa](http://www.ed.gov/heoa) to learn more.

## **NCD study assesses Rehabilitation Act**

The National Council on Disability (NCD) recently published a report titled “The Rehabilitation Act: Outcomes for Transition– Age Youth” to assess the effectiveness of the Rehabilitation Act of 1973, which intends to help young adults with disabilities gain necessary skills to transition into living and working in their communities. A possible reauthorization of the Rehabilitation Act during the 111th Congress will provide the opportunity for changes to be made.

According to the report, the national average employment rate for transition-age individuals (ages 16-24) was about 58 percent in 2006. The average hourly wage for transition-age youth was \$10.24 in 2005, they were working an average of 32.7 hours, and 30 percent of these individuals were receiving health insurance through their employers. Other key findings included:

- Vocational rehabilitation programs are serving only a small percentage of youth who could benefit from transition services.
- The number of transition-age youth served by vocational rehabilitation has increased steadily over the past five years. Employment rates and earnings have improved, given age and workforce experience of this population.
- A lack of continuous research and evaluation of the Rehabilitation Act policy changes has limited the ability of vocational rehabilitation agencies to identify successful programs and best practices.

These findings, among others, were submitted to former President George W. Bush and other federal officials during National Disability Employment Awareness Month in October 2008. The NCD has called upon Congress to work toward improving the vocational rehabilitation system to increase opportunities for students with disabilities.

To access a full, electronic copy of the report, please visit [www.ncd.gov](http://www.ncd.gov) and click on the “Publications” link. For a hard copy, call the NCD at (202) 272-2004 (voice) or (202) 272-2074 (TTY).

## **Accessible taxis to be produced in South Bend**

AM General LLC, best known for its production of the Humvee line of vehicles, is manufacturing a new line of taxis, designed by Vehicle Production Group (VPG), for people with mobility disabilities. VPG received \$160 million in equity financing for the taxis, which will be powered by gasoline and compressed natural gas. The taxis are expected to be released during the first quarter of 2010. Where the taxis will be available in Indiana is still being determined.

The American with Disabilities Act (ADA) requires all taxi companies to provide accessible transportation options, including helping individuals in wheelchairs get in and out of the vehicle.

These accessible taxis will go beyond ADA requirements and include an automatic ramp, making getting in and out of the taxi easy for passengers who use mobility devices. VPG plans to sell the new taxis to both municipal and privately operated fleets.

Indianapolis Yellow Cab offers accessible vans that can accommodate up to five passengers, including one passenger who uses a wheelchair. Drivers are trained to assist passengers with disabilities. Indianapolis Yellow Cab also accepts Central Indiana Council on Aging tickets. To request an accessible van through Indianapolis Yellow Cab, please call (317) 487-7777 (voice). For more information about the accessible taxis from VPG, please visit [www.vpgautos.com](http://www.vpgautos.com).

## **Of Note**

### ***Family support sessions***

Parents of children with disabilities could benefit from two upcoming parent-to-parent support events, offered by Ask Special Kids (ASK), in collaboration with other organizations. Participants will have the chance to learn about experiences of other parents in similar situations. They'll also get information about the supports that are available to families, how to create supports, and how to choose supports that best fit their family's needs. A session will be held Sat., Feb. 28, 9–11 a.m., at the Wabash Center in Lafayette, Ind. A webcast will be held Wed., March 11, 7–9 p.m. (EST), at <http://breeze.iu.edu/f2fsupportgps/>. Both events are free, but attendees are asked to register online at [www.inf2f.org/F2Fevents-train09.htm](http://www.inf2f.org/F2Fevents-train09.htm), via e-mail to [fif@indiana.edu](mailto:fif@indiana.edu) (subject line: F2F training) or by calling (800) 825-4733 (toll free).

### ***Awareness Month materials available***

March is just around the corner, and it's not too late to start planning activities for Disability Awareness Month. Free materials are available to help you implement awareness campaigns in your local schools, churches or other community groups. Visit [www.indianadisabilityawareness.org](http://www.indianadisabilityawareness.org) to order a packet of materials, including posters, bookmarks and stickers. You can also download activity packets to help you conduct events, get city officials

involved and encourage media coverage. Or order materials by contacting the Governor's Council at (317) 232-7770 (voice/TT).

### ***Award nominations***

After conducting your March Disability Awareness Month Campaign, don't forget to submit a nomination for the Council's Community Spirit Awards, which honors outstanding campaigns each year. Winners are recognized at the Council's annual conference. Find the nomination form and more information on the Council's Web site, [www.in.gov/gpcpd](http://www.in.gov/gpcpd) under the "Council Projects" tab.

### ***Disability Poll***

The Indiana Institute on Disability and Community has opened the 2009 Indiana Disability Poll: Focus on Transportation, a collaborative project with Indiana Protection and Advocacy Services and the Governor's Council. Share your opinions and experiences at [www.thepollingplace.org](http://www.thepollingplace.org). Or, call Vicki Pappas at (812) 855-6508 (voice).

## **SPECIAL CONFERENCE INSERT**

**On Dec. 2 and 3, 2008, nearly 450 Hoosiers with disabilities and other guests convened at the Hyatt Regency in downtown Indianapolis for the 14th annual Conference for People with Disabilities. Attendees explored inclusion and beyond during this two-day adventure, “Mission Ready: Countdown to Change,” with inspirational presentations, engaging workshops and opportunities for socializing.**

### **Conference launches with overview of Indiana’s disability services**

The conference “took off” with a keynote presentation about the state of Indiana’s disability services. David Braddock, Ph.D., executive director of the University of Colorado’s Coleman Institute for Cognitive Disabilities, shared information gathered during a special study he helped conduct to evaluate services in Indiana.

Braddock’s study evaluated Indiana’s intellectual and developmental disability services (I/DD) in fiscal year 2008 (FY 08), compared to five other states — Illinois, Michigan, Minnesota, Ohio and Wisconsin — as well as compared to the United States overall.

Key findings included:

- Indiana has now closed all of its state-operated I/DD institutions and has been exceeding the national average in transitioning people out of institutions for many years. Braddock classified institutions as settings with more than six individuals. In FY 08, 63 percent of Hoosiers with developmental disabilities were living in settings of six or fewer people, up from 42 percent in 1999. In the United States overall, 70 percent of individuals with DD are living in settings of six or fewer residents. However, Indiana ranked fourth highest among all U.S. states for the utilization of nursing facilities.
- Federal spending in Indiana was \$915.1 million for DD services in FY 08, a 3 percent decline from 2007. HCBS Waiver spending accounted for 56 percent of the funds. In Indiana, HCBS Waiver spending exceeded Intermediate Care Facilities for persons with Mental Retardation (ICF/MR) spending by 38 percent. There were 10,570 Hoosiers participating in the HCBS Waiver program in FY 08, up from 9,502 in 2007.
- From 2001 to 2008, the number of families supported in Indiana grew from 811 to 5,125. However, Indiana does not have a cash subsidy family support program, which is available in 24 other states.
- The number of Hoosiers in supported living grew rapidly between 2000 and 2008, up from 690 to 6,195 people.
- The number of workers in supported employment in the United States declined from 118,587 in 2006 to 116,792 in 2008. Indiana, however, saw a mild increase from 2,320 workers in 2006 to 2,371 in 2008. This is down from 2003 when Indiana peaked at 2,599 workers in supported employment.

The study was a collaborative project among the Governor’s Council, the Indiana Institute on Disability and Community, the Arc of Indiana, Indiana Protection and Advocacy Services and INARF. To read the full report, titled “Establishing a Tradition of Commitment: Intellectual and

Developmental Disabilities Services in Indiana,” or the executive summary, visit the Governor’s Council Web site at [www.in.gov/gpcpd](http://www.in.gov/gpcpd) and click on “Publications.”

## **De-segregating society for people with disabilities**

Dale DiLeo, executive director of the National Disability Rights Network, and widely sought-after speaker and consultant, opened the second day of the conference with this uplifting quote: “We need to stop accepting what is, and start creating what should be.” DiLeo, the author of “Raymond’s Room,” a book that focuses on ending segregation of people with disabilities, delivered a compelling presentation, drawing from his personal experiences, about steps that must be taken to achieve a fully inclusive society for people with disabilities.

“People with disabilities are the only remaining legally segregated group,” said DiLeo. Stereotypes, including assumptions about lack of employment skills and violent behaviors, continue to allow for discrimination against people with disabilities, he explained.

DiLeo addressed what he calls the “human services vacuum cleaner,” the process by which people with disabilities continue to be labeled and grouped with others who have the same disabilities, rather than given opportunities to participate in the community with their peers without disabilities.

“Labeling creates lower expectations,” explained DiLeo. And grouping individuals with like disabilities is dehumanizing and exaggerates their shared characteristics, he continued.

DiLeo focused on employment and the ways in which facilities and day programs for people with disabilities can limit people’s opportunities to find competitive employment. According to DiLeo, we must evaluate each person’s skills and prepare them for a suitable job on an individual basis. We need to get people back into the job market by adhering to a mentality of “one person, one job,” said DiLeo.

Following his presentation, DiLeo conducted a book signing of “Raymond’s Room” for conference attendees.

## **Counting down to change**

During the closing session, Juliette Rizzo, Ms. Wheelchair America 2005, counted down with the crowd: “3 . . . 2 . . . 1 . . . Blast off to change!”

With a new administration taking office, the passage of the ADA Amendments Act, and new legislation on the horizon, Rizzo told conference attendees that change is necessary for the disability community.

“It’s time,” said Rizzo. “Time to go from advocacy to action. Time to rise above the myths. Time to stand up and do the right thing for our community. Time to embrace your personal power. It’s time for change.”

Rizzo motivated the crowd by sharing personal stories, like the time she met Ted Koppel while serving as press secretary for Assistant Secretary Judith E. Heumann. While attending a live



filming of ABC's "Nightline," Koppel invited Rizzo to join him at the news desk. She said it was one of her most memorable moments so far, not only because she met one of her personal heroes, but because she also ran over his foot with her wheelchair! Rizzo said such accomplishments can be achieved by keeping focused and determined.

Rizzo challenged attendees to inspire change in □their own lives by:

- Changing their attitudes.
- Setting high expectations for themselves.
- Pushing ahead — leaving their marks on the world.
- Continuing to advocate, advocate, advocate!
- Networking and staying connected. It was through networking at an event, much like the Council's disability conference, that Rizzo met Heumann, which subsequently led to her meeting with Koppel.
- Becoming a champion for their causes and other □people's causes.
- Envisioning success — it will change perception.
- Fighting for what's right in this country.
- Getting over their fears and anger.
- Working as a team.

Crowned Ms. Wheelchair America in 2005, Rizzo is a key advocate for the disability community nationwide. She currently serves as director of exhibits and events planning in the U.S. Department of Education, raising awareness of educational opportunities for all Americans.

"To whom much is given, much is expected," concluded Rizzo. "As we start the countdown toward change, I ask all of you to remember the words of the late great Justin Dart, Jr. 'Lead on, Indiana, lead on.'"

The conference provided many opportunities for education, networking and celebration. Visit the Council's disability □awareness Web site, [www.indianadisabilityawareness.org](http://www.indianadisabilityawareness.org), to see more photos from the conference.

## **Leading Hoosier advocates honored at conference luncheon**

Each year, the Governor's Council presents Community Spirit Awards to individuals and groups statewide. The Distinguished Leadership Award recognizes individuals for outstanding advocacy efforts. The Disability Awareness Month Award recognizes individuals and organizations that conducted exceptional Disability Awareness campaigns. At the December conference, the Council proudly honored these Community Spirit Award winners:

### ***2008 Distinguished Leadership Award □ (person with a disability)***

Sylvia Jackson, Middlebury, was honored for her work as founding member and president of the Northern Indiana Disability Resource Network, which helps people with disabilities connect with state and federal resources.

### ***2008 Distinguished Leadership Award □ (person with a disability)***

Bruce Van Dusen, Indianapolis, was recognized for his advocacy efforts for people with mental illnesses. Through his book, "Out of Darkness: The Journey to Hope," which chronicles his life with schizophrenia, Bruce has inspired others to join him on the road to recovery.

### ***2008 Distinguished Leadership Award (parent of a child with a disability)***

Ruth Kimberley, Vincennes, is the co-founder and assistant director of the ATTIC Independent Living Center in Vincennes. Many local, state and national boards — including the Governor's Council — have benefited from her expertise for more than 30 years.

### ***2008 Disability Awareness Campaign Award***

Robert Harling, founder of Rochester Disability Advocates, was recognized for the inaugural Rochester Disability Awareness Expo that brought together community organizations, the mayor and chief of police to build awareness of Rochester's disability community.

### ***2008 Disability Awareness Campaign Award***

The Lakeland High School Student Council received an award for organizing and implementing its 2008 Disability Awareness Relay for Life Walk. About 250 students in special education from nine school corporations participated in the event, which raised \$1,400 for Relay for Life.