

# On Target

Informing Indiana About  
Disability Issues

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## ADA anniversary celebrates independence

### Restoration Act likely to be reintroduced soon

On July 26, disability advocates across the United States will celebrate the 17th anniversary of the Americans with Disabilities Act (ADA), which, like every July, coincides with the anniversary of our country's independence on the 4th.

"The ADA is a celebration of independence for people with disabilities, and we are proud to commemorate the 17th anniversary," said Suellen Jackson-Boner, executive director, Indiana Governor's Council for People with Disabilities. "However, there is much work to be done. With legislation like the ADA Restoration Act, we must advocate for continued advancement of disability causes."

Last September, the Americans with Disabilities Act (ADA) Restoration Act of 2006 (H.R. 6258) was introduced in the U.S. House of Representatives. If enacted, the legislation will enable Americans with disabilities to use the ADA to focus on the discrimination they've experienced rather than having to first prove they fall within the scope of the ADA.

In recent years, the Supreme Court's interpretation of the ADA has been inconsistent with the act's original intent - enabling

Americans to live productive lives without discrimination on the basis of disability.

The proposed revision to the ADA involves replacing "against an individual with a disability" with "on the basis of a disability" to make the language more consistent with the Civil Rights Act of 1964 and other laws that prohibit discrimination "on the basis of race, color, religion, national origin and sex."

As of press time, no new ADA legislation had been introduced in the 110th Congress, but ADA supporters in the Senate - Sens. Edward M. Kennedy (D-Mass.) and Tom Harkin (D-Iowa) - and in the House - Reps. Steny Hoyer (D-Md.), James Sensenbrenner, Jr. (R-Wisc.) and John Conyers (D-Mich.) - continue seeking support among their colleagues for legislation that will restore the ADA's integrity and Congress' intent. Advocates expect reintroduction of the legislation very soon.

In Indianapolis, the Mayor's Advisory Council on Disability (MACD) is commemorating the ADA anniversary with the 2007 Awareness Day and Awards Ceremony on July 16, 11 a.m.-1 p.m., at the Indianapolis Artsgarden. At the annual event, awards will be given to businesses, organizations and individuals making a difference in the lives of Hoosiers with disabilities through a commitment to inclusion and accessibility. For more information, visit [www.indygov.org/eGov/Mayor/Diversity/MACD/home.htm](http://www.indygov.org/eGov/Mayor/Diversity/MACD/home.htm).

## **UCP ranks state Medicaid programs**

Indiana ranks fifth among all 50 states and the District of Columbia for "supporting meaningful work" for Hoosiers with intellectual and developmental disabilities (ID/DD), according to a recent report from United Cerebral Palsy (UCP). The second annual Case for Inclusion report from UCP says 48 percent of people in Indiana's ID/DD population are in supportive or competitive employment, double the national average of 24 percent.

The UCP report analyzes how well state Medicaid programs serve residents with intellectual and developmental disabilities. States are ranked in several categories related to creating quality, meaningful and community-inclusive lives for Americans with ID/DD.

In the overall states' ranking of Medicaid for Americans with ID/DD, Indiana ranked 37th based on its performance in several categories and sub-categories. This compares to the 2006 ranking of 21st. Indiana fell below average this year primarily for two reasons: Other states have more people being served in the community and a higher portion of resources are being given to those in the community, according to Tarren Bragdon, author of the report. Seventy percent of Indiana's Medicaid recipients in the ID/DD population receive home- and community-based services, with the national average at 81 percent. At the same time, Indiana spends 54 percent of ID/DD expenditures on these services, below the national average of 59 percent.

However, it's difficult to compare this year's results to 2006, said Bragdon. Last year, states were scored in 10 equally-weighted categories. Based on feedback from field experts, this year's categories were weighted according to levels of importance, which could have had disproportional effects for Indiana.

The UCP report provides a balanced picture of each state's Medicaid services for residents with ID/DD, revealing strengths and room for improvements. For instance, Indiana is only providing family support to about 1,600 families, well below the national average of 7,764 families. However, the state is spending more than three times the amount of funding per family at \$16,000, compared to the national average of \$5,005 per family.

According to Bragdon, if Indiana allocated more funds to providing family support, the state could move more individuals with ID/DD into homelike settings with fewer than four residents. Ninety-five percent of Hoosiers with ID/DD reside in community settings with one to six residents; however, only 75 percent of those individuals reside in settings with three or fewer residents.

To read the complete report, visit [www.ucp.org/medicaid](http://www.ucp.org/medicaid).

## **Indiana University opens new disability law clinic**

Students at Indiana University School of Law in Bloomington are taking on two overlapping problems - poverty and disability. The school's new Disability Law Clinic was launched earlier this year to help low-income people with disabilities gain access to benefits and services. Students commit time to helping clients obtain or

maintain federal disability funds, including Social Security and Medicaid.

The Clinic recognizes that low-income Hoosiers with disabilities encounter many obstacles when trying to access benefits and services. Students work with individual clients and disability rights groups to address discrimination and gain access to benefits and services that are designed to assist low-income people with disabilities. The Clinic helps clients deal with officials and decision-makers who are insensitive to, or ignorant of, their individual situations and needs.

The Disability Law Clinic provides real-world experience in an educational environment for students. They assume responsibility as primary case handlers for their clients, engaging in all stages of the case development process. The clinic's director, Carwina Weng, is an associate clinical professor of law and has worked in legal services and clinical legal education in Indiana, New York and Massachusetts.

For more information, visit [law.indiana.edu](http://law.indiana.edu).

## **Institute of Medicine report highlights need for better care system**

The population of Americans with disabilities is on the rise, pushing the need for a better care system, according to a recent report from the Institute of Medicine. Currently, there are 40 million people living with disabilities nationwide, and the number is growing. The report attributes the increase to aging baby boomers and key factors among younger generations, such as less physical activity and increases in obesity and diabetes.

The past two decades have seen few major public policy and practice advances to reduce disability in the United States, according to Alan Jette, director of the Health and Disability Research Institute at the Boston University School of Public Health and chair of the committee that prepared the report.

The Institute of Medicine suggests taking immediate action to improve the lives of people with disabilities. The report provides several recommendations for Congress and federal agencies to

better the current system and provide more effective care:

- Increase funding for research into clinical health services and disability problems, including social and behavioral;
- Strengthen the Americans with Disabilities Act to ensure accessibility at health care facilities;
- Eliminate the two-year waiting period for Medicare eligibility for Social Security Disability Insurance beneficiaries;
- Modify the "in-home-use" requirement for Medicare coverage of durable medical equipment to allow reimbursement for equipment that can be used both inside and outside the home;
- Increase educational programs for health professionals who care for people with disabilities; and
- Develop a system through the National Center for Health Statistics, Census Bureau and Bureau of Labor Statistics to monitor the number and types of U.S. residents with disabilities.

## **INShape Indiana supports Surgeon General's Call to Action**

INShape Indiana, an initiative by Governor Mitch Daniels, encourages healthier habits and behaviors for all Hoosiers, including those with disabilities. The initiative, which was introduced in July 2005, coincided with the first-ever Call to Action from the Surgeon General on a disability-related issue, which was released to "Improve the Health and Wellness of Persons with Disabilities."

According to the Surgeon General's report, diseases related to a lack of physical activity are major causes of disability and death in the United States. Physical activity is encouraged in people with disabilities to prevent the onset of secondary conditions, such as osteoporosis, cardiovascular disease, circulation problems, weakness and depression.

INShape Indiana is a Web-based program that connects residents with local services and events that can lead them to making better choices for a healthier lifestyle. The online program is free and Hoosiers can register at [www.IN.gov/inshape](http://www.IN.gov/inshape). The Web site provides information on a wide range of local events, activities and programs related to nutrition, physical activity and smoking

cessation. A "Healthy After 50" section offers resources and activities specifically for seniors.

INShape offers participants motivating updates, tips and bi-weekly progress reports via e-mail. Several incentives also encourage ongoing involvement, such as free access to the Indiana State Parks, ice skating at the Indiana State Fairgrounds, discounts on produce at Marsh and several recognition ceremonies.

## **Bloomington employer honored for hiring practices**

A Bloomington-area employer has been honored with several awards for supporting employment of people with disabilities. The Indiana Association for Persons in Supported Employment (INAPSE) recently honored the Cyber Café in Bloomington, along with food services retail manager Nick Mitchell, with the INAPSE Employer Award. One of several INAPSE honors, the Employer Award recognizes businesses for their outstanding efforts to provide job opportunities to people with disabilities.

The Cyber Café, located in the Herman B. Wells library on the Indiana University campus, offers food services and provides computer facilities with Internet access to customers. The Café was also awarded the City of Bloomington Council for Community Accessibility Employer Award in 2006, and Mitchell was awarded the Champion of Diversity Award in the Campus Services Division from Sodexo, which holds food service contracts with Indiana University.

"I believe in fairness and opportunity, and if someone comes in with an application and is qualified to do a job, I'll hire him or her, regardless of disability, race, religion, ethnicity, etc.," said Mitchell. "Being a manager isn't just sitting in an office and doing paperwork - it's seeing an employee's potential, strengths and weaknesses, and I want to give that person the opportunity to excel." He continued, "We're all different, but our goals are the same, and we work together as a team. Also, having someone with a disability on the staff raises awareness and helps to create positive attitudes for those who have contact with that employee."

CD makes information accessible to farmers with disabilities

With the help of the Toolbox CD, recently released by Purdue

University's Breaking New Ground Resource Center, farmers and ranchers with physical disabilities have access to electronic user-guides for more than 700 assistive technology products. The new, fifth edition of this resource provides information on agricultural tools, equipment, machinery and buildings - making outdoor work easier for people with disabilities.

The Toolbox CD provides a fact sheet about each of the products, along with video clips, color photographs and hyperlinks to contact information for product suppliers. The CD covers several categories, including tractors and self-propelled equipment, lawn and garden, livestock handling and housing, crop and materials handling/storage, outdoor mobility and more. Also included are bonus features, such as the Barn Builders Peer Support Network Directory, Breaking New Ground's Worksite Assessment Tool and an award-winning summary of the USDA AgrAbility Program.

The Toolbox CD costs \$25 alone or \$80 with a print version. Software needed to use the disc, Adobe® Reader®, is provided with purchase. On behalf of the NEC Foundation of America, the CD will be available for viewing at all county Extension offices in the United States. Visit [www.bngtoolbox.info](http://www.bngtoolbox.info) for more information.

## **Of Note**

### **Correction: Annual conference dates**

The dates of this year's 2007 Indiana Conference for People with Disabilities were incorrectly listed in the last issue of "On Target." This year's conference, "Disability Matters: We're 51,000,000 Strong," will be held Tuesday, Nov. 27, and Wednesday, Nov. 28, at the Hyatt in downtown Indianapolis.

Technology centers open around the state Easter Seals Crossroads recently opened

eight regional assistive technology centers in the following Indiana cities: Bloomington, Centerville, Evansville, Fort Wayne, Indianapolis, Merrillville, New Albany, South Bend and Terre Haute. Each center features new computers and other technology equipped for operation by people with disabilities. For more information or for a list of locations, visit

www.eastersealstech.com.

## **2007 DAM campaign a success**

The 2007 Disability Awareness Month evaluation results have been tabulated, and the campaign reached more than 26,000 people through grassroots efforts - up from approximately 18,000 in 2006. More than 1,300 orders were placed for almost 400,000 collateral materials. Eighty-six percent of respondents were "satisfied" or "very satisfied" with the usefulness of materials, and 83 percent ranked the 2007 campaign theme, "Room for Everyone," as "excellent." Work is now underway on the 2008 campaign theme and materials, and the theme will be presented at the 2007 Indiana Conference for People with Disabilities.

On Target is a monthly publication of the Indiana Governor's Council for People with Disabilities. We welcome your suggestions for newsletter content and ideas concerning the actions of the Council. on target is made available in accessible formats upon request.

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