

On Target

Informing Indiana About Disability Issues
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ADA restoration legislation introduced in U.S. House, Senate

As summer comes to a close, disability advocates across the country can celebrate the introduction of two pieces of legislation — nearly identical House and Senate bills calling for restoration of the Americans with Disabilities Act (ADA).

Seventeen years ago, Congress passed the ADA to break down the physical and societal barriers that kept Americans with disabilities from fully participating in society. As a result, citizens with disabilities have experienced increased opportunities, higher graduation rates, higher employment rates and lower rates of poverty.

“In recent years, however, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for disabled Americans,” said Congressman Jim Sensenbrenner (R-Wis.), co-sponsor of HR 3195, the ADA Restoration Act of 2007. The Act will ensure that courts focus on whether a person has experienced discrimination “on the basis of disability,” rather than require individuals to demonstrate that they fall within the scope of the law’s protection.

According to Jim Ward, the founder and president of ADA Watch and the National Coalition for Disability Rights, more than 96 percent of employment cases under the ADA are dismissed on summary judgment, which means the facts of the alleged discrimination are never given a fair hearing.

For example, people with diabetes, heart conditions and cancer have had their ADA claims rejected because they are considered “too functional” to have a disability, according to House Majority Leader Steny Hoyer (D-Md.), who also co-sponsored the legislation. He feels that Congress’ intent when it passed the ADA 17 years ago was for the law to be broadly, not narrowly, interpreted.

Employment issues are a concern for Hoosiers with disabilities. According to the 2006 ADA Report Card published by ADA-Indiana, respondents cited employment for people with disabilities as one of the greatest barriers in their communities. Another study, the 2003 Indiana Vocational Rehabilitation Survey, found that only 48 percent of working-age people with disabilities in Indiana are working for pay, and 70 percent of non-working people with disabilities would like to work. More than half of non-working respondents feel that they do not have a job because of their disability, and 67 percent indicate that if special equipment, assistive devices, or work-place modifications were available to help them get a job or a promotion, they would be “very likely” or “somewhat likely” to take advantage of these services. Advocates believe that the ADA Restoration Act will help increase employment opportunities for people with disabilities.

As of press time, there were 181 co-sponsors of HR 3195, including Indiana representatives Julia Carson, Mark Souder and Peter Visclosky.

For the latest updates on ADA restoration legislation, visit the American Association

of People with Disabilities' Restoration Act information page at adarestoration.blogspot.com.

DD Vision 20/10: “Back to the Future”

The Family and Social Services Administration (FSSA) recently developed a new vision, mission and guiding principles for how they serve people with developmental disabilities (DD).

The new vision focuses on empowering people with developmental disabilities through their entire lifespan — birth, early childhood, school years and adulthood — so that they can build their capability for independence. The lifespan support model follows this pattern:

- Start at home — best setting/support
- Leave home for school
- Leave school for employment
- Build capabilities for independence

FSSA believes that homes, schools and places of employment should directly provide people with disabilities the support needed to achieve independence. Collaborations with these organizations will allow the fulfillment of their new mission, which is to facilitate partnerships which enhance the quality of life for the people served in the communities and pursuits of their choice.

FSSA contends that state funding should be used to leverage the total dollars available for services, which would grow the number of people served, improve service quality and develop high-needs specialized services.

In 2006, 16,687 people utilized FSSA's developmental disability services.

For more info, visit the Division of Disability and Rehabilitative Services' Web site at myshare.in.gov/fssa/ddrs/default.aspx.

Hoosiers doing their part to support ADA

In Indiana, two Partners in Policymaking graduates are supporting the ADA through advocacy efforts.

Jay Carlson of Warsaw conducts free inspections for regional businesses to determine if their facilities are ADA-compliant. Living in a wheelchair, he knows the difficulties of maneuvering in a facility that fails to follow ADA guidelines.

“Anyone who has trouble moving around in a particular store will choose a different one,” said Carlson. “Not just people with disabilities, but elderly citizens or maybe someone pushing a child in a stroller.”

Carlson contacts local businesses with high consumer traffic, such as grocery stores, to offer them a free inspection using the standard ADA checklist. His findings have led to changes. For example, while inspecting a Warsaw home improvement store, Carlson noticed that accessible parking spaces were filled with outdoor store products, leaving little convenient parking for

people with disabilities. Carlson suggested those items be relocated so the accessible spaces were again available to those who need them.

Greg Meyer of Indianapolis also supports the ADA by helping to make Indianapolis more accessible for people with disabilities. For the past year, he has been advocating for accessibility features for the east side intersection at U.S. 40 and Post Road — a project he initiated to make traveling easier for pedestrians with disabilities. As a person with a visual impairment, he was inspired to launch the project by his own difficulties in traveling the intersection, as well as witnessing other pedestrians' troubles. Expected to be complete by the end of August, the reconstruction includes the addition of curb cut-outs and accessible pedestrian signals (APS), which use audible and vibrotactile signals for street crossings.

"My number one goal is to make things accessible to all of us. The reconstruction will make it easier for children to ride their bikes, as well as help people with disabilities cross the street," said Meyer. "I wanted to get out and do something that affects my daily life and others' lives. I'm a regular patron of the businesses around the intersection, and I see many of the same people struggling to get across the street."

Criteria for new priority SS Waiver outlined

The Division of Disability and Rehabilitative Services (DDRS) has announced the criteria for a new priority Support Services (SS) Waiver.

The criteria for the new waiver allow people with developmental disabilities under the age of 25 as of Sept. 1, 2006, to receive an SS Waiver when they transition from an educational setting into the community. Eligibility begins in June of the year that candidates either age out of or graduate from an educational setting.

The DDRS estimates that as many as 3,500 people meet the criteria for the new waiver. Through a gradual enrollment process, some will start services soon, and it is expected that all those eligible will receive services by 2010.

The names of eligible candidates will be pulled from the SS Waiver waiting list. They will be contacted on a first-come, first-served basis according to their dates of application. Therefore, those who have not yet applied for services under the SS Waiver should do so immediately.

Questions should be directed to the Bureau of Developmental Disabilities Services District Office serving the county of residence.

Please note that people who already receive services under the Autism Waiver or the Waiver for Persons with Developmental Disabilities (DD Waiver) should not transfer to the Support Services Waiver.

Mayor Peterson presents Access & Inclusion Awards to Indy advocates

In conjunction with the 17th anniversary of the Americans with Disabilities Act, the Mayor's Advisory Council on Disability (MACD) hosted the annual Access and Inclusion Awards

ceremony July 16 to honor community members for their grassroots efforts to support people with disabilities. Award winners include the following:

Conrad Hotel — Employer Award: The Conrad of Indianapolis was recognized for its commitment to providing a supportive and appreciative environment for employees and job seekers with disabilities.

Jane Fortune — Accessibility Award: Fortune was honored for achievements in making the arts more accessible for people with disabilities. At the Indianapolis Museum of Art, she encourages accessibility of the facility, programs and events.

Karen Pedevilla — James Pauley Lifetime Service Award: Pedevilla was recognized for her personal and professional dedication to the disability community as a mother of a son with cerebral palsy and devoted employee of Indiana Protection and Advocacy Services (IPAS). This award was established in memory of James K. Pauley, a founder of MACD, to honor individuals who demonstrate outstanding contributions promoting the inclusion and independence of people with disabilities.

Report says NCLB benefits students with disabilities

A report from the National Center for Learning Disabilities (NCLD) suggests the No Child Left Behind Act (NCLB) is benefiting students with disabilities. NCLB was signed in January 2002 as a reauthorization of the 1965 Elementary and Secondary Education Act (ESEA). Its goal is to “close the achievement gap” for specific groups of students, including those with disabilities, by increasing school performance through higher standards of accountability. Part of this goal includes achieving universal proficiency in reading and math by academic year 2013-2014.

In Indiana, 17 percent of students ages three to 21 are receiving special education services, part of the 6.6 million student recipients nationwide. Educational rights of these students are protected by the Individuals with Disabilities Education Act (IDEA), which provides eligible students with special education services that allow them to receive learning benefits equivalent to other students. According to the report, NCLB helps ensure that states and school systems are meeting their responsibilities under IDEA.

However, many feel that NCLB’s stringent accountability standards are unfair to students with disabilities. In an effort to achieve universal education for all students, NCLB requires that schools, school districts and states administer standardized tests to at least 95 percent of students in required grades and academic areas, including students with disabilities. Under this requirement, students with disabilities are expected to meet the same academic standards as students who do not face the same learning challenges.

According to Michele Robb, coordinator for Arc of Bartholomew County and mother of two children with disabilities, NCLB was a good idea because it brought attention to education for all students. “Special education is now part of the conversation,” said Robb. However, because students with special needs are educated under customized curriculum, it is difficult to assess their progress and success based on universal standards. “If a student with a disability doesn’t score high on a standardized test because it exceeded his or her capabilities, it isn’t fair to the school or that student.”

States have some flexibility in creating assessment tests, as long as the tests are designed according to NCLB standards. NCLB also allows schools to give alternate tests to 1 percent of

their students with disabilities that are specially designed to measure the academic progress of those students.

For the full report from NCLD, visit www.nclld.org.

Of Note

Conference registration materials to be mailed in September

Later this month, you will receive registration materials for the 2007 Indiana Conference for People with Disabilities. The conference, which will be held Nov. 27 and 28 at the Hyatt Regency in downtown Indianapolis, will feature disability-related keynote speakers and optional workshops. Details, including scholarship information, can be found in the registration brochure or on the Council's Web site at www.in.gov/gpcpd.

Reminder: Register to vote

The deadline to register to vote in November's municipal election is Tuesday, Oct. 9. To register, visit www.in.gov/sos/elections/vote_reg.html or go to your local branch of the Bureau of Motor Vehicles.

October is National Disability Employment Awareness Month

This year's National Disability Employment Awareness Month is themed "Workers with Disabilities: Talent for a Winning Team." This theme, and the accompanying poster, will be used by the private sector; advocacy organizations; and federal, state and local governments to plan events and programs that showcase the abilities of job candidates who have disabilities. To download a copy of this year's poster, visit www.dol.gov/odep/pubs/ndeam07.htm.

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