

# RAP Sheet

The Latest in Disability Research, Advocacy, Policy, and Practice

Fall Issue 2014

## COMMUNITY – BE A PART OF IT



### A PLAYGROUND FOR EVERYONE

By Eric Brand, Legacy Playground Project Manager

*Welcome to the Fall Issue and a celebration of our 10<sup>th</sup> anniversary. From the very beginning, the importance of community has been a common thread in every issue of the RAP Sheet. All of us long to be included, to contribute to something that is bigger than ourselves. In this issue we look at how people with disabilities and those who love and support them are finding and building community.*

For our family, a day at the park requires a lot of planning and usually a drive out of town. When Legacy Playground opens at Greeley Park in Nashua that will all change.

The playground is a project of Leadership Greater Nashua (LGN) Class of 2012. LGN, an initiative of the Greater Nashua Chamber of Commerce, is a year-long course for individuals who show particular promise in making a difference in their community. Each LGN class is required to complete a community project that will enhance life in Nashua.

Building an accessible playground was the unanimous decision for the LGN Class of 2012. I was elected as the project manager. We set a fundraising goal of \$250,000 and began work on the Legacy Playground in December 2011. For the past two and half years we have been committed to moving it forward. Working with the City of Nashua's Parks and Recreation Department and Board of Public Works we determined the best site for the playground was Greeley Park. As an historic site, Greeley Park is the only park in the city where changes require approval from the Board of Aldermen. The process for obtaining this approval entailed presentations and public comment at over 30 public meetings. In June of 2014 we finally obtained approval to use Greeley Park. Jennifer Brook, a landscape architect with Lemon Brook Associates and consultant with the Institute for Human Center Design, is now working with us on the design phase of the project.



Photographer - Donna Brand

*Ashley, Tanner, and Hayden Brand*

*(Continued on next page)*

SUSAN COVERT, EDITOR

A COLLABORATIVE EFFORT BY THE

DISABILITY RIGHTS CENTER-NH, INSTITUTE ON DISABILITY, AND NH COUNCIL ON DEVELOPMENTAL DISABILITIES

*(Cover story continued)*

At the same time I was participating in LCN, I was also a member of the NH Leadership Series offered through the Institute on Disability at the University of NH. My wife, Donna had graduated from Leadership in 2011. Our son Tanner, who is now 14 years old and attending middle school, is the reason we became involved with NH Leadership. Although Tanner experiences multiple disabilities including deaf-blindness and developmental delay, he has a full life, filled with love, happiness, and family. Tanner has taught us so much and we continue to learn from him everyday.

For 25 years, I have been the owner of P & L Landscaping doing landscape maintenance and landscape construction. As project manager for the Legacy Playground, I have drawn from both my professional life and my experiences as Tanner's father. I have been fortunate to work with an amazing group of skilled and dedicated professionals on this project. Our team includes business owners, professional fundraisers, CEOs, agency administrators, bankers, and others. This community project really does take a village.

Our goal is to make Legacy Playground a place that everyone in our community can use and enjoy. This includes children with disabilities and those without, veterans returning from a war who have an acquired disability, and our older citizens. The playground's design will incorporate features that make it accessible to people with physical disabilities, vision and hearing impairments, and social and emotional challenges.

Every child should have access to environments where they can play with others. Play not only teaches children fundamental life skills, it also provides the opportunity for friendships. Too often children with disabilities are isolated and not included. As we have learned and grown as a society, we have found that inclusion not only benefits those with a disability, but also those without. Legacy Playground will provide a space where children can learn more about one another and develop an appreciation for everyone's uniqueness.

*Recent ADA requirements call for all new playgrounds to be accessible, the requirements do not apply to existing playgrounds unless major renovations are being done.*

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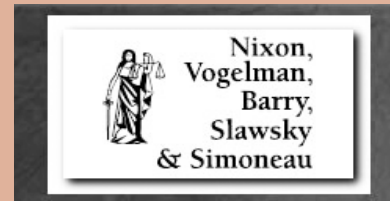
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## PETER FLEMING – MAN ON A MISSION

By Julia Freeman-Woolpert, Disability Rights Center - NH

In his own quiet way, Peter Fleming is working to change the world. “He doesn’t hesitate to roll up his sleeves,” said Paul Boynton, President and CEO of the Moore Center, who has known Peter most of his life. “He’s really an extraordinary person with a tenacious zest and love for life.”

Peter has an impressive resume. He’s active in a number of organizations including Best Buddies, Special Olympics, and is a Knights of Columbus Fourth Degree member (the organization’s highest degree for patriotism). He also has joined forces with other advocates. He is a past Vice Chair of the NH Council on Developmental Disabilities and continues to serve on the Council’s Self Advocates Leadership Team. He is a founding member of Rising Stars, a self-advocacy group based in Manchester. Since 2011 Peter has worked with Advocate New Hampshire, representing the Granite State in the Regional Allies in Self-advocacy Summit in Baltimore and helping to plan New Hampshire’s 2013 and 2014 *Advocacy: Learn it! Live it! Love it! Conferences*.

Often seen in aviator sunglasses and a baseball cap, Peter is soft-spoken and unassuming. However, when he speaks up, people listen. Peter has traveled to Washington DC several times with the Council on Developmental Disabilities and met with New Hampshire’s Congressional delegation to discuss issues that affect individuals with disabilities. A long time Special Olympics athlete, Peter also now coaches Special Olympics and serves on the New Hampshire Special Olympics Management Team helping with fundraising and recruiting new athletes and coaches.

The cause closest to Peter’s heart is Best Buddies, an international organization dedicated to establishing a volunteer movement that creates opportunities for one-to-one friendships and leadership development for people with intellectual and developmental disabilities. Peter’s Best Buddy is Tim Shriver, Chairman of Special Olympics



*Best Buddies, Tim Shriver and Peter Fleming*

and son of Sargent and Eunice Kennedy Shriver. Peter and Tim email back and forth regularly and see each other when they can.

A Best Buddies volunteer for more than 15 years, Peter currently serves on the organization’s national Advisory Board. He recently led a New Hampshire delegation to the Best Buddies Leadership conference in Indianapolis – his sixth time attending the conference. Peter has been part of a statewide group that has worked tirelessly to bring a Best Buddies chapter to New Hampshire. All that effort has paid off. In January 2014 Best Buddies opened an office in the Granite State. For more information, visit their website at - <http://www.bestbuddiesnewhampshire.org/>.

In addition to all of his volunteer work, Peter is employed part time at The Finish Line, an athletic shoe store at the Mall of New Hampshire. Somehow in his busy schedule, he also finds time to travel. He regularly attends national conferences and meetings of the organizations where he volunteers. With his family, he has gone on cruises in Alaska and the Bahamas and vacationed in Hawaii, Canada, and Europe. When pressed, he declared his favorite place to visit was Italy. *Ben Fatto, Peter!*

# IMPROVING VOTER ACCESSIBILITY IN THE GRANITE STATE

By Ryan J. Donnelly, Regional Advocacy Facilitator with Granite State Independent Living

Granite State Independent Living (GSIL) is excited to be collaborating with the Disability Rights Center (DRC) on the Voter Access Project. This project will be reaching out to individuals in New Hampshire's disability community to educate them about their rights as voters and to encourage them to turn out at the polls.

*Why should I vote? - How do I register to vote? - How do I find out where my polling place is? - What are the accessibility requirements for a polling place? - How do I report access problems at the polls?* These are just some of the questions that staff from GSIL's Advocacy Program will answer in presentations around the state between Labor Day and the November election.

GSIL also will provide training to local election officials on how to meet accessibility requirements for polling places, proper etiquette when assisting people with disabilities to vote, and how to set up and use the equipment that provides accessible alternatives to filling out a paper ballot. Our hope is that local election officials will come away feeling confident in their ability to insure that *all* voters have an equal opportunity to cast their vote.

A critical aspect of the Voter Access Project will be to gather information from voters with disabilities about their voting experiences:

- ◆ What obstacles and barriers to voting or voting registration do they face?
- ◆ What architectural barriers have they encountered at the polls?
- ◆ What are the transportation difficulties in getting to and from the polls?
- ◆ How have voter ID laws impacted their ability to vote?
- ◆ How effective are the accessible phone/fax voting systems at the polls?

This information will help DRC, GSIL, and other disability rights advocates better understand the current level of voting accessibility for New Hampshire's voters with disabilities and help guide the development of a plan to improve voting access for all citizens.

For more information on this project please contact GSIL's Advocacy Program at 1-800-826-3700 or e-mail Jeff Dickinson at [jdickinson@gsil.org](mailto:jdickinson@gsil.org). We look forward to hearing from you and seeing you soon!

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## THE JOURNEY

By Robin Carlson

All of us who work with people with disabilities need to appreciate that we are allies with the people we support, embarked on a civil rights journey. If we are to make a real difference we need a magnificent vision of what is possible and the tools and strategies to move forward. On a daily basis we need to be committed to providing support that results in meaningful outcomes and helps to build an inclusive society where everyone's gifts are welcomed.

Joy Eason Hopkins, along with others in Georgia, created a training curriculum for human service workers which focuses on this journey. The Direct Support Professional Certificate Program is embedded in their state's community college system. What is particularly brilliant about the program is the enlistment of people with disabilities as learning partners for the worker who is earning a DSP Certificate. Students report that the most powerful lessons they learn in the program come from hearing their learning partner's life story and figuring out how to help their partner share their unique talents. Together they create projects that are capacity focused, life enhancing, and, whenever possible, community based.

*"Education is not the filling of a pail, but the lighting of a fire."* -William Butler Yeats

A few leaders in New Hampshire's disability community learned about the success of the Georgia program and worked to bring this training model to the Granite State. In the fall of 2012, NHTI – Concord's Community College, in collaboration with the NH Council of Developmental Disabilities and the Bureau of Developmental Services, launched the state's first Direct Support Professional Certificate Program. The program is now offered at Antioch College in Keene and will be coming to Seacoast in fall 2014. The program has brought about some amazing outcomes. Learning partners found meaningful jobs that tapped their interests and talents, formed friendships and began dating, became more involved in their communities, and even reconnected with lost family members. Students enrolled in the program – mostly DSPs, but also a few parents, midlevel managers, service coordinators and agency executives – reported that the program has been life changing, both personally and professionally. It has changed the way they view their work, deepened their commitment, and given them renewed enthusiasm and energy.



Photographer – David Ouellette

*DSP Robin Carlson is the driving force in bringing the Direct Support Professional Certificate Program to New Hampshire.*

Jeff Symes, a recent graduate of the program, talked about what made this experience so important and valuable to him. "We learned lessons that changed our views at the personal level. And it was more than feel good affirmation and theory. We learned practical ways and strategies for expanding, deepening our personal understanding of the people we support. The crucial work of the class was the practice we did - putting on someone else's shoes, putting ideas on the ground, and discovering who they are and who they want to be. Those are very personal lessons, lessons in how to discover what makes a person's life real and meaningful to them. And that is a class (from which) we will, if we're lucky, never graduate."

For more information about New Hampshire's Direct Support Professional Certificate Program visit - [www.dspcertificateprogram.com](http://www.dspcertificateprogram.com)

*Robin Carlson is an instructor, writer, speaker, and most importantly has been a DSP for the past 30 years. She received the 2014 Brianna Dillon Leadership Award, 2013 Governor's Accessibility Award, and 2012 ANCOR DSP of the Year for New Hampshire.*



## IT'S ALL ABOUT COMMUNITY!

### The Role of the Direct Support Professional in Promoting Community Living

By Carol Stamatakis, Executive Director NH Council on Developmental Disabilities

At their June meeting, the founding members of the New Hampshire Chapter of the National Alliance for Direct Support Professionals (NADSP) talked about their experiences supporting people with developmental disabilities to participate in their communities. This is an exceptional group of direct support professionals; many are graduates of the DSP Certificate Program and all are committed to following NADSP Code of Ethics.

As stated in the code, "A primary purpose of the DSP is to assist people who need support to lead self-directed lives and to participate fully in our communities and nation. It must be the mission of the DSP to follow the individual path suggested by the unique gifts, preferences, and needs of each person they support, and to walk in partnership with the person, and those who love him or her, toward a life of opportunity, well-being, freedom, and contribution." The code provides ethical guidance when DSPs experience tension between the ideals of their profession and pressures that threaten to shift their focus and allegiance away from the person they support.

Lori Raymond, a DSP for a man receiving self-directed services, stressed that having a consistent presence in the community is key to building relationships. The person she supports got to know everyone at his local Market Basket. When staff from the supermarket saw him in the community, they made a point of coming over to talk. These connections led to an opportunity for him to work at the store.

Home providers Chuck and Maria Goodale emphasize the interests and strengths of the individual they support and look for opportunities where he can be involved in the community. With the Goodales' support, he is now a regular volunteer at the local food pantry and through this experience has made lasting friendships.

"The DSP is often a critical community connection for a person served. The depth and breadth of a DSP's connection is important. A DSP functions like an ambassador, a role model to people in the community for how to respond to an individual," observed Jeff Symes a Community Partners service coordinator who works with DSPs.



Founding members of the NH Chapter of the National Alliance of Direct Support Professionals

Marianne Morse agreed with Jeff. The woman she supports is committed to physical fitness and is a regular at the gym. Marianne noticed that a group of women who worked out at the gym often met at a nearby Panera's. She made Panera's part of their routine. Over time the women began talking with the person she supports and have invited her to join them at their table. Marianne noted how important it is for DSPs "to see the spark (of friendship) and fan the flame."

For more information about the National Alliance for Direct Support Professionals, visit their website at <https://www.nadsp.org>



## BHAWANI DANGAL, LEADER IN THE DEAF BHUTANESE COMMUNITY

By Julia Freeman-Woolpert, Disability Rights Center - NH

In a classroom at the Immaculate Heart of Mary Church in Concord, newly arrived refugees from Bhutan, the Congo, Rwanda, and other countries practice their English skills. Across the hall is a quieter classroom where deaf Bhutanese people learn a new language – American Sign Language (ASL). This class is organized and taught by Bhawani Dangal, who saw a need and filled it.

For reasons that are not well understood, deafness and hearing impairments are common within the Bhutanese/Nepali community. In the refugee camps, there are few services or accommodations for people with disabilities. Some deaf people learn Nepali Sign Language (NSL) and some do not, communicating instead with homegrown signs and gestures.

When Bhawani arrived in Concord, he found that other deaf Bhutanese in his new community were isolated and were not learning ASL. (A rough estimate puts the number of deaf Bhutanese in Concord at around 20.) Lutheran Social Services, the resettlement agency, ran classes in English and cultural orientation, and did bus training for newly arrived refugees, but without an interpreter, these classes were inaccessible to deaf people.

Bhawani, who grew up in a refugee camp in Nepal, began losing his hearing when he was ten and within a few years was completely deaf. He found a class in Nepali Sign Language and quickly became fluent. Soon, he was teaching hearing friends to sign and running sign language classes for other deaf people in the camps. Always a good student, with the help of his teachers and friends, Bhawani graduated from high school and went on to get an Associate's degree from Shree Gomendra College.

In 2011, Bhawani and his family were resettled in Concord. He was both thrilled to be here and worried - American life and culture were so different from what he was used to. He worried that he would not be able to learn the language and make a life for himself and his family. While Bhawani knew Nepali and NSL, he had no ASL and only some English. Language access was his first priority.

Rebecca Kidder, a teacher with Lutheran Social Services, connected him with Northeast Deaf and Hard of Hearing Services. With the help of a volunteer, he learned ASL. Recently, Bhawani has been working with Bob Cowan, a retired teacher, who is tutoring him in English. Bhawani has used his new language in writing an account of his life; Bob is helping edit his story and improve his written English. Bhawani plans to continue his education in college when his language skills are good enough.

Bhawani has volunteered to help deaf Bhutanese with cultural orientation and bus training. He also is a volunteer interpreter for the deaf Bhutanese community and provides case management as he sees the need. In 2013, with Rebecca's help, he started the first ASL class in Concord for deaf Bhutanese people. The class, which began with two students, has grown to ten. With no budget for the class, there is no money for materials and no compensation for Bhawani's time.

Despite great personal motivation and working with Vocational Rehabilitation services, Bhawani has been unable to find a paying job. Bhawani has incredible expertise, enthusiasm, and leadership skills and with his ability to communicate in English, Nepali, NSL, and ASL, he may be the only person in Concord – or even New Hampshire – who can provide language access to deaf Bhutanese. Bhawani is a valuable community resource and we hope he will soon find work where he will be paid for his contributions.



*Bhawani Dangal (far left), teaches American Sign Language to deaf Bhutanese refugees.*

Photographer – Julia Freeman-Woolpert



## HOMELESSNESS AND DISABILITY: A NH VETERAN WORKS TO HELP OTHERS IN NEED

By John Pelletier, 2014 Granite Leader and Cathy Kuhn, Director of the NH Coalition to End Homelessness

Each year, thousands of people with disabilities become homeless. In some cases, people are suffering from undiagnosed physical or mental health issues and have little access to medical or financial resources. In other cases, people are unable to find safe, accessible housing on very low or fixed incomes. In all cases, the experience of homelessness exacerbates physical and mental health problems and produces extreme stress, trauma, and anxiety for both adults and children.

Take the case of John Pelletier – John and his wife Sandy were homeowners, both gainfully employed and living happy and stable lives. While things were looking good, the Pelletiers, like most people, were only one tragic event away from slipping into homelessness. For the Pelletiers, that event was John's diagnosis of cancer. Without health insurance, their savings quickly dried up as they paid for John's treatments. Their financial burden grew as John battled cancer and they ultimately lost their home. Thankfully, John's treatments were successful, but they were now facing homelessness.

Although many people with disabilities who are homeless receive SSI benefits, the disparity between the funds provided and the costs of housing make it almost impossible to find safe, affordable homes. According to *Priced Out 2012*, a report published by the Technical Assistance Collaborative, a person with a disability receiving SSI benefits would have to pay an average of 115% of their benefits to afford a one bedroom unit in New Hampshire. For those without additional income or support from family and friends, residing in a homeless shelter or on the streets may be their only option.

For John and Sandy, homelessness was their only option. Like many who are homeless, both John and Sandy began to experience persistent health problems. John's high blood pressure, diabetes, and chronic obstructive pulmonary disease and Sandy's diagnosis of breast cancer made an already desperate situation even worse. Without insurance or a steady income, and now without a place to call home, the Pelletiers struggled to survive.

Data from the 2013 *Homeless Point in Time Count*, a national study that attempts to count everyone who is homeless during one 24-hour period in January, found that 109,132 individuals and families were identified as chronically homeless in the United States. By definition, these are people who have a documented disability and also have been homeless at least four times in the past three years or have been continually homeless for a year or longer. These extended periods of homelessness leave people vulnerable to hunger, violence, and sometimes even death.



Photographer – Kyle Beaulieu

John Pelletier

Thankfully, John and Sandy's story has a happy ending. They were able to access medical services through Families First, a community health center serving uninsured, homeless, and low-income patients. After getting assistance and accessing veteran's benefits, Medicaid and Social Security, the Pelletiers were even able to buy a home again. Now John is committed to sharing his story and using his experience to help others who are homeless. Recently, John graduated from Granite Leaders, a program led by the NH Coalition to End Homelessness designed to build leadership skills among those who are currently or formerly homeless. John and the other fifteen graduates of the 2014 Class are powerful advocates for those facing homelessness. As John states, "Even one person who becomes homeless because of their disability is too many. We must raise our voices to ensure that all New Hampshire citizens have the opportunity to lead happy, fulfilling lives."

Located in Portsmouth, Families First Health and Support Center serves the greater Seacoast area for more information visit - <http://www.familiesfirstseacoast.org/>

To learn more about the NH Coalition to End Homelessness visit - <http://www.nbceb.org/>





## SUPPORTED TYPING AT CROTCHED MOUNTAIN ATECH SERVICES

Supported Typing is a method to help individuals who use alternative and augmentative communication (AAC) and who need assistance in controlling body movements in order to point (at pictures, letters, or objects) or to use a keyboard. Trained facilitators physically support the hand, wrist, elbow, or shoulder while an individual types or accesses their AAC system. The facilitator should never move or lead the person who is communicating. The goal, whenever possible, is to have the person type independently. Anyone on an individual's team, including family members, direct support professionals, therapists and teachers, can be trained in Supported Typing.

Crotched Mountain ATECH Services provides the following Supported Typing services:

- **Supported Typing Evaluations:** Individuals who need Supported Typing are evaluated based on 13 indicators, such as muscle tone, stability, and body control. The evaluation occurs prior to training the facilitator(s) who will assist the individual.

- **Facilitator Training:** Using the evaluation as a guideline, facilitators are trained in providing the appropriate level of support for the individual to communicate effectively. As the individual makes progress, additional facilitator training is available to ensure that the most effective approaches are being used.
- **Presentations and Workshops:** Individuals who use AAC, potential facilitators, and anyone interested in learning more about Supported Typing Services can schedule an informational presentation or attend a half-day workshop with the AAC professionals at ATECH Services. For more information contact Lisa Bauhan at 800-932-5837 or email [lisab@atechservices.org](mailto:lisab@atechservices.org).

*Lisa Bauhan is a speech-language pathologist and AAC specialist with nearly 30 years experience working with children, adolescents and adults with disabilities. She was formally trained in Supported Typing at Syracuse University. Lisa joined Crotched Mountain ATECH Services in February of 2014 as an AAC Specialist and is currently taking referrals for individuals interested in pursuing Supported Typing.*



## 2014 LEGISLATIVE SESSION BRINGS IMPROVEMENTS FOR NH CHILDREN WITH DISABILITIES

By Michael Skibbie, Policy Director, Disability Rights Center - NH

In the 2014 New Hampshire legislative session Disabilities Rights Center - NH, ABLE NH, and other advocates worked on several initiatives of importance to children with disabilities and their families. One of the most significant was Senate Bill 396, a measure sponsored by Senator Nancy Stiles of Hampton to limit the use of child restraint and seclusion in schools and facilities.

Measures which limit restraint and seclusion are especially important for children with disabilities, as they are much more likely to be subjected to these interventions than other children. A 2013 UNH Carsey Center study found that public school students with

a disability were restrained 25 times more often than children without disabilities. Fortunately, most of the nation's public schools do not restrain or seclude their students. However, there are still many schools and facilities where these interventions are used. It is critical that these practices are regulated to ensure that they are employed only by trained personnel in safe settings and are limited to instances where their use is the *only* way to avoid actual physical harm.

SB 396 was initiated due to two disturbing trends. In the last few years parents and advocates have become

*(Continued on page 13)*



## SUPPORTED TYPING ENRICHES A LIFE

By Lisa Bauhan, MS, CCC – SLP, Crotched Mountain ATECH Services

Bob English, a native of Peterborough, is extremely proud of the work he has done to make a positive difference in his community. Now 36 years old, Bob was born with a rare chromosomal disorder (tetrasomy 18 p) that affects his muscle tone. Bob uses a wheelchair and because he is unable to speak, uses an AAC (alternative and augmentative communication) device. Bob's problems coordinating movement make it extremely difficult for him to use his AAC device. All that changed in high school when Bob and those assisting him were introduced to Supported Typing.

Supported Typing is a method of AAC that allows a person with communication and motor disorders to access a keyboard through a trained facilitator who provides physical support of the hand, wrist, elbow, or shoulder. The facilitator also provides emotional encouragement and communication supports, such as monitoring to make sure the person is looking at the keyboard and checking for typographical errors.

Bob, an Eagle Scout, holds the distinction of being the first scout from Peterborough to earn the Gold Palm and continues to be active in Scouting. He also is a graduate of the New Hampshire Leadership Series, intensive training offered by the Institute on Disability to develop leadership and advocacy skills. Reflecting on this experience Bob said, "There are people who believe in me. I can type to my representatives and remind them to represent me. I love that I can vote now."

Through Leadership, Bob made valuable connections and has become an active member in the disability advocacy movement. Bob helped convince voters to support making ConVal Regional High School, his alma mater, wheelchair-accessible. He also worked with other advocates to have the Peterborough Recreation Department include a splash pad as part of the Adams Pool renovations. (A splash pad is an area where water is sprayed from fountain-like installations and has interactive play features. Designed to have no standing water, splash pads provide a fun and safe water experience for non-swimmers.)

Bob believes in civic engagement. Whenever a ballot measure is coming up, he can be found at the Peterborough recycling center, informing his fellow citizens. He observed,

"This isn't government by the people, if the people don't know what they are voting for and they don't go vote."

In all of these interactions, Bob utilizes trained Supported Typing facilitators to help him communicate. Bob's primary support person, Marie Primeau, has facilitated typing with him since he was in high school. He has typed with other caregivers and scouts, all of whom have been trained. Bob also attends monthly meetings at the Institute on Disability with other users of Supported Typing.

While Bob is proud of what he has accomplished, he still has two important goals that he wants to fulfill. "I want to get a paying job and take classes in college," he wrote. He is hoping that with two direct support professionals being trained in Supported Typing he will have the additional support he needs to move forward in making these goals a reality.

When asked about people who question whether he is the author of his typed messages, Bob shrugs it off. "That's sad. But it's ok. Some people don't believe in Santa or God either. That doesn't mean we'll cancel next Christmas or all the religious wars in the Middle East will stop." Bob envisions a future where people will be presumed to be competent and supported to enjoy fulfilling lives. In his words, "Someday I hope they believe in providing whatever support people need to do more than just survive."

*Lisa Bauhan interviewed Bob English for this article. Lisa is a Speech/Language*

*Pathologist and a certified trainer in Supported Typing at Crotched Mountain ATECH Services, a statewide program providing assistive technology solutions and professional expertise to address communication, mobility and accessibility needs. Bob answered all questions through typing with the support of his care provider, Marie Primeau.*



Bob English, community advocate

Photographer credit – Marie Primeau



# NEW MEDICAID HOME AND COMMUNITY-BASED SERVICES (HCBS) REGULATIONS

By Julia Freeman-Woolpert, Disability Rights Center - NH

Did you know? The Medicaid rules for Home and Community-Based Services (HCBS) have been updated. (Note, you may be familiar with HCBS as Community Care Waiver Services.) HCBS are designed to provide essential supports and services that allow individuals with disabilities to remain in their homes and communities and to avoid institutionalization. In spite of this intent, Medicaid funds a number of Home and Community-Based Services that are overly institutional. These new rules aim to correct that.

If you receive federally funded services through an Area Agency for a developmental disability or acquired brain injury, or through the Choices for Independence Program, these new rules apply to your services.

The new HCBS Medicaid rules include the following critical features. Some of these are already in effect in New Hampshire and are now included in federal law. The rules will be transitioned in over the next several years, the state must inform the public about these transition plans. Be sure to watch for opportunities to express your opinions!

## Service Settings Must be Non-institutional

The new rules require that service settings must support full access to the community, including employment in competitive settings, control of personal resources, and opportunities to engage in community life. Individuals must have the opportunity to select service setting from a variety of options, including non-disability settings and the option for a private unit in a residential setting. Options must be identified and documented in the person-centered service plan and must be based on the individual's needs, preferences, and, for residential settings, the resources available for room and board.

Residential settings that are likely to lead to isolation from the broader community are *not* covered under the HCBS program. These settings include: 1) Intermediate Care Facilities; 2) residences that have the "qualities of an institutional setting" (such as being located next to a public institution or a facility providing inpatient institutional

treatment); 3) special secured communities; 4) residential schools; 5) clusters of group homes; and 6) disability-specific farmsteads. Assisted living or continuing care facilities may be permitted, as long as additional standards are met.

## Rights in Residential Facilities

There are new protections for people living in provider-controlled residential settings that are intended to ensure that these settings do not become too institutional. Protections include:

- ◆ When the residential provider is also the individual's service provider, the state must ensure the person understands and has made an informed choice to accept this arrangement.
- ◆ The person has a right to reside in a specific living unit within the facility (i.e. the residence cannot force the individual to change rooms).
- ◆ Protections against eviction must be at least as strong as the state's landlord-tenant law, with a legally enforceable agreement such as a lease.
- ◆ The residential facility must be physically accessible.
- ◆ The person's living unit must have privacy, including lockable doors. A key can be held by appropriate staff, as well as by the individual. The resident must have a say in deciding what staff member(s) may have a key.
- ◆ A choice between private and shared bedrooms is required (though the person's resources may be considered). If the bedroom is shared, the person must have a choice of roommates.
- ◆ The resident has the freedom to furnish and decorate the living unit within the scope of the lease.
- ◆ The resident has the freedom and support to control his or her schedule and activities.
- ◆ The resident has a right to access food at any time of day or night.
- ◆ The resident has the right to have visitors at any time, including overnight. (However, the resident does not have the right to invite another person to move in with him or her.)

*(Continued on page 15)*

## ☆ NH Film Maker, Dan Habib, Appointed to the President's Committee for People with Intellectual Disabilities

President Barack Obama has announced his intent to appoint Dan Habib, filmmaker at the University of New Hampshire's Institute on Disability (IOD), to the President's



Dan Habib

Committee for People with Intellectual Disabilities. Habib, the project director of the Inclusive Communities Project at the IOD, directed the award-winning film *Including Samuel*, a documentary about his family's efforts to include his son Samuel, who has cerebral palsy, in all facets of their lives. Habib's latest film, *Who Cares About Kelsey?*, documents the life of a student with emotional and behavioral challenges and the innovative educational approaches that help her succeed.

Established by President Johnson in 1966, the President's Committee for People with Intellectual Disabilities (PCPID) aims to ensure the right of a "decent, dignified place in society" for people with intellectual disabilities.

The PCPID promotes policies and initiatives that support independence and lifelong inclusion of people with intellectual disabilities in their respective communities.

The committee's duties include advising the President and Secretary of the U.S. Department of Health and Human Services concerning the following for people with intellectual disabilities:

- ◆ Expansion of educational opportunities
- ◆ Promotion of homeownership
- ◆ Assurance of workplace integration
- ◆ Improvement of transportation options
- ◆ Expansion of full access to community living
- ◆ Increasing access to assistive and universally designed technologies

Habib, a former photography editor of the Concord Monitor, received the National Education Association-NH Champion of Human and Civil Rights Award in 2012 and the Justice for All Grassroots Award from the American Association of People with Disabilities in 2013.

## SPARK! COMMUNITY CENTER IGNITING THE HEARTS AND MINDS OF THE COMMUNITY

On June 20, 2014, Spark Community Center in Lebanon, New Hampshire opened its doors. The grand opening was the culmination of a community effort, spearheaded by co-founders, John Fenley and Lisa Green.

The mission of Spark Community Center is to provide:

- ◆ Quality social and educational programs that inspire and empower adults with special needs to become more independent and meet their full potential
- ◆ Volunteer and mentoring opportunities for members of the community to become engaged with adults with special needs
- ◆ A variety of programs and events that will foster and enhance the social inclusion and integration of people with special needs into the community
- ◆ Solutions to solve challenges faced by people with special needs and their families in the areas of housing, transportation, quality of life, and advocacy.

As stated on the home page of their website – "We believe in an integrated society where everyone is valued for their abilities rather than their disabilities. Our core philosophy is that everyone has a hidden talent or gift worth sharing with the world, a "spark" if you will. Too often that spark is overlooked in people with disabilities, which is why we created a community center that helps them to reach their full potential while strengthening their ties to the Upper Valley community."

For more information, including news about upcoming programs and events and volunteer opportunities visit them on Facebook or check out their website - <http://www.sparkcommunitycenter.com/>



*(Continued from page 9)*

concerned about the increased use of seclusion of New Hampshire children with disabilities, especially in the public schools. There have been a number of documented instances of children being secluded from their peers for purposes of discipline or punishment, rather than for the prevention of injury. In addition, in several cases the parents of children who had been secluded did not learn about the seclusion until long after it had occurred, making it impossible for them to effectively respond to the emotional and behavioral consequences of this treatment.

In addition, New Hampshire's 2010 restraint statute has not been implemented as intended. Some schools and treatment facilities have applied the definitions in the statute in a way that has allowed them to avoid the law's notice and record-keeping requirements. Despite requests from advocates, the State's departments of Education and of Health and Human Services have failed to implement complaint and investigation procedures that would allow families to seek redress for the improper use of restraint.

Senate Bill 396, which passed by voice vote in both bodies and signed into law by Governor Hassan, takes effect September 30, 2014. The legislation puts into place several provisions that will address these issues and improve the regulation of seclusion and restraint. These include:

- ◆ The restriction of seclusion to instances where it is needed to prevent injury.
- ◆ Regulation of the places in which seclusion can take place, so that children who are physically isolated are in safe settings and continuously observed.

- ◆ Requirements that parents of children who are either secluded or restrained be promptly notified than an intervention has occurred.
- ◆ A mandate that the departments of Education and of Health and Human Services begin developing complaint and investigation procedures for both restraint and seclusion no later than 2 months after the law takes effect.
- ◆ A requirement that parents be notified whenever any physical intervention is used against a child, regardless of whether it meets the technical definition of restraint.

The 2014 session also saw passage of legislation that promises to improve the prospects of children with disabilities involved in the court system. House Bill 1624, sponsored by Representative Mary Beth Walz, includes several juvenile justice reforms. Prominent among them is a provision that raises the age for adult prosecution from 17 to 18. Hundreds of children now facing adult prosecution and the prospect of having an adult criminal record that limits employment opportunities and has other long-term negative consequences will now have the protections of the confidential juvenile system and be more likely to receive developmentally appropriate treatment for their behaviors.

In addition, the bill includes: 1) a process for identifying children whose disabilities render them incompetent to stand trial, 2) limitations of the waiver of the right to a lawyer by children with disabilities, and 3) a requirement that lawyers appointed to represent children in delinquency cases meet minimum standards set by the New Hampshire Judicial Council. The law takes effect on July 1, 2015.

*"All of us long to be included, to contribute to something that is bigger than ourselves."*

**~Celebrating 10 years of the RAP Sheet**

# IOD TRAINING &

## RENEW Facilitator Training Institute

This three-day institute on the Rehabilitation for Empowerment, Natural supports, Education, and Work (RENEW) model and process. Participants will learn to facilitate personal futures planning, direct the RENEW team process, conduct school-to-career planning, and empower youth to lead the process.

**Dates:** September 8, October 6,  
and November 3, 2014

**Presenter:** Jonathon Drake, MSW

**Time:** 8:30 am – 3:00 pm

**Location:** Holiday Inn, Concord, NH

**Cost:** \$399

## Employment Consulting and Workplace Support: Online Training Opportunity

This online mini-course teaches employment specialists, job coaches, and other employment staff to assist employees with disabilities to succeed in community jobs. Participants learn to enlist company resources for training and support and to effectively include an employee in the culture of the workplace.

**Dates:** September 15 through October 10, 2014

**Presenters:** David Hagner, Ph.D. and Bryan Dague, Ed.D.

**Location:** Online

**Cost:** \$85



INSTITUTE ON DISABILITY / UCED

*A University Center for Excellence on Disability*

## NH Care Path: Opening Doors to Community Long-Term Services & Supports

In 2012, NH received federal funding to implement the Balancing Incentive Program (BIP) with the purpose of increasing access to long-term services and supports in community settings. Participants will learn about BIP and partnerships with community organizations to access to home and community based supports. Hosted by the NH Department of Health and Human Services with funding from BIP.

**Date:** September 26, 2014

**Keynote Presenters:** Joseph Lugo and Kelley Capuchino

**Time:** 9:15 am - 3:30 pm

**Location:** Radisson Hotel Downtown  
Manchester, NH

**Cost:** Free/pre-registration required

## RENEW Implementation Training: Organizational Readiness, Preparation, and Sustainability

Youth with emotional and behavioral challenges have high dropout rates, low employment rates, and high rates of incarceration. RENEW (Rehabilitation for Empowerment, Natural supports, Education, and Work) is an effective planning model to assist youth to successfully transition from school to adult life.

**Date:** October 15-16, 2014

**Speaker:** JoAnne Malloy, Ph.D.

**Time:** 8:30 am – 4:00 pm

**Location:** Radisson Hotel Downtown Manchester, NH

**Cost:** \$179 each day

### 4 EASY WAYS TO REGISTER!

-  online  
**WWW.IOD.UNH.EDU**
-  call to register or to request a registration form  
**603.228.2084**
-  mail a completed registration form  
**INSTITUTE ON DISABILITY  
56 OLD SUNCOOK ROAD, SUITE 2  
CONCORD, NH 03301**
-  fax a completed registration form  
**603.228.3270**

# EVENTS

## Introductory Training for Supported Typing

This workshop provides a general overview of supported typing, a method of augmentative and alternative communication used by people with limited speaking abilities. Participants will learn the skills to become effective communication partners for people who may use supported typing as one of their methods of communication, workshop includes demonstrations with school-age individuals and adults.

**Dates:** October 16, 2014  
**Presenter:** Pascal Cheng, M.Ed., C.A.S. and Lisa Bauhan, MS, CCC/SLP  
**Time:** 9:00 am – 3:30 pm  
**Location:** IOD Professional Development Center, Concord, NH  
**Cost:** \$125

## Navigating Choice & Change: Frameworks for Implementing Person-Centered Planning

Person-centered planning is an individually focused approach to planning for those who need services and supports. This workshop offers an introduction to person-centered planning for adults. Approved by the NH Chapter NASW for 6 Category I Continuing Education Credits for Social Workers.

**Dates:** October 29, 2014  
**Presenter:** Patty Cotton, M.Ed. and Kate Crary, B.S.  
**Time:** 9:00 am – 4:00 pm  
**Location:** IOD Professional Development Center, Concord, NH  
**Cost:** TBD

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- ◆ Some provisions can be modified for residential facilities, based on specific assessed needs of the individual. Modifications must be included in the individual's service plan. Before any modifications are allowed, the facility must first try positive interventions and supports. Importantly, the person can refuse consent for any modification.

## Service Planning

Requirements for person-centered service planning under HCBS new Medicaid rules include:

- ◆ Having the person, or the person's representative, lead the planning for his or her services. If supports are needed in order for the individual to take charge of service planning, those supports must be provided.
- ◆ Allowing the person to choose who participates in his or her service planning.
- ◆ Avoiding a conflict of interest by not allowing, with some exceptions, the service provider to develop the service plan.
- ◆ Holding meetings at times and locations convenient to the person.
- ◆ Requiring meetings be accessible to the person receiving services, including, if necessary, the provision of auxiliary aids, the use of plain language, and sign language or language interpreters.
- ◆ Developing a service plan that is understandable and accessible to the person.
- ◆ Requiring informed consent from the individual, before the plan can be implemented.
- ◆ Reviewing and, if needed, revising the service plan every 12 months or at the person's request.

## Want to know more?

Just Like Home: An Advocate's Guide to Consumer Rights in Medicaid HCBS <http://www.nsclc.org/wp-content/uploads/2014/04/Advocates-Guide-HCBS-Just-Like-Home-05.06.14-2.pdf>

Information on the Medicaid website, <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>

Or call the Disability Rights Center - NH at **1-800-834-1721** for more information about your rights.

# RAP Sheet

## NH COUNCIL ON DEVELOPMENTAL DISABILITIES

21 South Fruit Street, Suite 22, Room 290  
Concord, NH 03301-2451

**RETURN SERVICE REQUESTED**

## INSIDE THIS ISSUE

- ◆ *A Playground for Everyone*
- ◆ *DSP Certificate Program*
- ◆ *Homelessness and Disability*
- ◆ *Personal Stories*

◆ **The RAP Sheet Has Gone Electronic** - see inside for details on how to subscribe ◆

### DISABILITY RIGHTS CENTER - NH

64 North Main Street, Suite 2, 3<sup>rd</sup> Floor, Concord, NH 03301-4913  
Voice and TDD: (603) 228-0432 ◆ 1-800-834-1721 ◆ FAX: (603) 225-2077  
TDD access also through NH Relay Service: 1-800-735-2964 (Voice and TDD)  
E-mail: [advocacy@drcnh.org](mailto:advocacy@drcnh.org) ◆ Website: [www.drcnh.org](http://www.drcnh.org)  
"Protection and Advocacy System for New Hampshire"

*The Disabilities Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.*

### INSTITUTE ON DISABILITY/UCED – UNIVERSITY OF NH

10 West Edge Drive, Suite 101, Durham, NH 03824-3522  
Phone (Tel/TTY): (603) 862-4320 ◆ Fax: (603) 862-0555 ◆ Website: [www.iod.unh.edu](http://www.iod.unh.edu)

### Institute on Disability/UNH – Concord

56 Old Suncook Road, Suite 2  
Concord, NH 03301  
Phone (Tel/TTY): (603) 228-2084

*The Institute on Disability advances policies and systems changes, promising practices, education and research that strengthen communities and ensure full access, equal opportunities, and participation for all persons.*

### NH COUNCIL ON DEVELOPMENTAL DISABILITIES

21 South Fruit Street, Suite 22, Room 290  
Concord, NH 03301-2451  
Phone: (603) 271-3236 ◆ TTY/TDD: 1-800-735-2964 ◆ Website: [www.nhddc.org](http://www.nhddc.org)

*Dignity, full rights of citizenship, equal opportunity, and full participation for all New Hampshire citizens with developmental disabilities.*

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