

# RAP Sheet

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

Fall Issue 2015

## 25 YEARS OF PROGRESS



### A PERSONAL REFLECTION ON THE 25<sup>TH</sup> ANNIVERSARY OF THE ADA

By Jeff Dickinson, Advocacy Director, Granite State Independent Living

*Welcome to the Fall 2015 RAP Sheet and a celebration of major milestones in the disability movement. This year marks the 25th anniversary of both the passage of the Americans with Disabilities Act and the closing of Laconia State School. Nationally and at the local level we have seen enormous progress for individuals with disabilities. While the work to achieve full access and equality is not over, in this issue we stop for a moment to take pride in how far we have come.*

**A**s we mark the 25th anniversary of the Americans with Disabilities Act (ADA) I am struck by the profoundly positive impact this landmark law has had on my life. Born in 1971, from the very beginning I was always physically slower than other children. For many years the doctors had no answers. When I was finally diagnosed with muscular dystrophy (MD) around 1984 my symptoms were more obvious and I was having more trouble getting around. That was six years before the ADA was passed.



Jeff Dickinson, Advocacy Director at GSIL and Valerie Kidder, GSIL's Long Term Supports and Education Coordinator, celebrate the 25th Anniversary of the ADA.

My recollection of these early years is that it was a time of great difficulty. In addition to absorbing my diagnosis, my family and I were learning how to navigate a world that was not designed for people with disabilities. All too often communities were unwilling to make accommodations that would improve access and there was no law that required them to do so. None of my public schools were accessible; there were steps and stairs everywhere, ramps were nonexistent, and elevators, as far as I knew, only existed in the tall buildings in Boston. I was fortunate that during these years my MD had not yet progressed to the point that I needed to use a wheelchair. If it had, I don't believe I could have made it through school.

*(Continued on next page)*

*(Cover story continued)*

My college years were not really any more accessible. In 1990, midway through my undergraduate degree, the ADA was passed. By the time I graduated in 1992 and moved to Connecticut to take my first job with the NCR Corporation, the ADA was fully in force. The world was beginning to change. Throughout the interview process with NCR I identified myself as a person with a disability and was not met with the roadblocks that I ran into as a student. On my first day of work my employer welcomed me and asked if there were any accommodations they could make that would allow me to succeed at my job. I remember being so very pleasantly surprised!

As my career has taken its inevitable twists and turns, the ADA has continued to help me along. When I returned to UNH in 1995 to pursue my master's degree in teaching, I found a much more accessible environment due to the ADA. This was providential, as I had begun using a wheelchair. Buildings were more accessible, there was an effective disability services office, and there were active groups of students with disabilities advocating for continuing improvements on campus. When the high school I worked at after

receiving my master's degree threatened to bar me from having a service dog at work, it was the ADA and its service animal provisions that allowed me to successfully defend my right to have the dog with me. And now, as the Advocacy Director at Granite State Independent Living, the ADA continues to play a key role in both my work life and my personal life.

From an early age my parents instilled in me the belief that I can and should set high standards for myself and pursue whatever life goals I choose. They always encouraged me and when necessary pushed me - sometimes VERY firmly - not to allow my life to be limited by my disability and for that I am eternally grateful. It is in no small part due to them that I have accomplished so many of my goals. However, without laws like the ADA I don't know that their great parenting would have been enough. Of course there is still much more progress to be made in ensuring that people with disabilities have full and equal access to all facets of society, but in its first 25 years the ADA has done much to "level the playing field" for people with disabilities like myself. I can only look forward with optimism to the progress it will spur in the next 25!



Nixon,  
Vogelman,  
Barry,  
Slawsky  
& Simoneau

Nixon, Vogelmann, Barry, Slawsky & Simoneau P.A. is proud to support the RAP Sheet, the DRC, IOD/UNH, and NHDDC, and the Disability Community.

Considered by many to be the state's preeminent personal injury and medical malpractice law firm, Nixon, Vogelmann, Barry, Slawsky & Simoneau P.A. also has a diverse practice which includes employment discrimination, Social Security disability claims, and civil rights, particularly protecting the rights of persons who are deaf or have disabilities.

Offices are located at 77 Central Street,  
Manchester, NH 03101.

For more information, see <http://www.davenixonlaw.com>.



**DISABILITY RIGHTS CENTER - NH**

**Advocating for the legal rights of  
people with disabilities**

**New name and address  
same advocacy!**

**[www.drcnh.org](http://www.drcnh.org)**

64 North Main Street, Suite 2, 3rd Floor  
Concord, NH 03301-4913

603-228-0432 or 1-800-834-1721 (voice and TTY)  
[advocacy@drcnh.org](mailto:advocacy@drcnh.org)



## A FEW HOURS WITH DICK COHEN

Paul Levy, President Board of Directors, Disability Rights Center – NH

It is early morning and I am riding from Concord to Keene with Dick Cohen, Executive Director at Disabilities Rights Center-NH. Dick already has exercised and will likely go for a bike ride, swim, or run again in the evening. He is as energetic as anyone I know.

As DRC's Board President, my interactions with Dick are primarily focused around board meetings and support with administrative oversight. This trip offers a chance to see Dick in action.

We are meeting with an executive at a large company in hopes of sparking their interest in joining in a national demonstration project to hire people with disabilities. Dick is well prepared and delivers a passionate pitch outlining the value of the project and emphasizing its positive impact not only for the participants with disabilities, but for the whole company and the greater community. The official seems intrigued and says he will speak with people at the top. Dick offers to help him make connections with other national businesses involved with the project.

We leave the meeting hopeful that the company will make a commitment. Unfortunately, the business never follows through and eventually this effort will fail. That won't faze Dick in the least. There have been other ideas and projects that have failed, but many have succeeded. Dick has always understood the need to take chances. He has worked tirelessly to move good initiatives forward and never stops fighting to make a positive difference for people with disabilities.

After the meeting we head to downtown Keene. Dick wants to see how the city has handled accessibility; he is especially on the lookout for innovative designs to deal with tricky situations – a steep incline, a couple of steps, the narrowing of a sidewalk. As we tour downtown, Dick comments on improvements the city has made; he is clearly well versed on architectural barriers and accessibility. His camera at the ready, he snaps picture after picture of effective approaches to improve accessibility. He is gathering concrete

examples of accessibility solutions for a case that DRC is currently working on. He also plans to share the photos with Concord planners in hopes of persuading them to incorporate full accessibility into the city's downtown revitalization plan.



*Dick Cohen*

Dick is curious about a specific design feature and wonders who developed it and how it's working. To find out more, we go into the Keene Chamber of Commerce that is located in a building that has recently been made accessible. Dick learns more about the accessibility of the Chamber's building, asks about the design, and leaves with contact information for the architect.

Back outside Dick is taking yet more photos when we hear someone call out, "Dick Cohen?" A woman who served on a committee with Dick years earlier is thrilled to see him again. The woman talked about what a highlight that time had been for her; it was obvious that a major part of what made it so special was the opportunity to work with Dick.

Finally, in the early afternoon we head back to Concord. After a Dunkin' Donuts stop to pick up coffee and a favorite pastry, Dick drops me off and he heads back to work.

Multi-talented and with boundless energy, Dick has devoted his career to making things better. He has worked with grassroots disability groups and served on Governor's blue ribbon committees. He has consulted with parent advisory groups and testified before countless legislative committees. He has played a major role in groundbreaking legal work that has improved services and increased opportunities for our most vulnerable residents, including the class action suit that resulted in the closing of Laconia State School. He is a New Hampshire icon and one of the Disability Movement's most influential leaders.

After more than 40 years, Dick Cohen is retiring. I, along with DRC's board and staff, deeply appreciate his work. If you feel that same appreciation, you may want to let him know.



## AN ACCESSIBLE MAIN STREET

Aaron Ginsberg, Staff Attorney, Disability Rights Center - NH

In 2010, the owner of the Phenix Hall building on Main Street in Concord undertook major renovations to three storefront entrances, including The Works, a popular bagel shop, and the League of New Hampshire Craftsman. The renovation did not include making the entrances accessible as required under the Americans with Disabilities Act (ADA). On behalf of three individuals with mobility impairments, the Disability Rights Center filed suit in the federal district court of New Hampshire to require the building owner to make the Phenix Hall storefronts accessible.

The litigation of this case (which settled) was closely followed by local media and highlighted the importance of business accessibility on Main Street. The timing could not have been better. As the case was working its way through the judicial process, the city of Concord was engaged in a Complete Streets project to redesign Main Street. (Complete Streets is a national initiative; in participating communities, streets are designed and operated to enable safe access for all users of all ages and abilities.) During the Complete Streets planning process there were discussions about trees, bicycles, and parking. And there was the Disability Rights Center and its Executive Director Richard Cohen sounding the call for accessibility. At virtually every public Complete Streets' planning meeting, Dick Cohen was there persistently and effectively advocating for access and accessibility. These efforts paid off. Not only will all of Main Street's sidewalks, crosswalks, and parking now be accessible, the majority of previously inaccessible private buildings also will be made accessible.

Providing access to Main Street's storefronts, restaurants, and other businesses was a major victory for people with disabilities, and may mark the first time that funds from a federal TIGER grant were used to help a city provide access to private property. The Complete Streets project has resulted in making well over a dozen buildings accessible. For many storefronts, access could be accomplished by regrading the sidewalk, however, some buildings required specially designed access features. On the Remi Block at 158 North Main, the City installed a split level sidewalk, one part following the natural incline of the street and the other leveling off to overcome two steps to a business entrance. In front of Phenix Hall at 36-42 North Main, the City built a large platform that gradually, and almost unnoticeably, slopes up from the sidewalk on one side to overcome a series of two-step entrances into Phenix Hall. On the west side



*Gina Colantuoni, plaintiff in the accessibility lawsuit, rolls through the accessible entrance to The Works.*

of Main Street, the City is working with the owner of the Vision Shoppe at 35 North Main to overcome a two step entrance by regrading the sidewalk and moving the entrance around the corner.

Bringing the lawsuit to make Phenix Hall accessible was important to ensure that building owners know their renovations must meet ADA accessibility standards. However, the case served a much larger purpose by focusing the DRC's advocacy efforts and the community's attention on accessibility for all of Main Street. New Hampshire's capitol city can take immense pride in having created an accessible Main Street that sets the bar for city street renovation and serves as a model for using creative design solutions to overcome accessibility challenges. Hopefully, rather than being exceptional, Concord's efforts to make Main Street storefronts accessible will become a standard practice for future street revitalization projects across the nation.



# AMERICANS WITH DISABILITIES ACT, 25 YEARS OF PROGRESS

By Clyde E. Terry, JD, CEO Granite State Independent Living

July 26, 2015 marked the 25th anniversary of the passage of the Americans with Disabilities Act (ADA). The culmination of years of advocacy, the ADA put in place the world's most sweeping civil rights law for persons with disabilities. This landmark legislation brought people with disabilities out of the shadows and helped them to secure their rightful place in American society. In fighting for their rights, individuals with disabilities have joined a broadening civil rights movement that has brought tremendous changes in our national landscape and reaffirmed what it is that makes America great. This civil rights movement has seen persons of different races granted equality in the eyes of the law, women freed from second-class citizenship, and, most recently, an increased acceptance and expanded rights for the LGBT community.

The ADA has given people with disabilities and their families hope that exclusion and isolation are a thing of the past and that our country is now moving in a direction that ultimately will benefit not only people with disabilities, but all Americans. People with disabilities and their allies came together from all across our nation to make the ADA a reality. These activists traveled to Washington, marched for their cause, and were persistent advocates on Capital Hill convincing lawmakers to support legislation expanding rights for people with disabilities. Granite Staters were a part of this effort; Michael Jenkins, Executive Director of the Governors' Commission on Disability and Larry Robinson, Co-Director of Granite State Independent Living, were two New Hampshire leaders who fought tirelessly for the ADA's passage.

The preamble of the ADA offers the promise to all Americans that equality of opportunity exists for *everyone* and from that day forward no one should be excluded, discriminated against, or otherwise prevented from fully participating and achieving their

full potential. The promise of the ADA includes not only making our communities physically accessible, but also removing the attitudinal barriers that for too long have kept people with disabilities from receiving an education, holding a job, or even voting.

Today there is growing awareness that everyone benefits by the provisions of the ADA. The U.S. Census numbers are clear: one in nine children, one in five adults, and more than half of people over the age of sixty five will experience disability. The promise and protections of the ADA are not for someone else, they are for all of us. The ADA is bringing about changes and improvements that benefit everyone including an increased customer base for business owners, more qualified job applicants for employers, and for people with disabilities a chance to enjoy a quality of life that would not have been possible two decades ago.

We have come a long way, however, barriers to full accessibility still exist. Our historical buildings pose significant architectural challenges, the lagging economy has made some accommodations harder to accomplish, and slow growth in the job market is a very real obstacle to competitive employment for people with disabilities. But these interruptions to progress are temporary and will be eliminated as the economy improves.

With the increased understanding that disability is a part of the human condition, our nation is challenged to find ways to capture the skills, energy, and creativity of all of its citizens. While we cannot know what the future holds, we do know that with an enlightened public attitude and continued advances in science, technology, healthcare, and education, we are moving closer to the realization of ADA's promise of equal opportunity for *all*.



## OLMSTEAD: A FOUNDATION FOR JUSTICE

Adrienne Mallinson, Staff Attorney, Disability Rights Center-NH

**T**uesday, June 22, 1999 turned out to be a remarkable day for the disability rights movement. This was the day that the United States Supreme Court issued its decision in *Olmstead v. L.C.*, the landmark civil rights case on community integration under the Americans with Disabilities Act. The plaintiffs in *Olmstead* were two women, Lois Curtis and Elaine Wilson, who had both mental illness and intellectual disabilities. They had been repeatedly institutionalized and at the time the case was brought were confined to a Georgia state psychiatric hospital. In spite the recommendation of their doctors that they be discharged to the community, the state of Georgia for years had denied Lois and Elaine access to appropriate community-based services.

The women filed suit against the responsible Georgia official (Tommy Olmstead), challenging their confinement under the ADA's integration mandate. Justice Ruth Bader Ginsberg wrote the Court's opinion, holding that the anti-discrimination provisions of the Americans with Disabilities Act prohibit unnecessary segregation and isolation of individuals with disabilities. Furthermore, the ADA requires the state to make available placements in community settings, whenever such placements are appropriate, not opposed by the individual, and can be reasonably accommodated by the state.

Since the *Olmstead* decision, people with disabilities, state Protection and Advocacy agencies like the Disability Rights Center-NH, and the United States Department of Justice have filed hundreds of enforcement lawsuits seeking deinstitutionalization of individuals with intellectual disabilities and mental illness, and advocating for their right to comprehensive community-based systems of care. State officials, concerned about the impact on their budgets, frequently oppose *Olmstead* lawsuits. At times, opposition also comes from family members who are worried about the adequacy of community services. The success of *Olmstead* cases depends on the willingness of people like Lois Curtis and Elaine Wilson to take on the stress of lengthy litigation and the willingness of the courts to become educated about evidence-based standards of providing care to vulnerable individuals in the community.

In New Hampshire, the Disability Rights Center-NH partnered with the law firm Devine Millimet and two national public interest organizations, the Center for Public Representation and the Bazelon Center for Mental Health Law, to represent six plaintiffs in an *Olmstead* class action lawsuit. The case, which was joined by the U.S. Department of Justice, resulted in a comprehensive Settlement Agreement to transform New Hampshire's mental health system by expanding mental health service capacity in community settings.

*Olmstead* is not just about large class action lawsuits and institutional closure. Under the ADA, integration is the key principle for *all* disability services. *Olmstead* requires states to eliminate the unnecessary segregation of people with disabilities and to ensure that services are provided in the most integrated settings appropriate to the individual's needs. The provision of more restrictive services (unless you actually want them) is illegal discrimination. While the ADA's "integration mandate" is critical for those who are most at risk for institutionalization, it also there to help if you are facing any placement that is more restrictive than what you would like. For example, if you would rather live in your own apartment than in a group home or residential care facility *Olmstead* says you have the right to advocate for the less restrictive setting, even if your service provider or family disagrees.

Fighting for the life that you want can be hard. For those who worry that you won't be safe or that you will be lonely, there are creative safeguards and social opportunities that can be built into community-based services. Putting these measures in place is typically less expensive than providing services in segregated settings. Quality integrated services and supports preserve dignity and independence for individuals of all ages and across all types and severity of physical and mental disabilities. If your providers or loved ones want you to move into an institutional or group setting, you always have the right to seek alternative opinions. The ADA and *Olmstead* can help to ensure that decisions about your supports and services are based on your needs and preferences.



## DAVIS & TOWLE INSURANCE GROUP - COMMITTED TO ACCESS

Julia Freeman-Woolpert, Disability Rights Center – NH

**W**hen Davis & Towle Insurance Group expanded their Concord offices improving accessibility was at the forefront of their planning. Their motivation for creating an accessible office went beyond meeting the requirements of the Americans with Disabilities Act. Davis and Towle wanted a building that would be comfortable and easy to use for all their customers and employees.

Working with an architect, they transformed an older split level building into an attractive and functional space that is designed for usability. Leading up to the street-level lobby is a heated entry platform that extends into the parking lot. This ensures a safe entryway free of snow and ice. The company also added a whole row of accessible parking spaces. "They get used," said Ryan Towle, Vice President. "We have a lot of older customers who have walking disabilities."

The relocated bathroom is now accessible and includes automatic light fixtures. Brailled signage has been added throughout the building. The most complicated accessibility challenge was addressing the building's split level; after considering several types of elevators and lifts, Davis and Towle installed a lift that went well with the grand stairway. First floor meeting space also is available for customers who don't want to use the lift. Towle commented, "I didn't think the lift would be used that often, but it does get used a fair amount,"

Towle said making the investment in building accessibility has been well worth it, "It's good for business, it's good for the employees, and it increased the value of our property."

*Davis and Towle is located at 115 Airport Road in Concord, NH.*

## National Council on Disability Quarterly Meeting

### November 2<sup>nd</sup> & 3<sup>rd</sup>, 2015

**SAVE THE  
DATES**

**MATTERS TO BE CONSIDERED:** The National Council on Disability will release a report on accessible transportation and autonomous vehicles, Self-Driving Cars: Mapping Access to a Technology Revolution, and report on public policy and legislation related to disability.

To inform NCD's work in the coming year, the meeting will include 3 Town Hall sessions to gather public comment on: Mental Health Services in Colleges and Universities, Direct Care Workforce Challenges, and Emerging Technology. Commenters will be limited to three minutes.

**Capitol Center for the Arts  
44 South Main Street  
Concord, New Hampshire**

**Monday November 2<sup>nd</sup>: 9:00 am - 4:30 pm  
Tuesday November 3<sup>rd</sup>: 9:00 am - 12:30 pm**

FOR MORE INFORMATION, PLEASE CONTACT:



The National Council on Disability  
1331 F Street NW, Suite 850  
Washington, DC 20004  
PHONE: 202-272-2004  
TTY: 202-272-2074





## NEVER AGAIN

By Gordon DuBois, Producer *Lost in Laconia*

In 1991 with the closure of Laconia State School, New Hampshire became the first state in the nation without a state operated institution for children and adults with developmental disabilities. The closing was the result of years of effort by parents of State School residents to secure a better life for their children. Led by Freda Smith, parents worked with New Hampshire Legal Assistance to bring a class action lawsuit charging that conditions at the State School violated the constitutional rights of residents and seeking to close the school and provide care in community-based settings.

The lawsuit (*Garrity v. Gallen*) was filed in Federal District Court in 1978 and came to trial in 1980. The ten-week trial was the longest civil trial at that time in New Hampshire's Federal Court history. The State fought the plaintiffs on nearly every issue including: abuse and neglect of residents, overcrowding, persistent and continued understaffing, lack of staff training, and lack of education and training for residents. The court decided in favor of the plaintiffs and in November 1981 issued an Order of Implementation that resulted in the creation of New Hampshire's Area Agency system. The move of residents back into communities was

not without problems; many New Hampshire towns fought to keep residences and services for people with disabilities out of their communities. Another lawsuit to address these discriminatory practices was successfully brought before the State Court and paved the way for the eventual closure of the institution.

Laconia State School now lies abandoned and for the most part New Hampshire residents with developmental and intellectual disabilities live, work, and play in their home communities. However, the belief that people with disabilities are better served in segregated settings still persists, in spite of clear evidence that when vulnerable people are isolated and congregated together, the likelihood of abuse and neglect is substantial. One only has to look at the abuse uncovered at Lakeview Rehabilitation Center to see evidence of this. This 88-bed institution for people with traumatic brain injuries and developmental disabilities, much like Laconia State School, housed vulnerable individuals in an isolated and segregated setting.



## THANKS TO CAROL STAMATAKIS FOR HER DEDICATION

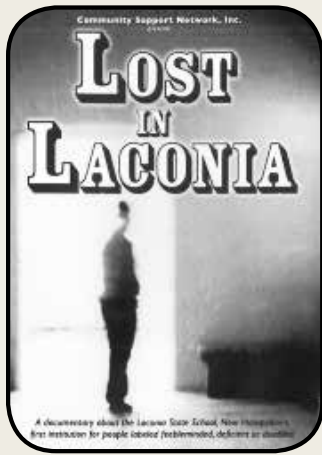
By Kristen McGraw, Chair of the NHCDD and Karen Blake NHCDD Member

After twelve years of working tirelessly for the New Hampshire Council on Developmental Disabilities, Carol Stamatakis is retiring from State government. Carol served as the Council's Director of Policy and Planning for seven years before transitioning to Acting Executive Director in 2010 and Executive Director in 2011. During her tenure, Carol has been committed to the Council's mission of ensuring dignity, full rights to citizenship, equal opportunity, and full participation for all New Hampshire residents with developmental disabilities. To this end, she has built and maintained effective collaborations with diverse organizations throughout New Hampshire. She also has helped the Council to foster key relationships with New Hampshire leg-

islators to bring about needed changes in State policy for individuals with developmental disabilities and their families. Council accomplishments under Carol's leadership have included: the elimination of subminimum wage for workers with disabilities, training and leadership opportunities for direct support professionals, stronger protections against the use of restraint and seclusion, creation of a self-advocacy leadership team, and development of an anti-bullying campaign.

Before joining the Council, Carol served three terms as a New Hampshire State representative and was Chair of the Sullivan County Delegation. Her career has included work as an attorney in elder services with





Thankfully, Lakeview's doors are closing as a result of the Disability Rights Center's persistent effort to bring to light repeated allegations of abuse and neglect, understaffing, inadequate staff training, and lack of educational programs for residents. The conditions at Lakeview mirror the conditions that existed at Laconia

State School forty years ago when the class action lawsuit was filed. When I wonder what lessons have we learned in those forty plus years, I find myself reflecting on the observation made by Burton Blatt, a pioneer for humanizing services for people with intellectual disabilities and a fierce advocate of deinstitutionalization - "The one thing we have learned from history is that we haven't learned much from history."

If the Disabilities Rights Center had not come forth, would Lakeview still be open? Is the segregation and

mistreatment of people with disabilities still happening in other residential facilities and day programs? Given our past history, I would have to assume the answer is yes.

In 1985, as part of an historical research project I interviewed twenty former State School residents. They all recounted the abuse and neglect they experienced at the institution and shared their feelings of loneliness, boredom, frustration, and fear. Some were still angry about their years of incarceration, while others were able to forgive those who had hurt them. I hope that there will come a time when we can fully realize Freda Smith's dream that, "Never again will there be another Laconia State School."

***Gordon DuBois, now retired, spent his career working in New Hampshire's developmental service system. He is the producer of the documentary film, Lost in Laconia.***

***To view the film -***

***<https://www.youtube.com/watch?v=UesOm2HTm2I>***

## AND SERVICE!

a focus on access to legal assistance for older adults, end of life care, nursing home rights, and prevention of elder abuse, neglect and exploitation.

For her next chapter, Carol will be returning to her elder care roots as the Executive Director of Senior Solutions, the Area Agency on Aging for southeastern Vermont. Reflecting on this transition, Carol commented, "I am looking forward to working closer to home, but in a different political culture that I expect will be very interesting. I have found my work with the Council to be extraordinarily rewarding. I am very grateful to have had the opportunity to be involved in the development of many programs, laws, and policies that have made life better for many people and promoted greater societal understanding and acceptance of human differences. It has been especially rewarding to help people with disabilities, families and those who support them find their voice and develop into effective advocates and leaders."

***We are sincerely grateful for Carol Stamatakis' dedication and service. We wish her all the best in her new position.***



*Carol Stamatakis, Executive Director of the NH Council on Developmental Disabilities*



## LIFE AS I KNOW IT

By Marian West

**T**his is about my life and what I have made of it. My life has not been a bed of roses. It has been a roller coaster, but I have changed it a lot.

Let me start by saying I came from a large family - my mother had 10 children. I went to school like anyone else, but life stopped for me when I became sick. I had sleeping sickness and was sent to Laconia State School. It was a nightmare for me. I was in a coma for a year and a half. I had to learn to walk all over again and even to dress myself, but I did it. I was sent to Laconia State School when I was 10 and got out when I was 19.

It was so bad when I was there. I can remember walking around the grounds and hearing the moans and groans of people. They treated people so badly. They would hit them with rubber hoses and I witnessed this. They hit them with other things such as yardsticks or whatever was within reach.

I was one of the lucky ones. I was one of the first ones to go into a girl's cottage that they built. We had dances once a month. People chaperoned them so clients did not get out of hand. We all had a hard time there. We had to always do what they wanted. We had no choices of our own. I was treated like a child. As time went on we learned to deal with it or else.

When I got out I was free from that horrible experience. I wanted to put it behind me, but the memory of that experience has always stayed in my mind. But then I learned to live again free of that place and I have tried to make a life of my own.

When I moved to Concord, I got a Region 4 tutor and once a week she taught me to read, write, and do math. She also helped me learn to shop and to do other things for myself. I had always been treated like a dope. People always made fun of me, calling me names, and not treating me with respect. I still have my ups and downs and some people still treat me like a little kid and say things that hurt me. But I can make it with people helping me and believing in me.

I learned a lot from Community Bridges. I had a therapist who made me feel so good about myself. Before I met her I was a mess; I did not even want to live or anything. But now after seeing her and talking with her, my life has

turned around. I want to live, do what I want to do, and be treated with respect.

I now have my own apartment. I keep it clean the best I can. I just never give up trying. I cook a lot in my crockpot. I have friends over to play cards and I love to watch wrestling. I've joined weight watchers, walk around town, and I never will give up on my dream of swimming in a bikini!

I work for many years at the Institute on Disability where people helped me learn. I may be slow, but I can do it. I am glad the IOD gave me a chance to prove I can do anything if I want to. The staff at the IOD treated me like anyone else in the office. That's a great feeling. The staff was honest when giving feedback, so I could work to improve myself. I have been taught to type, use a fax, a copier, and learned about databases and e-mails. Things I never thought I could do. When I retired a few years ago, they threw me a big party. I still present at the New Hampshire Leadership Series for the IOD.

Now I feel independent and I have a real life. People like me for who I am and treat me like someone now. I love people and like to make new friends. I only want to be respected and treated like anyone else. Now I am proud of who I am and what I am doing with my life.

Everyday I am trying to make my life better and better. It was not easy. It's never easy, but I can do it and so can you. All you have to do is what I have learned to do and that is to believe in yourself. If you believe in yourself you can do things you never dreamed possible, like I have. I live life to its fullest and I am enjoying life now.

The last thing I would like to say is don't think about how things were yesterday, but think of your hopes and the reality of what can happen tomorrow if you believe in yourself. I have to remember this each day and never give up. You can do it too, if you want. I am living proof that if you want to better yourself you can. It was not easy, but I did it and I did it myself.



*Marian West, former resident of Laconia State School, is now an active member of her community.*



## A LOYAL EMPLOYEE

By Julia Freeman-Woolpert, Disability Rights Center - NH

**B**rendan Welch went straight from high school to work at Quality Cash Market, a family-run Concord business. Now 29, he is still working at the Market and he loves it. Tony Heath, the owner of Quality Cash Market and Brendan's boss, is delighted to have such a steady and reliable employee. And Brendan is proud to be part of the Market's tight-knit crew, "I'm almost like family there."

At the Market he stocks shelves, fills the beer and soda coolers, washes dishes, cleans equipment, mops the floors, and does whatever needs to be done. He enjoys his work, especially filling the soda (but not the beer) cooler. For Brendan, the people at Quality Cash Market are the best part of the job. He said, "We talk. We do a lot of joking around."

While he was in high school, Brendan had several employment internships. Work experience is an important part of Concord High School's special education services. Internships provide students with the opportunity to "try on" a job, learn about the world of work, and gain practical skills. With the help of Program Director Marilyn Hennessey and Job Developer Aino Elliott, Brendan had internships at the Concord YMCA, the New Hampshire Council on Developmental Disabilities, and Quality Cash Market.

Brendan's favorite internship by far was at the Market where he worked one day a week stocking shelves. He liked it so much that when his internship ended, he asked Tony if he could continue working as a volunteer. Tony agreed and after school the bus dropped Brendan off at the Market where he spent the afternoon stocking shelves and learning other jobs. When Brendan graduated, Quality Cash Market offered him a paid part time job. He was thrilled.

Arranging for transportation to work, however, was a challenge. Brendan doesn't drive, and the bus system in Concord didn't go near the Market. He found rides with various people, but it was complicated.

Meanwhile, located right above the Market were two apartments. As Brendan gained confidence in his independence, he started talking with Tony about renting one of the apartments. His mother, however, had concerns about whether Brendan would be able to live on his own. When an apartment became available few years ago, Tony offered to let Brendan try it out for a week with no obligation if things didn't work out. Brendan said at first he felt homesick, but with the support of friends and family he adjusted. He's lived there ever since.

In his spare time, Brendan participates in Special Olympics. He enjoys team sports, especially hockey and basketball, and is learning how to play bocce. Brendan has made a lot of friends through Special Olympics and likes to connect with players who need a little extra help. He loves spending time with his family and visits his mom regularly. His sister and her family live in Vermont and Brendan enjoys video chatting with his niece and nephew.

Over the years, Brendan's hours at Quality Cash Market have increased and he has taken on more responsibilities. He hopes to continue working there for a long time. Employees don't come any more loyal than Brendan.



*Quality Cash Market Team*

Photographer - Julia Freeman-Woolpert



# NH'S TRANSITION PLAN TO COMPLY WITH FEDERAL REGULATIONS FOR MEDICAID-FUNDED HOME AND COMMUNITY BASED SERVICES

By Karen Rosenberg, Senior Staff Attorney, Disability Rights Center - NH

In January 2014, the Centers for Medicare and Medicaid Services (CMS) issued a final rule for programs that operate with Medicaid Home and Community Based Services (HCBS) funds. The purpose of the rule is to ensure that Medicaid home and community-based services, including both residential and day programs, provide full access to the benefits of community living. This includes services in the most integrated settings and increased opportunities to live, work, and participate in community life to the same extent as individuals without disabilities.

The federal government has given states a transitional period to ensure that their HCBS programs meet the rule's new definition of "home and community-based settings." Each state is required to provide CMS with a Transition Plan detailing how it will bring the state into compliance with the new rule no later than March 2019. CMS requires a state provide opportunities for public input on the plan before submitting it to CMS. General Information about the HCBS rules is available at [www.hcbsadvocacy.org](http://www.hcbsadvocacy.org).

New Hampshire operates four HCBS waiver programs that are covered by the new rule - Choices for Independence, Developmental Disabilities, Acquired Brain Disorder, and In-Home Supports. In early 2015, the New Hampshire Department of Health and Human Services (DHHS) issued a draft transition plan, held two public hearings, and accepted written comments. DHHS submitted New Hampshire's Transition Plan to CMS in mid-March 2015.

*Transition Framework for Establishing HCBS Settings Compliance* (Transition Framework) is New Hampshire's "plan to plan" its transition to compliance with the new HCBS rule. It provides for an assessment of

New Hampshire's laws, rules, and policies relevant to HCBS. It also requires DHHS to conduct an inventory of the programs and providers currently offering HCBS-funded services, gather input from program participants, and complete an assessment of the State's current level of compliance with the new HCBS rule. The Transition Framework sets timeframes for developing a comprehensive transition plan to bring the State's HCBS programs into compliance with the federal rule. In addition, DHHS must ensure the health and safety of participants who reside in programs that need corrective action to come into compliance with the settings rule. Information about the Transition Framework is available at <http://www.dhhs.nh.gov/ombp/medicaid/documents/finalhcbstransitionplan.pdf>.

To assist with its implementation of the Transition Framework, DHHS has established an Advisory Taskforce comprised of advocates, individuals with disabilities, and HCBS providers. The Taskforce includes representation from Disability Rights Center-NH, the New Hampshire Council on Developmental Disabilities, and New Hampshire Legal Assistance. Once DHHS completes its assessment of current HCBS providers' compliance with the settings rule, the Advisory Taskforce will work with the Department to develop a comprehensive statewide transition plan to bring New Hampshire's rules, policies, procedures, and HCBS providers into compliance with the federal settings rule.

The Transition Frameworks calls for DHHS to issue a draft Comprehensive Transition Plan for public comment by January 31, 2016. Stay tuned for more information as DHHS works to ensure that New Hampshire offers participants in the State's HCBS waiver programs full access to community life.



## AMY MESSER TO LEAD DISABILITY RIGHTS CENTER – NH

**A**ttorney Amy Messer has been selected as the new Executive Director of the Disability Rights Center – NH. Ms. Messer, currently DRC's Legal Director, succeeds Richard Cohen who is retiring. DRC's Board President Paul Levy had high praise for Messer, "We were thrilled to have such a capable and respected internal candidate as Amy Messer to replace Dick Cohen. Amy is an outstanding person, lawyer, and leader and we have every confidence that she will continue DRC's long tradition of excellent management and exceptional advocacy in New Hampshire."

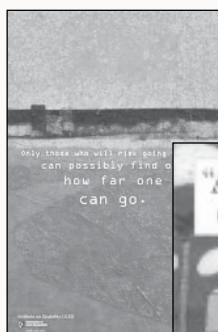
An attorney with DRC since 1999, Messer's work has encompassed class action and impact litigation, as well individual representation. She was the lead attorney in *Amanda D. v. Hassan*, the landmark mental health class action lawsuit that settled in 2014 and requires major improvements and expansion of New Hampshire's community mental health system. Messer also has worked collaboratively with the state and other organizations in finding solutions to critical issues facing children and adults with disabilities.

In 2014, Messer was honored by the New Hampshire Bar Foundation as a recipient of the Frank Rowe Kenison Award for her "substantial contributions to the betterment of New Hampshire citizens through the administration of justice, the legal profession, or the advancement of legal thought."

"The work of the Disability Rights Center is critical to protecting and advancing the rights of individuals with disabilities in New Hampshire," said Messer. "The DRC has an incredible staff dedicated and committed to our mission. I look forward to leading the organization as we continue our work to identify and eliminate the barriers people with disabilities face and to work towards an improved quality of life for the individuals we serve, their families, and our community as a whole."



*Amy Messer, Executive Director  
Disability Rights Center – NH*



Posters

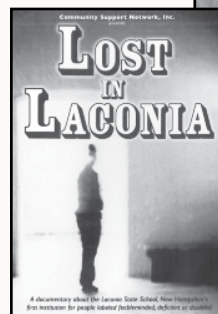
Multimedia

## THE IOD BOOKSTORE

To Place an Order or  
to Browse the Complete  
IOD Bookstore  
Catalog, visit:

<http://www.iodbookstore.com>

Books  
Information



# IOD TRAINING & EVENTS

## **AutCom 25th Anniversary Conference: Human Rights for All**

Join the Autism National Committee (AutCom) and the Institute on Disability for their 25th Anniversary Conference - Human Rights for All. There will be outstanding presentations by autistics, parents, and professionals and opportunities to talk with presenters and conference attendees who understand and share your passion for making a good life with autism.

**Date:** September 25-26, 2015  
**Time:** 8:30 am – 5:00 pm  
**Location:** Radisson Hotel Manchester Downtown,  
700 Elm Street, Manchester, NH  
**Cost:** Entire Conference: Autistic person; Support  
person\*\*; Student \$140 | Family member;  
Paraprofessional \$240 | Professional \$340  
One Day Session Only: Autistic person;  
Support person; Student \$80 | Family  
member; Paraprofessional \$130 | Professional  
\$180

## **2nd Annual NH Leadership and ABLE NH Charity Golf Classic**

Mark your calendars for Friday, September 25 for the 2nd Annual Golf Tourney! This fun event was started by family and friends of people who have lifelong disabilities. As graduates of the NH Leadership Series and members of ABLE NH, we are working to provide training and create support for full lives in the community for ALL!

**Date:** September 25, 2015  
**Time:** Registration at 12:30 pm; Start at 1:30 pm  
**Location:** Windham Country Club,  
1 Country Club Rd, Windham, NH  
**Cost:** \$150 for golf, lunch, and raffle tickets plus  
two free mulligans

## **PBIS Universal Team Retreats**

These retreats will allow individuals or teams from schools to understand, organize, and begin to plan their work, by providing a PBIS Manual, organizational and self-assessment tools and technical assistance, support to set up data systems, and communication strategies. Teams will leave each session with a workplan for implementation.

**Date:** October 14, 2015: Getting Organized to  
Implement PBIS!  
March 30, 2016: Getting Ready to Improve  
PBIS Implementation  
**Time:** 8:00am – 3:00pm  
**Presenters:** JoAnne Malloy, Ph.D.  
**Location:** Grappone Conference Center,  
70 Constitution Avenue, Concord, NH  
**Cost:** \$119 per session; \$99 per person for groups  
of 3 or more

## **Introductory Training for Supported Typing**

This workshop will provide participants with an overview of supported typing, a method of augmentative and alternative communication used by people with limited speaking abilities who have difficulty with independent or reliable pointing for communication. The focus will be on teaching participants the necessary skills to become effective communication partners for people who may use supported typing as one of their methods of communication. There will be demonstrations of the use of the method with both school-age individuals and adults.

**Date:** October 15, 2015  
**Time:** 9:00am – 3:30pm  
**Presenters:** Pascal Cheng, M.Ed., C.A.S. &  
Lisa Keller, MS, CCC/SLP  
**Location:** IOD Professional Development Center,  
56 Old Suncook Road, Concord, NH  
**Cost:** \$125

### **3 EASY WAYS TO REGISTER!**



1 online  
[WWW.IOD.UNH.EDU](http://WWW.IOD.UNH.EDU)



2 call to register or to request a  
registration form  
**603.228.2084**



3 mail a completed registration form  
**INSTITUTE ON DISABILITY  
56 OLD SUNCOOK ROAD, SUITE 2  
CONCORD, NH 03301**

## Institute on Disability/UCED



**University of  
New Hampshire**



## PBIS Behavioral Support Team Retreats

During these retreats participants will explore evidence-based group intervention strategies through showcasing case examples from area schools, supporting participants in learning how to design interventions in their school, and a focus on progress-monitoring tools and sustainability. Participants will have time to plan, interact with others, and ask questions.

**Date:** November 3, 2015: Building Capacity for a Tier 2 System  
April 6, 2016: Leading Your Team to Develop Function Based-Supports

**Time:** 8:00am – 3:00pm

**Presenters:** Kathy Francoeur, M.Ed.

**Location:** Grappone Conference Center,  
70 Constitution Avenue, Concord, NH

**Cost:** \$119 per session; \$99 per person for groups of 3 or more

## Tips, Tools, & Strategies for Successful Transition Planning - NH Transition Community of Practice Summit IX

The New Hampshire Transition Community of Practice announces its 9th Annual Transition Summit, the only statewide conference for training, collaboration, networking, and information focused on post-secondary outcomes for students. Last year's Summit attendees wanted more tips, tools, and templates they can put into practice immediately; these will be included in all presentations for the 2015 Summit.

**Date:** November 18, 2015

**Keynote Presenter:** Therese Willkomm, Ph.D., Director ATinNH, UNH Institute on Disability

**Location:** Grappone Conference Center,  
70 Constitution Avenue, Concord, NH

### The RAP Sheet has Gone Electronic!

In order to:

- Reach more readers
- Reduce costs
- Be more environmentally friendly

The RAP Sheet, is now sent electronically via email. We will no longer be mailing hard copies to our distribution list.

To subscribe to the email edition of the RAP Sheet, please visit:

<http://www.drcnh.org/rapsheet.html>

## Assistive Technology to Support Community Living at Home School Work and Play

**A**ssistive technology (AT) is any high or low tech item, piece of equipment, software or product system that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities. Assistive technology includes products and services to help people who have difficulty speaking, typing, writing, remembering, pointing, seeing, hearing, learning, walking, etc. If you are looking for AT resources to support your life in the community working, playing, learning, and living, consider the following resources to help you get connected:



<http://www.getatstuff.org/>

Here you can look for or list Assistive Technology devices for sale or for free. Users are responsible for updating their listings every 60 days. The goal of getATstuff is to help get Assistive Technology devices that are no longer being used into the hands of people who need and can benefit from them.

## [AT]connects

### Therapeutic and Educational Applications for the iPad and iOS Devices

With an ever growing catalog of apps iOS devices including the iPad and iPhone as being used more and more in settings where assistive technology is required. In this link you'll find a number of useful apps broken out by category.

<http://atconnects.com/resources/apps>

ATinNH (Assistive Technology in New Hampshire) has its own YouTube channel. You can see all of the latest instructional videos published online in one convenient location. [ATinNH.org](http://ATinNH.org)



Assistive Technology in New Hampshire  
ATinNH.org

# RAP Sheet

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

Fall Issue 2015

## NH COUNCIL ON DEVELOPMENTAL DISABILITIES

2½ Beacon Street, Suite 10

Concord, NH 03301-4447

**RETURN SERVICE REQUESTED**

## INSIDE THIS ISSUE

- ◆ *An Accessible Main Street*
- ◆ *A Few Hours With Dick Cohen*
- ◆ *25<sup>th</sup> Anniversary of the ADA*
- ◆ *Personal Stories*

## 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 AT THE UNIVERSITY OF NEW HAMPSHIRE

[www.iod.unh.edu](http://www.iod.unh.edu) | [facebook.com/instituteondisability](https://facebook.com/instituteondisability) | [twitter.com/unhiod](https://twitter.com/unhiod) | [youtube.com/unhiod](https://youtube.com/unhiod)

Durham Office:

10 West Edge Drive, Suite 101 | Durham, NH 03824

Phone: 603.862.1769 | Relay: 711 | Fax: 603.862.0555

Concord Office:

56 Old Suncook Road, Suite 2 | Concord, NH 03301

Phone: 603.228.2084 | Relay: 711 | Fax: 603.228.3270

*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

2½ Beacon Street, Suite 10

Concord, NH 03301-4447

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.*

This publication was supported solely by federal funding from grants from the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration; Centers for Medicare and Medicaid-Real Choice System Change; U.S. Department of Health and Human Services, Administration on Developmental Disabilities and the Health Resources Services Administration; Maternal and Child Health Bureau; Office of Disability Employment Policy; U.S. Department of Education Department of Rehabilitation Services and National Institute on Disability Rehabilitation and Research (NIDRR); US Department of Labor; the Social Security Administration; and a grant from the New Hampshire Bar Foundation.

The contents are solely the responsibility of the grantees and do not necessarily represent the official views of the federal grantors.