By Scott Burlingame
Assistant Program Director

This is a very busy time for those of us who pay attention to legislation relating to the lives of people with disabilities. In the next few paragraphs, I will give you an update on the progress of just a few of the bills we have been tracking.

Federal

A few weeks ago, President Obama signed the American Recovery and Reinvestment Act of 2009, more commonly known as the economic stimulus package. This package had many interesting items for people with disabilities. This includes, federally, an additional $84 million in one-time funding for Centers for Independent Living. It also includes billions in new funding for Special Education Part B state grants that will help to finally meet the long-promised goal of the federal government funding 40% of the cost of special education.

There is new money for Vocational Rehabilitation programs to help individuals with disabilities prepare for and sustain gainful employment.

Finally, those on Social Security and individuals on disability will get $250, likely in the form of a one-time check.

Another issue that we strongly supported and were glad to see passed into law was the Lilly Ledbetter Fair Pay Act of 2009. This law amends Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and modifies the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice. It also amended the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

North Dakota

The following are summaries of the legislative bills that Freedom Resource Center has been following this legislative session. As I write this, they have passed the cross over point, so I will give the most up to date information I can. However, please feel free to call me if you have any questions about these or any other issues.

House Bill 1012 is the Human Services budget, and one issue in this bill is the funding for Independent Living Centers. The North Dakota Centers for Independent Living, in order to provide services across the state, would need an additional $1.89 million per biennium in funding. The House of Representatives passed an increase of $400,000.

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One of the biggest issues we hear about at Freedom is the pain that recipient liability causes people. Recipient liability is set by the medically needy level. The current medically needy level of $500 per month is creating real financial hardship for those with significant health care needs. We support any efforts to increase the medically needy level closer to the poverty level. The House-passed budget includes an increase in that amount to about $655, which will be the largest increase in at least 15 years, and is a major step in the right direction.

Next, we supported full funding of the 3rd tier of the Personal Care, which would allow for two extra hours of services. Raising the maximum from eight to 10 hours would create an opportunity to bridge the gap between the services for those living in the community, in a place of their choosing, and those who are forced into a more restrictive environment because of lack of services. The House did not approve this funding. The Senate takes it up next.

The final issue we supported in HB 1012 was all efforts to increase pay for those who provide services in the community. This includes but is not limited to Qualified Service Providers. We support the Governor’s recommendation of 7% and 7% over the biennium. I feel that an essential part of creating real choices for community based living means having quality, professional staff, and paying them a fair and competitive wage for their efforts. The bill came out of the House with a suggested increase of $1 plus a 6% and 6% increase.

We also strongly supported HB 1092 relating to the definition of disability within the North Dakota Human Rights Act, bringing the state definition consistent with the Americans with Disabilities Act Amendments Act of 2008. Unfortunately, the North Dakota Bankers Association testified in opposition to this bill, and it failed on the house floor 11-80.

Finally, supported SB 2363, which would have created a businesses and corporations tax break, giving up to a $5000 tax credit for hiring a new employee with a disability. The Senate Finance and Tax committee amended this bill and gave it a 6-0 do pass recommendation, and it passed the full Senate unanimously. Unfortunately, the House voted 44-49 to reject this incentive for the hiring of people with disabilities. This is extraordinary disappointing as this bill would have meant an increase in people paying income and sales tax in the state, and would have been a step in removing people from government funded support programs.

Minnesota

While we recognize that the state of Minnesota faces a severe budget deficit and we realize that sacrifices should be made by all, we urge lawmakers not to balance the budget inequitably on the backs of individuals with disabilities. Our primary areas of concern are as follows:

The proposed change to Personal Care Assistant (PCA) Services: Governor Pawlenty has proposed budget cuts of $85 million in PCA services (state and federal Medicaid funds) for the biennium. This includes cuts in eligibility for PCA by requiring a recipient to have two dependencies (need for hands-on assistance) in two activities of daily living (dressing, grooming, bathing, eating, positioning, transferring, mobility and toileting.) The budget will also change where and how PCA can be used by restricting the use of a PCA, limiting providers from providing both housing with services and PCA and requiring a responsible party to live with a consumer who cannot direct their own care. Each of these new limitations will significantly impact the ability of individuals with disabilities to live independently and integrated within the community of their choice.

The Governor has proposed a MA-EPD (Medical Assistance for Employed Persons with Disabilities) minimum premium increase from $35/mo. to $50/mo. and increase required payment of unearned income (mainly Social Security) from .5% to 2.5%, beginning January 1, 2010.

MA-EPD is the single biggest and most effective work incentive for persons with disabilities. MA-EPD allows people to return to the work force, to be on the tax rolls, to pay for a more significant percentage of their own services, and to be productive members of their communities. Any premium increase will work against the good progress this program has made.

The Governor’s budget calls for the elimination of dental care for adults (21 and up) on MA, GAMC, MNCARE except for emergency dental care in a hospital ER. This will force people with significant disabilities to receive dental care from regional state-sponsored dental providers. While these providers are valuable, they provide limited services and are regionally ineffective in rural areas.

Coming Soon!
To the Following Communities…
- Detroit Lakes, MN
- Fargo, ND
- Fergus Falls, MN
- Jamestown, ND

ADA Anniversary Celebrations July 2009
Check www.freedomrc.org for more details.

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From Where I Sit

By Nate Aalgaard, Executive Director

These are times of uncertainty. As we waited for the budget proposal of Governor Tim Pawlenty, it felt like déjà vu. In 2003, Minnesota had another budget crisis, and the governor’s budget came out with zero state funding for Independent Living. For our Center, that meant the loss of over $100,000 per year. Center advocates got together and worked hard to restore our state funding. The results, due to a lot of cooperation from CIL staff, management, consumers, and some very helpful legislators, was that we retained 70% of our state funding. While that did create some hardships, particularly for staff at various Centers, it was still far better than how it started out. In 2003, we stood together and all rallied for the common good. This year the governor has proposed a 2.4 percent cut for Independent Living, but there is still a long way to go before this session of the Minnesota Legislature adjourns.

Conversely to the Minnesota situation, North Dakota has a surplus to work with this year. This is due to a number of factors, including the state’s rich energy industry and diversified economy. Also, the North Dakota Legislature has generally been cautious in spending more money than they are sure they will have. This time, that strategy has paid off. We have a proposal in North Dakota to add $1.89 million per biennium for the Independent Living program. We, as the four Centers that serve the state, feel that with that amount, we could make Independent Living services available to anyone in the state who would request them. While we are excited about the possibilities, we do not hold any illusions about the fact that we still need to make the case to the legislature that this is a worthy investment.

In both states, the fundamental right of people with disabilities and those experiencing the effects of aging to live in their homes with appropriate services hangs in the balance. In Minnesota, there is the very real risk of cuts in eligibility for personal care assistance and hours of service. In North Dakota, there is the possibility of enhancements to provider reimbursement rates, hours of service, and the Medically Needy Income limit for Medicaid.

Federally, things are in a terrible state. But that doesn’t mean we quit trying to move our program forward. It is just too valuable to let slip, even in difficult economic times. I’ve always felt that Independent Living is a totally nonpartisan movement. Who could possibly be against people being more independent, having more choices and control over their lives, and having the same kinds of opportunities that every other citizen has a right to expect. We are working for equality, and that does not have any political boundaries.

The next few months will be critical for Independent living, both in our area and across the country. I’m asking any of you reading this, who believe this movement is important, to get involved. Please give us a call if you would like to know how, Anyone can help spread the word.

What’s Wrong with this Picture?

Access to Goods and Services
Ideally, the layout of the building (or display area) should allow people with disabilities to obtain materials or services without assistance. The accessible route to all public spaces must be at least 36 inches wide. There should also be a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction.
Individual Services Stories

Individual Advocacy
A 29-year old man sought advocacy assistance with job-related discrimination. The IL advocate helped him sort through the facts of the case and gain the confidence to pursue his own claim, which he won. He is now gainfully employed and is working with a peer mentor to develop his public speaking skills so he can share his success story with others.

A 42-year old female nursing home resident sought to return to her own home in her own community. The IL advocate reviewed her options for community-based services, and the woman is now living in her own apartment in her community. She says it was the best choice she’s ever made and has regained independent skills such as cooking, doing laundry, and even driving.

Peer Mentoring
A 19-year old female with a disability sought to obtain her driver’s permit and learn to drive. Her peer mentor, a young mother and college student with a similar disability, worked with her to study the manual and take practice tests online. She passed the driver’s permit test. She now drives, with her mother, to her part-time job and hopes to go to college someday, just like her peer mentor. The volunteer peer mentor feels satisfied knowing that by sharing her own experiences, the young woman (consumer) accomplished her goals and is reaching beyond them.

A young adult male is learning to live with a traumatic brain injury (TBI) sustained in an automobile accident. He hopes to re-learn to drive, live on his own, and eventually go to college to re-train for employment in the future. His peer mentor is a man who has been re-building his life after sustaining a TBI 10 years ago and will be graduating from college next spring. The two men do social activities together and the younger man is learning how to live with his acquired disability, thanks to the encouragement he receives from his peer mentor.

Skills Training
A 21-year old woman with learning disabilities and mental illness attended our Youth Leadership Training in Wahpeton. She reported that she felt the leadership training was amazing. She had the opportunity to meet new people from both Minnesota and North Dakota who have disabilities, and had similar life experiences to her. She stated, “It was comforting to know that I was not the only one.”

Outcome: Since completing the training, she has participated in a Youth Panel at “Discovering the Magic Conference” in Minot, sharing her story about her Individualized Education Plan and addressed the Jamestown Mayor’s Partnership Committee on accessibility concerns around town. In addition to working her job, she is also working to keep her grandmother out of a nursing home. She now is looking forward to more opportunities to participate in her community and to help empower others with disabilities.

Information and Referral
A retired farmer came to Freedom very frustrated. The last 19-20 years he and his wife had been planning their retirement and have been troubled because of major health and financial stress beyond their control, as well as being faced with cancer, diabetes, and the usual rural stress of uncontrollable weather, ag commodity prices, and tax issues. As they struggled to survive and understand social security, Medicaid, Medicare, drug programs, they found Freedom Resource Center to be a vital partner in their new life.
Consumers Served, by Age

Consumers Served, By Disability

Physical Disabilities 40%

Mental Health/Emotional Disabilities 16%

Cognitive Disabilities 15%

Multiple Disabilities 21%

Visual, Hearing or other Disabilities 8%

5 or Younger 5%

5 to 19 16%

20 to 24 8%

25 to 59 63%

60 and older 8%
Systems Change
Creating a More Accessible Community

By Nate Aalgaard

I chair a task force sponsored by Freedom that has been actively working to make Fargo-Moorhead more accessible. While we can always do more, we have been able to make some noticeable changes, particularly in the areas of parking and restaurant accessibility. We work with the Metro Area Mayors Committee to provide information to businesses on proper accessible parking. In fact, several years ago we gave this project a big kick start by going out and surveying nearly 200 businesses to find out exactly what kind of parking they had for people with mobility impairments. The results were dramatic. Only 4 percent of businesses had proper signage, markings on the ground including access aisles, and location of accessible parking. This has become a community-wide effort, and results are noticeable.

In the area of restaurant accessibility, it all started with Mexican Village. The downtown location did not have appropriate accessible parking, the front entrance was very difficult to get into, and it was difficult to find the accessible restroom. Now, not only is that business more accessible, but they have built a brand-new restaurant in south Fargo. The owners accepted an accessibility award from the Metro Area Mayors Committee, and commented that they learned a lot from their downtown location.

Our process is: First, we go to the restaurant, take note of any accessibility issues, and then speak to the manager or owner. We follow this up with a letter outlining the accessibility barriers. We also send the appropriate regulations from the ADA. Later we will follow-up to see if any changes have been made. Many times they have not, and we then use the complaint process established by the state to investigate whether or not the building should be upgraded to become more accessible. We leave this judgment up to investigators at the appropriate state agency. Even when the agency does not rule that the business is discriminating by not being accessible, there is often a negotiated settlement or voluntary compliance by the business.

The other aspect of our work involves providing accessibility endorsements to businesses that do have good accessibility. We have done several of these, including the Moorhead Sports Center, Ruby Tuesday’s, Lone Star Steakhouse, and Hooligans. We also were able to impact the accessible parking in the City of Moorhead, by working the city manager.

I am proud of the members of our task force for being willing to go out and make changes to their community. All it takes is a good idea and a few people to put in some effort.
Freedom Resource Center has a civil and human rights task force, which has been advocating for improved community accessibility and enforcement of disability rights laws. In addition to the task force, the Center has also been active in two organizations that promote access to the arts: the Lake Agassiz Arts Council ADA committee and the Plains Art Museum ADA committee.

We have also been active in promoting accessible parking in the Fergus Falls community.

Our staff also has engaged in numerous advocacy activities regarding accessibility on behalf of individual consumers. Issues range from service animals in housing units, to accessible parking, to reasonable accommodations.

At Freedom, we have been working to engage volunteers to assist the organization in accomplishing its various activities as well as attending and organizing community events. During the past year, we have worked to provide individuals with disabilities the training they needed to become more civically engaged as well as providing them with opportunities to use the skills they learn during our trainings.

During the past year, we provided training called “Becoming a Leader in the Advocacy Movement for persons living in the Fergus Falls area. These trainings included learning the history of the disability movement, tips for making government work, developing a message and gathering useful information, building allies, and much more. These trainings brought in community leaders to teach their areas of expertise to the class, but also to increase the community leaders’ knowledge of the presence of new leaders from the disability community. Each of our Leadership graduates has gone on to become more active in their individual communities.

Twenty people from across our service area completed a Youth Leadership Training held on August 7, 2008. Of the participants, a total of 13 youth attend this one-day training from Minnesota and North Dakota. Youth learned about the Independent Living movement, and disability rights and laws, they developed a plan addressing issues they were passionate about and were empowered to take charge of those issues.

We sponsored, co-sponsored and partnered with other organizations on close to 30 Get Out The Vote (GOTV) and voter education events in the past year. Many of these events were opportunities for the community to hear from and meet candidates running for office. Hundreds of community members were impacted by these events and became better informed voters. We worked in partnership with the Minnesota Consortium for People with Disabilities held a Minnesota Candidates Forum focused on disability issues.

Collectively, our efforts increased awareness, got more people involved and excited, and significantly increased voter turn-out in this region.

On December 9, Freedom hosted a community forum with legislators from Cass County. Pictured from left: Nate Aalgaard; Senator Tom Fiebiger, District 45; Senator Jim Pomeroy, District 27; and Representative Alon Wieland, District 13.
The Mission of Freedom Resource Center for Independent Living is to work toward equality and inclusion for people with disabilities through programs of empowerment, community education and systems change.

We envision a society where ALL individuals are valued, respected and have equal opportunity, access, responsibility, and freedom of choice in all aspects of life.

Upcoming Events

April 16th - IP (Individual Plan) Training, Ottertail Power Rooms, 215 S. Cascade St., Fergus Falls, MN from 8 am - 3:30 pm. A training for families of children with disabilities, Social Workers, Public Health Nurses, Special Education Personnel, Rehabilitation Counselors, Corrections Officers. This training targets individuals who coordinate services, act as case managers and service coordinators, for families and individuals. To register for this FREE training in Ottertail and Wilkin County contact Jane Patrick at Ottertail Family Service Collaborative 218-736-3458 or patrick@prtl.com. In Clay County, contact Dawn Tommerdahl at Clay County Collaborative 218-498-2389 or coordinator@claycountycollaborative.org.

April 30th - 6th Annual Assistive Technology Expo, Ramada Plaza Suites, Fargo, ND. Come join us! Learn more about Assistive Technology (AT) and how it can help you or someone you know! AT devices and services will be addressed through exhibits and presentations in the following areas: vision, hearing, communication, learning disabilities, computer access, aids for daily living, safety, medication, home and work modifications, mobility, environmental controls and AT legal rights. For more information contact: Daphne Meyers 1-877-760-2939 (701-235-2330) or email daphne@atexpo.org or go to the website at http://www.atexpo.org/index.html.

May 5th - Individuals with Brain injuries, families and friends are invited to an informative meeting facilitated by the Brain Injury Association of Minnesota at the Otter Tail Power Rooms, Fergus Falls, MN. Exact time to be determined. To register call Joyce at 218-998-1799 or email joycew@freedomrc.org.

May 6th - Training for Professionals by Professionals from the Brain Injury Association of Minnesota. Location Otter Tail Power Rooms, Fergus Falls, MN. This training will be an advanced training for those who are beyond the basics of TBI and Brain Injury and need to learn more about how to work with individuals with a brain injury from a practical level. Exact times to be determined. To register early call Joyce at 218-998-1799 or email joycew@freedomrc.org