

MAKING **a** DIFFERENCE

REAL HOMES. REAL CAREERS. REAL LEARNING. REAL INFLUENCE. REAL SUPPORTS.



CONQUERING THE EMPLOYMENT FRONTIER

**NEWS
FOR YOU:**

ASSET BUILDING: Bringing the ABLE Act to Georgia

EMPLOYMENT FIRST GEORGIA: Meaningful Employment

DOJ CHALLENGES THE GADOE: The GNETS Program



On the Cover:

Eren Niederhoffer makes a presentation at his workplace. He is leading the way as a person with a disability who has meaningful employment as a data-mining analyst. (See story on page 12.)

The Georgia Council on Developmental Disabilities, a federally funded state agency, works to bring about social and policy changes that promote opportunities for persons with developmental disabilities and their families to live, learn, work, play and worship in Georgia communities.



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On the Back Cover:

ABLE Act Advocacy Day will be held in 2016 to train people with disabilities to advocate for passage of the law in Georgia. Join our advocacy team and meet with legislators at the Capitol! (See story on page 6.)

MAKING a DIFFERENCE

A quarterly magazine of the Georgia Council on Developmental Disabilities

VOLUME 16, ISSUE 2

Bringing the ABLE Act to Georgia page 6
Before the passage of the ABLE Act, asset building was not possible for individuals with disabilities due to the risk of losing benefits received through Medicaid and Social Security.

Conquering the Employment Frontier page 12
October is National Disability Employment Awareness Month (NDEAM) and 2015 marks 70 years since the first observance. Employment First Georgia (EFG), supported by GCDD, is leading the way to make meaningful employment a first choice for Georgians with disabilities.

Department of Justice Challenges the Georgia Department of Education Over GNETS Programpage 18
The DOJ investigated the State's GNETS program, determining it violates the Americans with Disabilities Act by unnecessarily segregating students with disabilities from their peers.

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Advocating for a Better Georgia

Summer was a time when things slowed down. People took vacations and it was time to clear off your desk. Not this year! This summer kept all of us busy as we celebrated the 25th anniversary of the passage of the Americans with Disabilities Act (ADA), attended the People First Annual Conference and launched the GCDD Strategic Planning Process.

In September, we visited 11 communities around the State from Dalton to Albany, Columbus to Savannah and three in the metro Atlanta area, including one with individuals who speak Spanish. We heard common themes about what is working well, what is not working and how we can address many of these issues. Most of you won't be surprised when we say that transportation, employment, the waiting list for services and education remain the top barriers for people with disabilities in Georgia.

It was a pleasant surprise to see communities willing to come together to address these barriers. One great example is that Uber, the car service company, was discussed in many forums as a way to help with transportation. It doesn't solve the problem, but using Uber or creating a similar ride-sharing system would connect people within a community who need transportation. Stay tuned for more about our strategic planning process and its outcomes.

This edition of *Making a Difference* focuses on Employment. In celebration of National Disability Employment Awareness Month, we are looking at what is happening on the national and state level. In Georgia, the House Study Committee on Post-Secondary Education and Employment Options for Individuals with Intellectual and Developmental Disabilities began meeting and hopefully will develop a set of recommendations before the General Assembly convenes in January. A shout out to D'Arcy Robb and Dawn Alford who shepherded House Resolution 642 and gave a great presentation at the opening meeting. We hope that this will lead to Employment First legislation and additional resources for post-secondary education.

On the national level, a committee is meeting to discuss how to implement the Workforce Innovation and Opportunity Act. Ruby Moore, executive director of the Georgia Advocacy Office, is one of 17 members on a federal committee examining the many barriers for people with disabilities to work and how they can be removed. Like the Home and Community Based Services settings rule, the focus is on making employment a first option and eliminating federal programs that keep people from working and support non-work activities.

Finally, the Department of Justice wrote a letter of finding to the State of Georgia about the unnecessary segregation of students with disabilities in the Georgia Network of Educational and Therapeutic Support (GNETS) programs. We explore what this means and what might be the result of this letter to Governor Nathan Deal and State Attorney General Sam Olens.

Remember that GCDD is here to assist you. Check out our website and join our advocacy network so that you can stay informed. We hope you enjoy reading this magazine and we want to hear from you. Let us know your thoughts and comments about the magazine by writing to Editor-in-Chief Valerie Suber at valerie.suber@gcdd.ga.gov.

Eric E. Jacobson
Eric E. Jacobson
Executive Director, GCDD

Tell us your thoughts about the magazine or what topics you would like to see addressed by emailing us at valerie.suber@gcdd.ga.gov, subject line:

Letters To The Editor.

GCDD VIEWPOINT

Letters to the Editor

Letters should include the writer's full name, address, phone number, and may be edited for the purpose of clarity and space.

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It is our policy to publish readers' comments. Contents do not necessarily reflect the opinions of GCDD, the editors or state government.

Magazine Sponsorship:

For sponsorship opportunities contact: Devika Rao at 678.384.7836 or devika@oneillcommunications.com.

UGA Celebrates Georgia's Rich Disability History

The Georgia Disability History Symposium: Stories of Advocacy and Action will take place on Oct. 23 at the Richard B. Russell Building Special Collections Libraries at University of Georgia (UGA) in Athens, GA. The symposium will include speakers presenting their experiences advocating over the past several decades and their thoughts about what still needs to be done 25 years after the passage of the Americans with Disabilities Act (ADA).

Dr. Zolinda Stoneman, director of UGA's Institute on Human Development and Disability (IHDD) and GCDD council member, will provide the keynote. Her talk will center on the impact of the ADA as well as a history of Rivers Crossing, a campus facility that once served as an institution for children with developmental disabilities.

The symposium is co-sponsored by UGA's Richard B. Russell Library for Political Research and Studies and the IHDD and is an initiative of the Georgia Disability History Alliance, a group of advocates, self-advocates, organizational leaders, archivists, researchers and others united to preserve and protect the state's disability history.



The University of Georgia

The event at UGA is free and open to the public. For more information or to RSVP, please contact Mat Darby at 706.542.0627 or matdarby@uga.edu



Pat Puckett to Retire After Years of Advocacy and Service

IN THE NEWS

Tireless disability advocate and leader Pat Puckett will retire from her role as executive director of the Statewide Independent Living Council (SILC) of Georgia at the end of 2015.

Puckett founded SILC in 1995 and since then, has provided Georgians with disabilities a platform for advocacy. SILC advocated for disability programs across the State and also for equal access in transportation and Medicaid reform, among other platforms.

Among her accomplishments, Puckett is a founding board member of the Georgia Budget and Policy Institute and she was one of five Georgians to receive the institute's award for visionary leadership. She has been an active member of many state and national organizations working to accomplish inclusive disability policy and services.

Shelly Simmons, current assistant director of SILC, will assume the role of executive director starting January 2016.

Stacey Ramirez Begins New Role at The Arc of Georgia

Stacey Ramirez joined The Arc of Georgia as the director of the Georgia State Office this past summer. In her role, Ramirez will work with The Arc chapters across Georgia to contribute to the statewide improvement of supports and services for individuals with disabilities and their family members to be productive, engaged members of their communities.

Prior to joining The Arc, Ramirez was the director of Individual and Family Supports at the Center for Leadership in Disability at Georgia State University.



Will Crain Wins Olympic Gold in Los Angeles Games

Will Crain of Gainesville, GA won the Gold Medal in the 500 Meter Kayak Event and the Silver Medal in the 200 Meter at the 2015 Special Olympics World Games in Los Angeles, held this past summer.

Crain trained for the event at the Lake Lanier Rowing Venue, which was the official site for the 1996 Summer Olympics. He was the only Georgia resident of Team USA's five-member kayaking squad.



His father, Scott, was a former council member of the Georgia Council on Developmental Disabilities.

The ADA Celebration Continues!

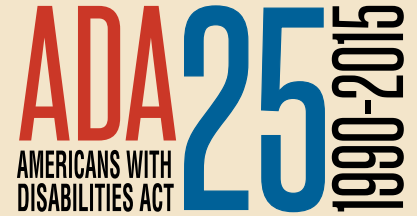
Throughout 2015, the Georgia Council on Developmental Disabilities (GCDD) has been celebrating the anniversary of the Americans with Disabilities Act (ADA) that was signed into law 25 years ago on July 26, 1990 by President George H. W. Bush.

GCDD prepared a salute to the ADA by capturing the exciting ADA25 Georgia Legacy Parade that traveled through Downtown Atlanta to Centennial Olympic Park in June and released a public service announcement showing its continued support for the legislation that calls for equal access and opportunities for people with disabilities.



GCDD videos are audio described and open captioned to let everyone relive the excitement of the ADA's 25th anniversary!

Rep. John Lewis sends a message to the disability community on GCDD's video celebrating the ADA 25th Anniversary.



Scan the QR code to watch GCDD's audio described

and open captioned videos saluting the ADA. or visit our website at gcdd.org/ada

GCDD Welcomes New Staff



Gabrielle Melnick

GCDD added two new members to its staff to help the organization continue its mission to bring about social and policy changes that promote opportunities for persons with developmental disabilities and their families to live, learn, work, play and worship in Georgia communities.

Gabrielle Melnick joined as the community organizing assistant to the Real Communities initiative this past summer. The University of Georgia graduate will provide administrative and logistical support to communities within the Real Communities initiative, and she will report to Real Communities Organizing Director Caitlin Childs. Her past experience includes serving as an art specialist at a summer camp in Georgia where she helped support campers with and without disabilities – of all ages – to express themselves through various artistic mediums.



Nick Perry

A former GCDD public policy intern, **Nick Perry** joined the staff in June 2015 as the public policy specialist and sibling coordinator. In his role, Perry will provide assistance in managing key stakeholder relationships, creating outreach and advocacy tools and materials and conducting a wide range of policy-related research. Perry will report to Public Policy Director Dawn Alford. As the brother of a young man with cerebral palsy, Perry hopes to help create a Georgia in which individuals of all abilities can be fully involved in all aspects of community living and shed light on the challenges of siblings of individuals with disabilities.

Council Member Accepted into GaLEND Program



Pam Hunter Dempsey, a GCDD advisory and executive committee member, was recently accepted into the Georgia Leadership & Education in Neurodevelopmental

Disabilities (GaLEND) program. GaLEND is an interdisciplinary training program for future professionals, disability advocates and family members operated by the Center for Leadership in Disability at Georgia State University.

It is one of 44 programs around the country that addresses regional and national issues of importance to children with special healthcare needs, with a focus on children with autism and related disorders and their families.

The goal is to give Georgians with disabilities as **MANY OPTIONS** to live independently as **POSSIBLE.**

ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACT

will allow families with children with disabilities to save for college and other expenses in tax-deferred accounts.



Bringing the ABLE Act to Georgia

By Devika Rao

For the first time in public policy, a piece of legislation recognized the extra and significant costs of living with a disability. These include costs related to raising a child with significant disabilities or a working age adult with disabilities who seek and use supplemental supports for accessible housing and transportation, personal assistance services, assistive technology and healthcare – all costs not covered by insurance, Medicaid or Medicare.

It was the signing of the Stephen J. Beck, Jr. Achieving a Better Life Experience (ABLE) Act into law that changed the way people with disabilities and their families can build assets for a secure financial future.

This monumental legislation is just one of the many advancements that are a result of the Americans with Disabilities Act (ADA) passed in 1990. The law, signed by President George H.W. Bush, declared that people with disabilities have rights to equal access and opportunities in inclusive and integrated communities.

A Brief History

The ABLE Act of 2013 was introduced in the 113th Congress by Senators Robert Casey, Jr., (D-PA) and Richard Burr (R-NC), and Representatives Ander Crenshaw (R-FL), Chris Van Hollen (D-MD), Cathy McMorris Rodgers (R-WA), and Pete Sessions (R-TX) – along with many other congressional supporters.

On December 19, 2014, President Barack Obama signed the bill making the ABLE Act the law of the land.

The passage of the ABLE Act brings many advantages to individuals with disabilities and their families. Before the act, asset building was not possible due to the risk of losing benefits received through Medicaid and Social Security.

“Individuals with disabilities faced significant barriers to living independently because their access to certain safety-net programs could be lost once they established a minimum level of savings and income,” said Nick Perry, public policy specialist and sibling coordinator for the Georgia Council on Developmental Disabilities (GCDD). “This created a disincentive to work and save.”

The new law aims to provide individuals with disabilities the same types of flexible savings tools that all other Americans have through college savings, healthcare savings and individual retirement accounts. The legislation also contains Medicaid fraud protection against abuse and a Medicaid payback provision when the beneficiary passes away.



President Barack Obama signed the ABLA Act into law on December 19, 2014.

The legislation will amend Section 529 of the Internal Revenue Service Code of 1986 to create tax-free savings accounts for individuals with disabilities. The bill intends to ease financial strains faced by individuals with disabilities by making tax-free savings accounts available to cover qualified expenses such as education, housing and transportation.

The ABLA Act would also supplement benefits provided through private insurances, the Medicaid program, the supplemental security income program, the beneficiary's employment and other sources.

It builds on the foundation set forth by the ADA. While the ADA prohibits discriminating against individuals with disabilities, the ABLA Act seeks to level the financial playing field by allowing families affected by disabilities to utilize the progress made by the ADA by saving for the future.

What People Should Know

The opening of ABLA accounts would help more individuals with disabilities work, save and live independently without losing access to Medicaid, Supplemental Security Income (SSI) and other benefits.

Like college or healthcare savings accounts, ABLA accounts would support additional costs in various areas such as education, housing, transportation, employment, health and more. (See sidebar for details.)

ADDITIONAL COSTS supported by ABLA Accounts

- **EDUCATION** – Tuition for preschool through post-secondary education, books, supplies and other educational materials and supports related to such education;
- **HOUSING** – Expenses for a primary residence, including rent, purchase of a primary residence or an interest in a primary residence, mortgage payments, home improvements and modifications, maintenance and repairs, real property taxes and utility charges;
- **TRANSPORTATION** – Costs towards transportation, including the use of mass transit, the purchase or modification of vehicles and moving expenses would be covered;
- **EMPLOYMENT SUPPORT** – Expenses related to obtaining and maintaining employment, including job-related training, assistive technology and personal assistance supports;
- **HEALTH AND WELLNESS** – Expenses for health and wellness support such as premiums for health insurance, mental health, medical, vision and dental expenses, habilitation and rehabilitation services, durable medical equipment, therapy, respite care, long-term services and supports, nutritional management, communication services and devices, adaptive equipment, assistive technology and personal assistance;
- **ASSISTIVE TECHNOLOGY / PERSONAL SUPPORT** – Expenses for assistive technology and personal support with respect to any of the above;
- **MISCELLANEOUS EXPENSES** – Financial management and administrative services, legal fees, expenses for oversight, monitoring, and funeral and burial expenses.

THE ABLE ACT
PRESENTS AN
OPPORTUNITY
TO FREE PEOPLE
WITH DISABILITIES
FROM LIVING IN
POVERTY.



FACTS ABOUT THE ABLE ACT

\$14,000

Total annual contributions allowed by all participating individuals, including family and friends.

\$100,000

Total amount that can be saved before suspension of Social Security benefits. The beneficiary would still receive Medicaid benefits beyond \$100,000 in savings.

ONE (1)

ABLE Account allowed per person.

Individuals with disabilities, families and friends can contribute up to \$14,000 to an ABLE account annually. When it comes to savings, the first \$100,000 in ABLE accounts would be exempted from the SSI \$2,000 individual resource limit.

However, unlike standard 529 or other savings accounts, there is the provision of the Medicaid Payback.

“By passing the ABLE Act here in Georgia, people with disabilities have an opportunity to not only get meaningful jobs and build assets, but also to work to get off public benefits.”

The clause states that upon the death of the beneficiary, the State can seek reimbursement from the ABLE account for any Medicaid costs made on behalf of the beneficiary following the establishment of the account.

“With this in mind, it is important to realize that ABLE accounts will not be the best option for everyone,” Perry added.

“They are just one tool in a toolbox that includes Special Needs Trusts, Pooled Trusts and other financial savings tools. The goal is to give Georgians with disabilities as many options to live independently as possible.”

Eligibility

As the push towards making ABLE accounts available in Georgia begins, there will be eligibility requirements for those seeking to open an account.

To be eligible, an individual must meet two criteria:

1. Have been diagnosed with a disability before the age of 26, and;
2. Either receive federal benefits under the Supplemental Security Income (SSI) or Social Security Disability Insurance (DI) programs, or receive a disability certification under pending IRS rules.

ABLE accounts do not impact an individual's eligibility for Medicaid. However, states would be required to recoup certain expenses through the Medicaid Payback clause upon the death of the individual.

The Employment Connection

As employment becomes the next frontier for disability rights, the ABLE Act and its provisions and protections will also eliminate barriers to work. By preventing dollars saved through ABLE accounts from counting against an individual's eligibility for any federal benefits program, workers with disabilities can earn and save for the future.

“Employment is just one of the many things that will benefit from the passage of the ABLE Act,” said Perry. “Many have been afraid to work and save due to the



GCDD's advocacy team in action in the halls of the State Capitol during the 2015 Advocacy Days held in March.

risk of losing their benefits. By passing the ABLE Act here in Georgia, people with disabilities have an opportunity to not only get meaningful jobs and build assets, but also to work to get off public benefits.”

The ABLE Act in Georgia

The ABLE Act was a bipartisan effort and had the support of over 85% of Congress. Since its federal passage, over one-half of the states in the US have passed the law and are working to implement it.

In Georgia, the work is just beginning. As of this moment, it is one of only eight states that has yet to introduce any ABLE Act legislation.

The ABLE Act presents an opportunity to free people with disabilities from living in poverty ... allowing a chance at a meaningful and secure life for the future.

Before ABLE accounts can become available, states need to pass authorizing legislation during their legislative sessions. Georgia's 2016 legislative session kicks off in January.

To make this law a reality for Georgians with disabilities, GCDD, All About Developmental Disabilities (AADD)

and Autism Speaks formed a coalition of organizations in a mighty effort to push for ABLE legislation during the second half of the 2016 legislative session.

The Georgia ABLE Coalition will bring together political, communication and advocacy resources to build the groundwork for advocacy to make the ABLE Act a law in Georgia.

In 2016, the Georgia ABLE Coalition will hold an Advocacy Day in which advocates can join disability professionals at the Georgia State Capitol and ask their legislators to support ABLE legislation. Training and talking points will be addressed, but making the ABLE Act a reality needs advocates.

“We want the disability community to join GCDD's Advocacy Network to receive our action alerts and to stay up-to-date as we move through the second half of the [legislative] session,” said Perry. “We want people to participate and get involved because our collective voices matter.”

The ABLE Act presents an opportunity to free people with disabilities from living in poverty. It upholds the principles of the ADA of independence and self-determination allowing people with disabilities and their families a chance at a meaningful and secure life for the future.

Read the final ABLE Act bill at www.congress.gov/bill/113th-congress/house-bill/647

GEORGIA

is one of only eight states that has yet to introduce

ANY ABLE ACT legislation.

Join GCDD's Advocacy Network and stay tuned for action alerts and the ABLE Act Advocacy Day in 2016!

Get Involved!



Join Our Advocacy Team

To join the efforts of the Georgia ABLE Coalition, contact Nick Perry at nick.perry@gcdd.ga.gov or go to gcdd.org and click the “Join Our Advocacy Network” button in the footer.

Sometimes

WE FORGET

about the soldiers
behind the soldiers.

Those are the

CAREGIVERS who ARE THE GLUE

keeping the household
together.

A Military Wife and Family Caregiver

By Britnee Kinard

When I married Hamilton I knew I was signing up to be a military wife, but I could not have imagined the challenges we would face as a couple and later as a family.

I am a graduate of the Middle Tennessee State University and was working my way up the management hierarchy in banking, enjoying cheerleading and finding time to travel and sing because I had won two recording deals.

My husband was deployed to Iraq in 2004 and 2005 and was closely involved with over 13 improvised explosive devices (IEDs). On March 15, 2005, Hamilton was directly hit by an IED and suffered many injuries – the main ones are his traumatic brain injuries (TBIs), post-traumatic stress disorder (PTSD) and total nerve damage.

I could fill a book with the challenges we experienced with Veterans Affairs (VA), who at that time did not offer a caregiver program. We waited six years for the military to make a partial decision about Hamilton's injuries and medical claim. Finally they agreed on five of his injuries, but have still not agreed to assist our family with the other injuries he suffered in Iraq.

However, in 2012 the VA did agree that he cannot work, cannot be left home alone and needs a full-time caregiver – which is me.

Caring for him is far more important than any job or recording contract, but it has been hard because the VA took so long to help us. If it had not been for my husband's father – a Vietnam veteran with a disability – we would have been homeless.

When we got Gunner, my husband's service dog, the VA said they wouldn't cover the expense – it was unbelievable.

In 2014, the VA told my husband that he needed a mobility service animal. The VA approves service animals for soldiers needing seeing eye dogs, hearing dogs, spinal cord injury and TBI assistant dogs.

When we got Gunner, my husband's service dog, the VA said they wouldn't cover the expense – it was unbelievable. I looked into all of the federal regulations and laws, kept reapplying and eventually I asked a friend for help with our appeal.

Sergeant Major Jesse Acosta interviewed with me about the VA's policies on service animals for a Savannah TV news channel. Jesse lost his vision and needs his service animal, Charlie-Boy. After the story aired, I got a letter from the VA saying that Gunner had been approved. That was about 18 months from the date that we started the process.



BRITNEE KINARD lives in Claxton, GA with her husband Ret. Sgt. Douglas Hamilton Kinard, their sons Blayne, 5 and Maks, 2 and service dog, Gunner. Britnee received the 2015 Lincoln Award: Caregiver Award for outstanding achievement and excellence in providing care to veterans. Britnee was among other recipients such as entertainer Bruce Springsteen and Walmart Stores, Inc. Britnee has also been recognized by Congressman Rick Allen, Senator Johnny Isakson, Governor Nathan Deal and many other politicians for her work with veterans and caregivers. Britnee is also listed in the *Who's Who of Distinguished Alumni*.

The Lincoln Awards:

A Concert for Veterans & the Military Family recognizes outstanding achievement and excellence in providing opportunities and support to our nation's veterans and military families. The ceremony and award is presented by the Friars Foundation.

But our story isn't unique. We saw that other families were struggling with the VA and soldiers were losing out because they couldn't afford to keep service animals without VA funding.

I can't imagine what our lives would be like without Gunner, so we started the SD Gunner Fund in June 2014. It's a nonprofit organization to financially assist others with owning and caring for much needed service animals.

A Common Cause

Hamilton and I also have two children. In 2012, my oldest son, Blayne was two-years-old and was diagnosed with Autism Spectrum Disorder, receptive – expressive language disorder, Sensory Processing Disorder and Oppositional Defiant Disorder. He also has a rare medical condition called Stevens-Johnson syndrome, for which there is no cure, so unattended we run the risk of losing him.

That same year, we also had our second son, Maks. I threw Blayne into every kind of therapy there was. We applied for grants to help provide autism services and I realized that if we were having a hard time, then other families must be having a terrible time – especially those who don't have a guaranteed insurance plan like we do through the military.

We had Gunner co-trained to assist Blayne to alert us if he ever got too far from me and to obey a command to find him if he did bolt from us. That was a huge relief knowing that I had a second set of eyes to help me with Blayne.

To assist more families, we added service dogs for children with disabilities to the mission of the SD Gunner Fund. Our nonprofit organization now provides emergency financial assistance for service dogs and mobility devices.

The Life of A Caregiver

Every family is different. Every soldier is different. Every child is different. Every reaction is different. You have to find that happy medium and, no, it's not going to happen overnight. It's going to be something you actually have to experience and work through.

Every family is different.
Every soldier is different.
Every child is different.
Every reaction is different.
You have to find that happy medium and, no, it's not going to happen overnight.

Sometimes we forget about the soldiers behind the soldiers. Those are the caregivers who are the glue keeping the household together. I am the voice for my husband and my son; I am the advocate for my husband and my son; and nobody is going to fight for them harder than I can and will continue to do.

That is really what we're here for. We're here to care and support our families, but at the same time to educate and advocate for them.

If we don't, then nobody really knows what you're going through. And that is where, as a caregiver, you need to find your purpose. You need to find what motivates you and what motivates your family.

There are a lot of military families with children with disabilities. The degrees vary but there are a lot of us out there that have been through the ringer – like me. But I've been through it, and now along with my family, I can help someone else through the SD Gunner Fund.



Gunner shares an appreciative moment with a Georgia vet.



Hamilton and Britnee Kinard with son Maks (back row), service dog Gunner and son Blayne (front).

To learn more about the SD Gunner Fund, visit SDGunnerFund.com



In order for someone to truly build the **CAREER THEY LOVE** and **SUCCEED IN IT**, you have to look at the essence of who they are. That essence is **not** their disability.

Conquering the Employment Frontier

By Ruksana Hussain

National Disability Employment Awareness Month (NDEAM), observed every October, is a celebration of the many contributions of America's workers with disabilities. It also offers a perfect time to raise awareness about disability employment issues.

The United States Department of Labor (USDOL) marks 70 years since the first observance of NDEAM with the announcement of the 2015 theme, "My Disability is One Part of Who I Am."

This year also marked the 25th anniversary of the Americans with Disabilities Act (ADA), and while disability leaders and advocates celebrated the progress of the ADA, overwhelming consensus declared that the next frontier for disability rights will target competitive employment.

With a high unemployment rate, people with disabilities are greatly marginalized in society. Advocates, disability supporters and professionals have made it a goal to address this issue for current and future generations.

"For a long time, people with disabilities tended to be defined by their disability. Many people, both with and without disabilities, in and out of the disability community, would say someone with disabilities can't work, or if they worked, they can only do this or that, giving them a narrow range of options," says D'Arcy Robb, EFG's co-coordinator. "In order for someone to truly build the career they love and succeed in it, you have to look at the essence of who they are. That essence is not their disability. It is what they love, what motivates them, it is the reason why they get out of bed every day to go to a job. 'My disability is one part of who I am' is an apt theme [for NDEAM 2015]."

Employment First Georgia

Locally, Employment First Georgia (EFG) is leading the way to make meaningful employment a first choice. EFG is a coalition of people with disabilities, their family members, service providers and advocates who are bringing awareness to disability employment.

Supported by the Georgia Council on Developmental Disabilities (GCDD) and the Georgia Advocacy Office (GAO), EFG is currently advocating for statewide legislation to make Georgia an Employment First state. Throughout Georgia's social service system, meaningful employment would become a primary objective for all working-age Georgians with disabilities.

"For a long time, people with disabilities tended to be defined by their disability."

Many employers and members of society, however, may not be aware of the ability of people with disabilities to carry out certain jobs. They can't imagine this is possible. Traditionally, options have been limited. People with disabilities were resigned to attend adult day care centers where they performed job tasks that held little meaning for them and were paid at subminimum wage while segregated from the general workforce. But it has been demonstrated that people with disabilities can thrive in jobs alongside other workers with the proper supports.

EMPLOYMENT FIRST GEORGIA

(EFG) is a statewide resource that promotes innovative, customized employment practices. Individuals will be supported with technical assistance and consultation to pursue their own unique path to work, a career or contribution to participation in community life.

For more information, visit www.employmentfirstgeorgia.org or contact Employment First Co-Coordinator D'Arcy Robb at darcy.t.robb@gmail.com.

Elizabeth Persaud, training coordinator at the AMAC Accessibility Solutions and Research Center at Georgia Tech, more than thrives in her position.

“My supervisor truly embraces the idea of accommodations and individuals working the best time and way that allows them to productively and successfully accomplish their responsibilities,” said Persaud, who uses up to 30 forms of assistive technologies to succeed in her position. “As a result of this, I am able to accomplish my tasks and also successfully further my career.”

EFG is committed to changing conditions in Georgia so all people are able to obtain meaningful work and pursue careers of their choice, including those with the most significant disabilities.

But it has been demonstrated that people with disabilities can thrive in jobs alongside other workers with the proper supports.

“I’ve never spoken with an employer who has said they don’t want to employ people with disabilities,” shares Robb. “A lot [of employers] say this is a great idea, but they want to know *how* to employ people with disabilities. We are collectively working to educate people and work together on the how.”

The House Study Committee on Post-secondary Education and Employment Options for Individuals with Intellectual and Developmental Disabilities is poised to take Georgia a step closer to becoming an Employment First state. Five Georgia legislators were appointed to the study committee in July this year.

The committee recognized that young Georgians with intellectual and developmental disabilities finish high school, only to become frustrated “couch kids” with nothing to do. They want jobs and careers, but the current system dis-incentivizes employment so most Georgians with disabilities who want to work remain unemployed.

My disability is one part of who I am.

At work, it’s what people can do that matters.

National Disability Employment Awareness Month — Celebrating 70 Years!



OFFICE OF DISABILITY EMPLOYMENT POLICY
UNITED STATES DEPARTMENT OF LABOR
dol.gov/odep



“What EFG has to celebrate in October is that we have specific legislative attention on this issue with the study committee,” says Robb. “Last year was the first time we in the disability community fully started to talk about Employment First, specifically in the post-secondary program.”

The committee will study the conditions, needs, issues and problems related to Employment First and recommend any appropriate action or legislation necessary.

“We’re asking the committee for an Employment First policy for Georgia. We need it to pass legislatively to retool the whole system so all of the Georgia disability support system prioritizes employment as a first option for everyone,” says Robb.

The results would benefit Georgians with disabilities, families and employers as well as taxpayers.

The Link to Post-Secondary Education

One area where Georgia has made great strides is Inclusive Post-secondary Education (IPSE), going from just one university to four since 2012. The Academy for Inclusive Learning and Social Growth at Kennesaw State University (KSU) was the first IPSE School in Georgia, started in partnership with GCDD.

Thanks to legislative appropriations that brought in the extra financial support, Georgia is a blooming success story with three additional IPSE programs – the Inclusive Post-secondary Academy at

October is National Disability Employment Awareness Month (NDEAM) and 2015 marks 70 years since the first observance.

Post-Secondary Education and Employment Options for Individuals with Intellectual and Developmental Disabilities Study Committee:

- Chair Katie Dempsey, R-Rome
- Rep. Amy Carter, R-Valdosta
- Rep. Bubber Epps, R-Dry Branch
- Rep. Valencia Stovall, D-Lake City
- Rep. Bill Werkheiser, R-Glenville



Rep. Katie Dempsey (center), chair of the new study committee, has long been an advocate for people with disabilities. She is pictured with GCDD Public Policy Director Dawn Alford (r) and Rep. Michelle Henson at Disability Day 2014.

Georgia Schools with Inclusive Post-Secondary Education Programs

Thanks to legislative appropriations that brought in the extra financial support, Georgia is a blooming success story with a total of four IPSE programs across the State.



Georgia Institute of Technology in Atlanta, the GOALS Program at Columbus State University in Columbus and the CHOICE Program for Inclusive Learning at East Georgia State College in Swainsboro.

“To build a good program takes resources. You need the right people and financial resources. IPSE is a fairly new concept so when you look at these four organizations, that is just part of the story. You have to look at our tremendous growth over the years,” said Robb.

There is a financial obstacle from the student and the program perspective. EFG is requesting the study committee set a basic dollar amount in appropriations every year for IPSE schools.

“We have learned IPSE programs benefit if they are not dependent on tuition fees but have funds available as a building block to ensure a quality program,” added Robb.

Another education-related aspect EFG is working on is seeking a mirror to the statewide HOPE Scholarship Program. The HOPE Program (Helping Outstanding Pupils Educationally) is Georgia’s unique scholarship and grant program that provides students with financial assistance in degree, diploma and certificate programs at eligible Georgia public and private colleges and universities and public technical colleges. Such scholarships could aid students who meet the criteria and wish to go to IPSE.

IPSE grew through a grassroots movement called the Georgia Inclusive Post-Secondary

Education Consortium (GAIPSE). It began as an informal working group of advocates, parents, school personnel, transition specialists and university professionals committed to increasing post-secondary education opportunities in Georgia. The group came together in September 2011 seeking to create opportunities for students who have historically not had access to higher education.

It works with members of diverse communities to help higher education institutions implement programs that extend the dream of higher education to young people with intellectual and developmental disabilities. The programs target those individuals who previously were excluded from the college experience under the belief that “they can’t.” The consortium is bringing together members from all over Georgia to show that with innovation, compassion and the right resources, they can.

The numbers prove it – students who participated in IPSE were 26% more likely to leave vocational rehabilitation services with a paid job and made 73% higher weekly wages.

But, wages, however, remain a topic of debate.

The Wage Debate

Through its Wage and Hour Division (WHD), USDOL allows subminimum wages for special employment. The WHD enforces several requirements of the Fair Labor Standards Act (FLSA) including a provision for the employment of certain

The numbers prove it – students who participated in IPSE were

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73% HIGHER

weekly wages.

individuals at wage rates below the statutory minimum. Section 14(c) of the FLSA authorizes employers, after receiving a certificate from the WHD, to pay special minimum wages for work performed by workers with disabilities. These wages are less than the federal minimum wage.

Subminimum wages tend to be paid in sheltered workshops that employ workers with disabilities and provide a controlled environment where workers usually do repetitive work and coworkers are people with disabilities as well. There is little room to grow and people could literally be paid pennies per hour.

“When we say Employment First and we say work, we do not include work in a sheltered workshop,” says Robb. “Part of the point of work is for you to care for yourself or your family economically. Pennies on the hour, the low minimum wage, that’s not going to do it.”

“Part of the point of work is for you to care for yourself or your family economically. Pennies on the hour, the low minimum wage, that’s not going to do it.”

In an Employment First world, people with disabilities are looking at jobs that are at least at or above the minimum wage or becoming self-employed. The subminimum wage sheltered workshop jobs are not part of an Employment First culture. EFG wants the sheltered workshops to go away but understands the need to transition people out of them, being careful about how it is done.

“It’s going to impact people’s lives in a bad way if we just go in tomorrow and shut the doors,” Robb said. “It is a process. It’s a ‘how’ piece – we need to get out of sheltered workshops and we will, we just need to be careful about how we do that – that’s the takeaway.”

A recently published midterm report by the federal advisory committee on the

Workforce Innovation and Opportunity Act (WIOA) is full of facts, conclusions and recommendations around phasing out segregation and subminimum wages. And, those things are necessary to build the capacity to make segregation and subminimum wage jobs obsolete.

“We have some exemplary providers in our State who have been doing individualized competitive integrative employment. We must learn from our best providers how you go about including everybody, not accepting that subminimum wages or segregation is necessary just because somebody has a particular disability,” said Ruby Moore, executive director of the Georgia Advocacy Office. Moore also sits on the federal advisory committee for WIOA.

According to Moore, when someone does not have the skills to do a particular kind of job, narrowing the options doesn’t help. Ensuring that anybody who is in a subminimum wage job actually gets the opportunity is to go through a process called discovery – a program paid for by Georgia Vocational Rehabilitation Agency. This allows the individual to learn how their talents and skills match an employment opportunity that is meaningful and competitive.

“Employees with disabilities who have jobs and are happy with them are our pioneers. They have the potential to be ambassadors for a whole community because it’s much easier to show somebody the possibilities than to just describe it in theory,” says Robb. “People with disabilities, who work, are the lucky minority. In the coming decades, that is going to be the norm. These people are on the front lines of this very exciting time.”



“People with disabilities, **WHO WORK, are the LUCKY MINORITY.** In the coming decades, that is going to **BE THE NORM.**”

EFG initiates Georgia’s first Take Your Legislator To Work Day

A recent commendable effort being supported by GCDD is EFG’s Take Your Legislator To Work Day (TYLTWD). Robb first heard about TYLTWD from the director of the Developmental Disabilities Council of Wisconsin. The national organization Association for People Supporting Employment (APSE) used its template as a toolkit for other states to replicate, making Georgia one of the first states to implement TYLTWD. In October 2015, working Georgians with disabilities will invite their legislator to visit them at work. Legislators will have the opportunity to see how people with disabilities contribute to the local economy when employees give them a tour of their workplace, introduce them to co-workers and discuss why their job is important to them.

THE SKILLS I LEARNED

have also helped my
coworkers learn

NEW WAYS

of doing business.

PERSPECTIVES



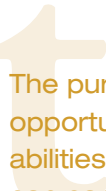
EREN NIEDERHOFFER is a 2012 graduate of Marshall University and the first individual diagnosed with autism to graduate from the university's Honor College. When not serving as a self-advocate on autism-related activities in Georgia, he works as a data-mining analyst with a financial firm in Dunwoody. Niederhoffer is also a member of the Georgia Council on Developmental Disabilities.



Eren hard at work using his computer skills at his data-mining job.

Channeling Our Abilities

By Eren Niederhoffer



The purpose of a competitive and meaningful workplace is to provide an opportunity for someone with developmental disabilities to channel their abilities and thrive in an environment where they can learn new skills that can carry over into everyday life.

The competitiveness helps the person to deal with obstacles that require them to learn new skills and knowledge – especially those involving communication and thinking outside the box. It allows them to function better outside the workplace as well – such as in social situations and daily living.

These skills were what I improved upon while working as a data analyst for a financial firm in Dunwoody, GA. It was meaningful in that my efforts are acknowledged and I am contributing to a bigger picture. An employer willing to give me a job that has positive challenges gives me the chance to improve myself. The greatest accomplishment for people with disabilities is overcoming challenges and becoming better than we were the day before.

Jobs that require learning and improvement are meaningful because they allow the person to generate productivity or value for his or her employer. I helped my firm generate cash flow that benefitted the agency, the people we do business with and, of course, myself.

The skills I learned have also helped my coworkers learn new ways of doing business – giving them a chance to learn from me as I have learned from them. The skills picked up by people with disabilities can also be used to help advance the workplace itself by allowing colleagues to learn new skills or ideas to become a more thriving place of business.

The key is having a workplace that allows people to get used to the challenges in their environment, and also provides a supportive network for accomplishments and success.

Gratitude. Opportunity. Moving outside the comfort zone. Adapting to new situations. Pushing forward. And finally, the support of those around me. I have suffered tremendous hardship since I was child because of my autism. I was supposed to be spending my life in a community home. The only jobs I would have would be terrible ones, laughable. I would spend the rest of my days in a slow repetition.

Jobs that require learning and improvement are meaningful because they allow the person to generate productivity or value for his or her employer.

But I wanted more out of life than that, and thanks to the people around me helping me to build the above-mentioned qualities, I kept surpassing people's expectations of me. I have transcended what I was before, and become an entirely new being altogether.

For the past year and a half, I have been with many different organizations and communities telling my story of how I became a self-advocate. My intent is to lead everyone into the possibilities of tomorrow by giving them two important things: the Will and the Way. When people have both, their future is already open to them.

Immeasurable Contribution

By Michael S. Kipniss, CLU, ChFC, CASL, ChSNC

I was fortunate to meet Eren Niederhoffer through a most unusual introduction.

Unbeknownst to me, at a local church job networking event in April 2013, Diane Prindle of Briggs and Associates heard my presentation describing a summer internship at my firm, the Piedmont Group of Atlanta. Prindle tracked me down after my presentation and shared with me the information about one of her clients, Eren, a recent college graduate with a finance degree who was looking for employment within the industry.

I met with Eren and the folks at Briggs numerous times over the next several months and we decided he could be a valuable asset to our firm. We brought him on to assist with case preparation and marketing, which quickly evolved in Eren managing, growing and enhancing our LinkedIn presence for a number of colleagues here and myself.

The fact that Eren had any disability was irrelevant. He wanted to work hard, and help other advisors and myself grow their practices and utilize LinkedIn marketing to add prospects and build new relationships without picking up the phone.

Needless to say, almost two years later, Eren has become an expert in this area and created hundreds of new meetings and tens of thousands of dollars in new revenue for our firm.

If I had been short sighted, I would not have moved forward with hiring Eren. He works harder than most of my full time advisors and has great attention to

detail, which helps our advisors add new contacts and clients to their practices.

To increase our commitment, I added the Chartered Special Needs Consultant (ChSNC) professional designation to my resume and have begun to work significantly with families who have members with disabilities.

The Chartered Special Needs Consultant™ provides financial professionals with the technical, collaborative and quantitative skills necessary to provide people with disabilities and their families guidance in tax deductions, healthcare issues, Medicaid complexities and the emotional aspects of providing for a family member with a disability.

Since hiring Eren, our firm's capabilities have expanded and he has added a value to our working environment that is immeasurable – professionally and personally.

Since hiring Eren, our firm's capabilities have expanded and he has added a value to our working environment that is immeasurable – professionally and personally.

I am lucky and thankful to have Eren as part of our team, and look forward to working with him for many years to come.

The fact that Eren had any **DISABILITY** was **IRRELEVANT.** He wanted to **WORK HARD**, and help other advisors and myself grow their practices.

PERSPECTIVES



MICHAEL S. KIPNISS, CLU, ChFC, CASL, ChSNC is an assistant general agent at the Piedmont Group of Atlanta.

This is about
CLARITY and
accountability to make sure
the **OUTCOMES**
ARE THE SAME
as those for people
without disabilities.

Year One of the Workforce Innovation and Opportunity Act

By Ruby Moore

This year, we not only celebrated the 25th anniversary of the Americans With Disabilities Act (ADA), but also the one-year anniversary of the Workforce Innovation and Opportunity Act (WIOA).

The law, passed in July 2014, aims to help job seekers – including those with disabilities – access the services they need to succeed in employment and match employers with skilled workers.

At the same time, people with disabilities all over the country, who work really hard every day, are in segregated places earning a subminimum wage. It is not that all people who are working are mostly in segregated settings. It is that people who are making subminimum wage are mostly in segregated settings.

The US Department of Justice (DOJ) filed a lawsuit in Oregon taking on the whole issue of the ADA regarding sheltered workshops, real wages and real work. So while WIOA is taking on competitive employment, the DOJ is addressing minimum wages and sheltered workshops.

The WIOA Advisory Committee

WIOA established the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities. It is charged with making recommendations to the Secretary of Labor to increase competitive integrated employment for people with disabilities. This committee established for WIOA's implementation includes 17 experts in disability employment and seven federal agency leaders.

Agency leaders from Social Security, Centers for Medicare and Medicaid Services (CMS), Employment and Training, Department

of Labor and Rehabilitation Services Administration are all sitting at the table with us. These people are high enough up in the food chain that they can actually say, "Now that's something we could start working on."

One of the provisions of WIOA calls for is a unified state plan across Medicaid, developmental disability agencies, the mental health agency, vocational rehabilitation and the education department.

The disability population is the only population that can be paid unfairly in this country at a subminimum wage.

WIOA's advisory committee, in the past year, has made specific recommendations for competitive employment. We published an interim report in September 2015 that included preliminary recommendations on this issue.

They concern building capacity for competitive integrated employment and specifically address transition from school to work, information on what the act means and guidance to states about how to implement it.

Additionally, the committee addressed the complexity of funding sources and regulations. When we tell states to eliminate obstacles, build a unified plan to increase employment and work with employers, it's



RUBY MOORE is the executive director of the Georgia Advocacy Office. Moore also sits on WIOA's Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

For more information on WIOA's Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, visit www.dol.gov/odep/topics/WIOA.htm

To read the 2015 Interim Report, visit www.dol.gov/odep/pdf/20150808.pdf

THERE IS A STRONG FOCUS ON YOUTH TRANSITIONING OUT OF SCHOOLS TO EMPLOYMENT.

The goal is competitive integrated employment.

helpful to provide specific guidance about how they can start the process.

There has also been stakeholder input with people coming forward and giving testimonies about what they like about WIOA, where it could be refined and which parts need more oversight.

The committee also addressed Section 14 (C) of the Fair Labor Standards Act, which allows for subminimum wages. The disability population is the only population that can be paid unfairly in this country at a subminimum wage. How do we go about monitoring any use of these subminimum wage certificates?

The committee wrote a chapter specifically on subminimum wages and how we thought they should be addressed – basically calling for them to be phased out or bringing them up to contemporary standards that provide competitive integrated employment for people with disabilities.

The States

States are required to build a transition plan because of the Home and Community Based Services settings rule that CMS put forward last year. Each state needs a plan for eliminating funding of segregated settings for people with disabilities over the next five years. Specifically, WIOA calls for at least 15% of all state vocational rehabilitation (VR) funds to provide pre-employment transition services to prepare people for post-secondary education and employment. It includes internships, trial work experiences, summer jobs and so forth – things that all kids do and so should youth with disabilities.

In Georgia, one of the projects that the Georgia Council on Developmental Disabilities (GCDD) and the Georgia Advocacy Office (GAO) have worked together on is youth transitioning from

school to work using a discovery process as part of customized employment.

Some programs have already happened in Georgia around good customized employment, discovery and transition planning. The State has been working with the Department of Community Health along with a collection of other stakeholders to eliminate workforce segregation over the next five years.

The goal is competitive integrated employment. WIOA brings some clarity – and adds a little pressure – to getting people out of segregated employment programs. If the State focuses on increasing competitive integrated employment, you're more likely to see a reduction in people in segregated employment programs. If you only focus on getting people out of segregated employment, they may wind up segregated in other kinds of day programs.

There is also a strong focus on youth transitioning out of schools to employment and articulating very clearly the roles of the school system, vocational rehab and the intended outcomes. This also diminishes the likelihood that another generation of youth is pipelined into segregated services.

The Big Picture

This is about clarity and accountability to make sure the outcomes are the same as those for people without disabilities – whether it's youth or adults with disabilities.

Accountability across agencies and the collaboration with employers is strengthened. There is also improvement of the whole workforce investment system. In the past, American job centers were called “one-stops” which weren't responsive to people with disabilities. Now the improvements are strengthening that system as well.

GCDD, GAO, Georgia Vocational Rehabilitation Agency and others are working for an executive order to make Georgia an Employment First state – and using some of the tools of WIOA could really aid that implementation.



ADVOCACY

As advocates, it is important to become familiar with WIOA. What are the primary aspects of the act; what's it focusing on in terms of transition for youth; how is it building capacity for competitive integrated employment in terms of using good, better and best practices; and what does it specifically call for so you can monitor what is going on in your state?

People who are really paying attention to youth should advocate for 15% of VR funds going to pre-employment transition services. Are kids still being referred to sheltered workshops? There are very specific steps outlined in Section 511 of WIOA that stipulates youth are supposed to be receiving transition processes that enable them to go into post-secondary education or employment.

Make sure that people with disabilities – who are required to be part of the process and need to be part of the process – are being included. And what is happening with the unified plan? Are the required agencies actually getting together? How transparent is their process? Are they getting any public input?

As we continue to enforce WIOA, we need to pay attention as advocates, and in Georgia, we want everybody to come out and advocate during the legislative session for Employment First.

“He **HATES** going to **SCHOOL** and says it feels like a prison. It’s a **VERY ISOLATING** situation.”

Department of Justice Challenges the Georgia Department of Education over GNETS Program

By H.M. Cauley

GNETS (GEORGIA NETWORK FOR EDUCATIONAL AND THERAPEUTIC SUPPORT)

The GNETS program was launched in Athens, GA in 1970. Over the years, the program has grown to include 24 regional facilities that work with about 5,000 students with behavior-related disabilities throughout the State.



GNETS STATE MAP

Source: GA Department of Education

Imagine a child heading off to school with friends, all anticipating the excitement and challenges of a new year. But upon arriving, one child is separated from their peers and sent into a remote corner in the basement of the building that has suffered from neglect. Even lunch brings no connection to familiar folks; this student eats only with others from his segregated area.

This scenario isn’t imagined for the sake of a story.

Natasha Hall’s son, Gavon, has been in a Georgia Network for Educational and Therapeutic Support (GNETS) program since the first grade. Hall is working hard to get her son, now 11, out of the program that she feels has robbed him of a normal childhood.

“He has been in the same room for five years. He doesn’t ride the same bus, isn’t included in things like the school play or other activities and his academics are completely suffering,” said Hall, whose son attends school in Cobb County.

Hall described her son as once a happy-go-lucky and perky child, but over time, whose spirit has been damaged by the segregated school he now attends.

“He hates going to school and says it feels like a prison. He has trust issues and doesn’t like adults,” she added. “It’s a very isolating situation.”

Gavon’s story isn’t unique. Instead, it is the usual school day for over 3,000 students in the GNETS program across the State.

GNETS History

GNETS dates back to 1970 when it was launched in Athens, GA. According to a 2015 US Department of Justice (DOJ) report, the facility offered, “therapeutic and educational services for students with emotional or behavioral health needs.” Two years later, the program expanded with a “network of psycho-educational centers.”

“He has been in the same room for five years. He doesn’t ride the same bus, isn’t included in things like the school play or other activities and his academics are completely suffering.”

Over the years, the program has grown to include 24 regional facilities that work with about 5,000 students with behavior-related disabilities.

The DOJ estimates that more than two-thirds of those students are part of a GNETS center in a “self-contained building,” while others are



in general education buildings – separating the students from their peers.

In 2007, the program was extended throughout Georgia’s 181 school districts.

The funding for GNETS versus neighborhood schools is vastly different. In the 2014-15 school year, more than \$70 million of state and federal funds underwrote the GNETS program, through “a line item in the state budget separate from the state’s funding of public schools,” the 2015 DOJ report pointed out.

“The State would say that a lot of the services ‘these kids’ need are available under GNETS,” said Leslie Lipson, an attorney with the Georgia Advocacy Office. Lipson has worked for over 15 years for a non-segregated school system.

“What started in Athens was an innovative model, but it has not changed in the 25 years since the Americans with Disabilities Act (ADA) and [Individuals with Disabilities Education Act (IDEA)] was passed. Since then, we also know more about education and schooling.”

IDEA was designed to protect the rights of students with disabilities by ensuring that everyone receives a free appropriate public education, regardless of ability. The ADA prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications and governmental activities. The combination of both determined the segregation in GNETS was a civil rights issue for students with disabilities.

The DOJ Investigation and Report

Almost three years ago, *The Atlanta Journal-Constitution* reported about a 13-year-old student from Hall County who was assigned to the Alpine GNETS school in Gainesville.

According to the story, the school’s personnel placed the boy in a windowless room with no furniture, no food and no water, behind a locked metal door – 19 times over 29 days in the fall of 2004. The average length of seclusion was 94 minutes.

On Nov. 15, 2004, teachers placed the student in what they called the “time-out room,”

and, although he had twice threatened suicide, they allowed him to keep a rope he was using as a belt. He used the rope to hang himself.

Upon this finding, the DOJ buried itself into a three-year investigation of the GNETS program across the State.

On July 15, 2015, a letter from the DOJ was sent to both Georgia Governor Nathan Deal and State Attorney General Sam Olens.



The combination of both the IDEA and the ADA determined the segregation in GNETS was a civil rights issue for students with disabilities.

The DOJ got many

COMPLAINTS

about

SEGREGATED SCHOOLING –

that’s what prompted the investigation that lasted two to three years.



To read the complete letter from the Department of Justice to the State of Georgia, visit bit.ly/1ixEO10

The 21-page missive includes specific findings collected by DOJ investigators who looked into how the State handles the education of students with behavior-related disabilities and intellectual and developmental disabilities. The investigation included interviews with students themselves, who reported feeling that, “school is like prison where I am in the weird class,” and who considered themselves “outcasts” from others their age in the same building.

The report also found that students in GNETS programs are often barred from engaging in the routines and activities enjoyed by the general population. Amenities such as lockers, the chance to join after-school sports and clubs or being included in the yearbook – activities the DOJ describes as “the most basic elements of a typical childhood school experience” – were not extended to GNETS students.

The problems with GNETS go well beyond merely offering a complete school experience.

The letter also outlines an “inequality of educational opportunities for students in the program,” specifically pointing to students not receiving “grade-level instruction that meets Georgia’s state standards like their peers in general education classrooms.” Many high school GNETS programs feature only computer-based instruction, often without the benefit of a special education teacher.

Faye Montgomery, an advocate based in Savannah, confirmed this finding. “Currently, there is a statewide and nationwide shortage of teachers, which includes special education teachers. This is forcing computer-

based learning and no real follow-up or accountability for these children’s education,” she said.

The ADA Violation

The letter from the DOJ also noted that the State’s management of the GNETS program “violates Title II of the ADA by unnecessarily segregating students with disabilities from their peers,” while at the same time providing “opportunities to its students that are unequal to those provided to students throughout the State who are not in the GNETS program.”

“There is no research that says segregating kids with behavior-related disorders is effective, but that’s been happening for more than 40 years.”

Title II of the ADA is a “clear and comprehensive national mandate to end discrimination against and ensure equality of opportunity for persons with disabilities.”

It also specifies that no person with a disability can be barred from “the benefits of the services, programs or activities of a public entity” – including those offered as part of an educational system.

“The DOJ got many complaints about segregated schooling – that’s what prompted the investigation that lasted two to three



We have to put up a **STRONG FIGHT** to make sure all of our children have an **EQUAL OPPORTUNITY** for a good education.

years,” explained Lipson. “They were able to detail that even when kids are in the same school, they’re segregated – they’re in a basement marked as a detention room.”

While students with disabilities are afforded the same opportunities as their peers, for those in the GNETS programs, school is a drastically different experience.

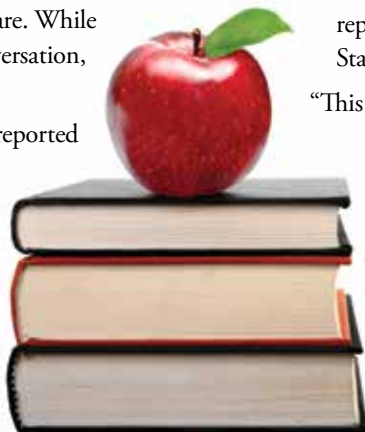
“Most kids with disabilities have access to art, physical education, foreign languages, music and science labs, while most of these segregated children do not,” said Lipson. There is no research that says segregating kids with behavior-related disorders is effective, but that’s been happening for more than 40 years.”

Hall agrees. “There are children with the same diagnosis as my son and they are in general education classes and thriving. But trying to get Gavon out of GNETS has been a tough, uphill climb.” Gavon has been diagnosed with Emotional Behavior Disorder, Attention Deficit Hyperactivity Disorder and autism.

A Call for Advocacy

While Lipson is willing to talk about the issues around GNETS, very few others are. While the State and the DOJ are in conversation, no one will comment.

Atlanta radio station WABE-FM reported that both the Attorney General’s office and the State Department of Education refused to comment “because of the pending nature of the matter,” although there had been communication with the DOJ.



But if no resolution is reached, the DOJ could sue the State for ADA violations.

“Many of these kids do not have very significant behavioral problems and could easily be included in their neighborhood schools,” added Lipson. However, moving children out of GNETS isn’t an easy task and takes a lot of advocacy.

But if no resolution is reached, the DOJ could sue the State for ADA violations.

“First and foremost, every parent with a child in an IEP has the right to request a change of placement,” said Montgomery. “Keep everything in writing, follow up and move up the chain of command. And get the right people on your side.”

Educating the public about this issue is equally important. Parents and advocates are encouraged to speak to city officials, local school districts and their representatives in the State Congress.

“This is not a small issue and change is not going to come overnight,” said Montgomery. “We have to put up a strong fight to make sure all of our children have an equal opportunity for a good education.”

THE DOJ REPORT ALSO FOUND THAT STUDENTS IN GNETS PROGRAMS ARE OFTEN BARRED FROM ENGAGING IN THE ROUTINES AND ACTIVITIES ENJOYED BY THE GENERAL POPULATION.



The Georgia Advocacy Office (GAO) is an independent, federally-mandated protection and advocacy system for people with disabilities in Georgia.

The GAO in Decatur can be reached at 404.885.1234 or online at thegao.org

The years will tally,
but we have to
REMEMBER
how we got to the
25TH YEAR
in the first place:
ADVOCACY.

ADA: Keeping the Promise

By Mark Johnson



MARK JOHNSON is the director of advocacy for the Shepherd Center, the top spinal cord & brain injury rehabilitation hospital in the nation. Johnson also serves as the national chair for The ADA Legacy Project.

Making a Difference will feature five guest columns by Johnson on the legacy of the ADA and how national and state groups are commemorating the anniversary. This is the fifth and last installment.



I took a deep breath and then a vacation. For three years, I'd been consumed by ADA25 and bringing the 25th celebration of the Americans with Disabilities Act to life. A 35-plus city tour turned into over 100 cities, 33 states and 23,000 miles with 25 strategic partners.

It was a beautiful experience and I want to thank everybody who participated.

In my first column of this series, I quoted John Kemp, who said:

"I see ADA25 as another starting point. A starting point for educating employers about the talented workers with disabilities they are leaving on the sidelines. A starting point for changing mindsets so others welcome our differences and recognize our similarities. A starting point to rally our next generation of disability rights leaders and advocates. Let's use this next year to bring attention to and acknowledge influential individuals with disabilities who are today's mentors and role models so that young people with disabilities see the extraordinary leaders that they themselves can relate to – leaders with disabilities they can aspire to become."

So, did we use ADA25 as a new starting point?

On July 26th, the National Council on Disability (NCD) presented the 2015

National Disability Policy: A Progress Report that brought to attention the work we have ahead of us for making Employment First a reality for people with disabilities.

"NCD envisions a future in which all people with disabilities are afforded the same opportunities for inclusive, competitive employment as are those without disabilities. This will require changes in discriminatory thinking, particularly in the views on the ability of people with disabilities to perform in the workplace. At present, the percentage of people with disabilities who are employed is still astonishingly low. In May 2015, only 19.8 percent of people with disabilities were participating in the labor force compared with 68.8 percent of people without disabilities. For those people with disabilities who did enter the workforce, though, the unemployment rate was at 10.1 percent, twice as high as the national average for people without disabilities at 5.1 percent. (U.S. Department of Labor Bureau of Labor Statistics 2015). These numbers



The ADA Legacy Project is working on archiving ADA25 and developing a national public relations initiative. Follow the action at adalegacy.com and facebook.com/adalegacy

Mark Johnson, national chair for The ADA Legacy Project with a fellow advocate in front of the ADA Tour Bus that traveled to over 100 cities and 33 states to celebrate the 25th anniversary of the ADA.

point to a stark employment picture for people with disabilities. For us as a nation, this is unacceptable.”

The Report also laid out a vision for the next 25 years of what disability rights should look like, what advocates should fight for and how much more work there is to do.

It focused on the ADA Generation, the youth who were born after the law’s passage and now are being called upon to advocate and fight for the next 25 years – or the 50th anniversary of the ADA.

“Although our country has made great progress in shaping practices that align with the ADA and other related legislation, much work remains to be done in order for us to realize a fully inclusive society. Although youth and young adults with disabilities were born into a post-ADA environment, far too many have not experienced the civil rights for equitable access that federal legislation was enacted to protect.

NCD’s hope for the 50-year anniversary of the ADA is that the role of the disability advocate will shift to that of advisor to policymakers, technologists, industry, educators and others who themselves are intrinsically motivated to incorporate provisions found in

disability legislation throughout their professional practices. This section outlines NCD’s vision for a society that has benefited from such practices. It reflects a national perspective by highlighting policy areas addressed in this report. NCD’s vision also extends to a global society, which aligns with the contributions that the ADA made to the development of the Convention on the Rights of People with Disabilities (CRPD).”

Our mission this past year was to preserve, educate and celebrate the ADA. But also, we wanted to bring attention to and acknowledge influential individuals with disabilities and engage youth leaders. Did we do that?

Yes, we experienced the convergence of the past, present and future.

But as we move ahead towards advocating for employment, housing, transportation and more, it is important not to drift back into our silos now that the 25th anniversary is coming to close.

The years will tally, but we have to remember how we got to the 25th year in the first place: advocacy.

Countless advocates, for over 25 years, have made a difference for the lives of people with

disabilities. And as we celebrate, we must continue the work of our pioneers for the next 25 years so we, as a community, can live in inclusive and independent communities with self-determination.

“Equally as important, it reflects the significant role of disability advocates along with state and local government officials who translate the spirit and letter of the ADA and other federal legislation into practice.”



Day One

By Pat Nobbie, PhD

What a Summer it has been! After the 25th Anniversary of the ADA we celebrated the 50th Anniversary of Medicare and Medicaid.

At the Home and Community Based Services (HCBS) conference hosted by National Association of State Units on Aging and Disability, Kathy Greenlee, the assistant secretary for the Department of Aging and administrator for the Administration for Community Living, gave the opening address on the anniversary. The law represented a sea change in policy that recognized the nation had a responsibility to provide for the health care of seniors who had worked their entire lives, as well as to provide healthcare security for children and people with disabilities. Significant systems change needed to occur between the passage of the legislation and the day the program went into effect and Asst. Secretary Greenlee asked the audience to imagine, "What was Day One like?"

I've been thinking about "Day One." We all have Day One experiences in our lives. They may not be of the magnitude of implementing a new insurance program for the entire country, but they change our personal landscapes. The day we found out our child had a disability. Day One when they started school. Day One in a new home.

Because October is National Disability Employment Awareness Month, I want to talk about a Day One experience that is fairly universal, EXCEPT perhaps for people with disabilities. I'm talking about Day One on a new job. The first day of work. Remember what that felt like? The anticipation? Nerves, excitement? Relieved perhaps if the job search had been a long one? Looking forward to your first paycheck, first

lunch in the cafeteria or neighborhood with new colleagues, first experience of success when a project was completed? Maybe even the first disappointment or failure which also contained important lessons for improvement in the future.

The Day One experience in my mind is especially poignant for high school students when they see their peers heading off to start jobs, but they get left out of this pivotal transition. Mia's first Day One in high school, though she was quite vocal in wanting a job, was being told after a lengthy evaluation and meeting that she was not ready to work -- therefore she was not eligible for employment supports. It didn't take us long to reverse that trajectory, and she has worked pretty consistently over the past 10 years.

Everyone has the right to experience their first job. With the Medicaid HCBS rules requiring that individuals be given the opportunity to work to the same extent as individuals who do not receive Medicaid, and the Workforce Innovation and Opportunity Act strengthening the process for youth exiting high school to transition to employment first instead of day services or sheltered workshops, more people can have first job "Day One" experiences. Experience has shown us that people with disabilities are consistent, reliable workers. An increase in Day One experiences will change the employment landscape for all us, not just those with disabilities.

AN
INCREASE
 IN **DAY ONE**
EXPERIENCES
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 NOT JUST THOSE
 WITH DISABILITIES.



PAT NOBBIE, PhD,
 Mia's mom

MIA'S SPACE



**EVERYONE HAS THE RIGHT TO
 EXPERIENCE THEIR FIRST JOB.**

How Disability Work is Social Justice Work

When the Society for Disability Studies (SDS) held its conference in Downtown Atlanta this past summer, it presented a strong opportunity for GCDD's Real Communities initiative to promote its mission for inclusive communities.

Real Communities partnered with the SDS to organize and facilitate a Disability and Social Justice Summit the day before the opening of the conference. The daylong gathering would intentionally bring people with and without disabilities who are active in disability advocacy and others who are involved with social justice movements.

Workshops deepened a collective understanding of how disability fits into social justice work and how other struggles for justice are intricately connected to disability justice. The four main topics of discussion were: Incarceration and Institutionalization, Food Justice, Youth Organizing and Sexuality and Reproductive Justice.

Issues like mass incarceration and its relationship to disabilities and how special education feeds the school to prison pipeline were discussed in the incarceration workshop.

Dorinda Tatum, a facilitator of one of the mass incarceration workshops, was glad this topic brought attention to the community. "It was an open conversation about how mass incarceration affects marginalized communities," she said. "There is a high population of people with disabilities in the judicial system, among other populations. People were informed of these issues, and we hope they get involved in advocacy to bring attention to it so there can be a change." Tatum is a Real Communities organizer for Georgians for Alternatives to the Death Penalty.

In the Food Justice workshop, links between food justice and disabilities demonstrated

how it could be harder for people living in poverty, including people with disabilities, to gain access to nutritious food.

An example of bridging this gap is already present in Mixed Greens, a Real Communities initiative launched in partnership with Forsyth Farmers Market in Savannah, GA. The market serves as a building block to create a means of developing a more welcoming neighborhood, as well as provide opportunities for connections and contributions for people with and without disabilities.

The idea behind this summit was to create action steps and motivate the audience to advocate for inclusive and integrated communities where these resources are not available.

"Keep doing what I am doing already; educate people, myself, friends and family. Speak up in my local grocery store," said one participant about the takeaways from the Food Justice workshop.

The Summit, a first of its kind, served as the opening to many future opportunities to explore ideas and, perhaps even more importantly, turn these concepts into action within communities to build a more inclusive Georgia.

For more information about the Disability and Social Justice Summit or to visit the notes and graphics generated at the Summit, visit: disability-and-social-justice-summit.wikia.com/wiki/Disability_and_Social_Justice_Summit_Wikia



REAL COMMUNITIES INITIATIVE

The Mixed Greens, a GCDD Real Communities initiative (pictured above), creates a more welcoming community that offers connections and contributions for people with and without disabilities.

Summit Panelists and Facilitators:

- **Plenary Panel: What is Disability Justice and Why Do We Need It?** – Panelists: Basmat Ahmed, Jess St. Louis, Leroy Moore, Akemi Nishida, Margaret Price, and a written statement from Patty Berne
- **Incarceration and Institutionalization** – Facilitators: Dorinda Tatum, Kathryn Hamoudah, Liat Ben-Moshe, Lesa Hope
- **Youth Organizing** – Facilitators: Sukie Glick, Michelle Nario-Redmond
- **Food Justice** – Facilitators: Jessica Mathis, Johnny Smith, Barry Helmey, Teri Schell, Christopher Schell
- **Sexuality and Reproductive Justice** – Facilitators: Charone Pagett, Robin Wilson-Beattie, Ryan Lee Cartwright, Bethany Stevens
- **Graphic Facilitation:** Brittany Curry

All students with disabilities

deserve a **GOOD EDUCATION** to help qualify us for the right job and pursue a **BRIGHT FUTURE.**

STRAIGHT TALK



JOSHUA WILLIAMS is a student at East Georgia State College in Swainsboro with plans to major in broadcast journalism.

I realized that I was capable of doing more than what I was being taught.

A Chance at an Equal Education

By Joshua Williams



From a young age, I was placed in a self-contained classroom due to other people's perceptions of what I could do and what my limits were being a kid with cerebral palsy and a visual impairment. Over the coming years, I faced many challenges with the schools and how they adapted to teach me.

By the time high school rolled around I realized that I was capable of doing more than what I was being taught, so I asked for the opportunity to try and achieve a regular education diploma. My parents and school were both shocked by my decision, but were willing to give it a shot. This would require me to have a full-time paraprofessional at school and Individualized Education Program (IEP) meetings every semester to make sure things were in order for me to have the best experience possible.

With each teacher and subject, I faced different obstacles such as classroom placement, extended time on tests, extra help at home and constant preparation for the next obstacle. Since I was in a self-contained classroom for all those years, I was never taught basic math, reading and writing skills. I learned from what I heard and used that to help me push through.

To achieve a regular education diploma, I would have to pass all the required classes as well as the end of course test, writing test and the Georgia High School Graduation Test (GHSGT). While I passed some of my end-of-course tests, I was unable to pass the writing and reading and math graduation test even after extensive studying over the summer and school year.

However, I refused to give up on my high school diploma so we applied for waivers for

a retest and I went back to high school for a fifth year to obtain the remaining credits.

The waivers got denied so I reapplied. At the same time, I began self-advocating and telling my story to our local representatives in hopes to bring change with the GHSGT process.

My main goal was to get my diploma so that one day I could attend college and be able to have a job.

The day before the waiver decision was made, a new law was released stating that as long as the child had passed the required courses and the end-of-course test, the student would receive their high school diploma. The GHSGT was out of the equation.

Overwhelmed with happiness I immediately set my sights on college. I applied to college and found out that more testing was to be done. I prepared all summer for the test and passed exceedingly on my second try.

I am now a full-time student at East Georgia State College with plans to be a radio broadcast journalist one day.

My experience in an isolated classroom is a story shared by many others who may not have had the opportunities or resources like I did to receive a regular high school diploma. That's why, like me, all students with disabilities deserve a good education to help qualify us for the right job and pursue a bright future.

October 2015 is the 70th Anniversary of the Observance of National Disability Employment Awareness Month (NDEAM)

October

October 14 - 15
GCDD Quarterly Meeting
Pine Mountain, GA
www.gcdd.org

October 18 - 21
Disability History Week
www.disabilityhistoryweek.org

October 21 - 22
Council on Quality and Leadership
National Conference
St. Louis, MO
www.c-q-l.org/news-and-events

October 23
Georgia Disability History Symposium:
Stories of Advocacy and Action
Athens, GA
bit.ly/1QUf8aE

October 28
Webinar: Intellectual Disability
and the Death Penalty
American Association on Intellectual &
Developmental Disabilities (AAIDD)
bit.ly/1Z4SHFE

November

November 4
Web Accessibility Training Day
National Federation of the Blind
Baltimore, MD
nfb.org/web-accessibility-day

November 10 - 13
Social Role Valorization Workshop
Athens, GA
www.fcs.uga.edu/ihdd

November 14
Superfest International Disability
Film Festival
San Francisco, CA
superfestfilm.com/superfest-2015

November 16 - 18
Association of University Centers on
Disability Annual Conference
Washington, DC
www.aucd.org/conference/

November 18 - 20
National Association for the Dually
Diagnosed Annual Conference
San Francisco, CA
thenadd.org/32nd-annual-conference/

December

December 2 - 4
TASH Annual Conference
Portland, OR
2015tashconference.sched.org

December 4 - 6
Abilities Expo
Washington, DC
www.abilities.com/dcmetro/

December 11
Vision and Rehabilitation Assistive
Technology Expo
Phoenix, AZ
vrate.org/index.php

January 2016

January 15 - 16, 2016
GCDD Quarterly Meeting
Atlanta, GA
www.gcdd.org

January 24 - 27, 2016
Georgia Winter Institute
Columbus, GA
georgiawinterinstitute.weebly.com/

2015 - 16 CALENDAR

Planning an upcoming event?

Send your information to GCDD Public Information Associate and Social Media Coordinator Jhai James at jhai.james@gcdd.ga.gov; Subject line: "Community Calendar" by Nov. 15 to be included in the calendar. Visit GCDD's expanded online community calendar to view additional local events at www.gcdd.org/calendar.



Save
the
Date!

HIGHLIGHT:
Disability Day 2016
February 18, 2016

RESOURCES

For additional information about the articles and issues in this edition of *Making a Difference* magazine, consult the following resources.

Georgia Council on Developmental Disabilities (GCDD)
www.gcdd.org
404.657.2126 or
888.275.4233 (ASK.GCDD)

State Government

Georgia Senate & House of Representatives
www.legis.state.ga.us

Georgia Governor's Office
www.gov.state.ga.us
404.656.1776

Department of Community Affairs
www.dca.ga.gov

Georgia Housing Search
www.georgiahousingsearch.org
877.428.8844

Department of Labor
www.dol.state.ga.us

General Information
www.georgia.gov

Georgia Lieutenant Governor's Office
www.ltgov.georgia.gov
404.656.5030

In The News

Statewide Independent Living Council
www.silcga.org

The Georgia Disability History Symposium: Stories of Advocacy and Action
Mat Darby, matdarby@uga.edu

The Arc of Georgia
www.thearcofgeorgia.org

Special Olympics World Games: Los Angeles 2015
www.la2015.org

Around GCDD

The ADA Celebration Continues
www.gcdd.org/ada

Bringing the ABLE Act to GA

Georgia Council on Developmental Disabilities
www.gcdd.org

My disability is one part of who I am.

At work, it's what people can do that matters.

National Disability Employment Awareness Month — Celebrating 70 Years!



OFFICE OF DISABILITY EMPLOYMENT POLICY
UNITED STATES DEPARTMENT OF LABOR
dol.gov/odep



The Stephen J. Beck, Jr. Achieving a Better Life Experience Act of 2014
www.congress.gov/bill/113th-congress/house-bill/647

A Military Wife and Family Caregiver

SD Gunner Fund
www.sdgunnerfund.com

Conquering the Employment Frontier

Employment First Georgia
www.employmentfirstgeorgia.org

Georgia Inclusive Post-Secondary Education Consortium (GAIPSE)
gaipsec.weebly.com/

Kennesaw State University
www.kennesaw.edu

Georgia Institute of Technology
www.gatech.edu

East Georgia State College
www.ega.edu

Columbus State University
www.columbusstate.edu

Year One of the Workforce Innovation and Opportunity Act

Workforce Innovation and Opportunity Act
www.dol.gov/odep/topics/WIOA.htm

2015 Interim Report
www.dol.gov/odep/pdf/20150808.pdf

Georgia Advocacy Office
www.thegao.org

Georgia Vocational Rehabilitation Agency
gvra.georgia.gov

Department of Justice Challenges the Georgia Department of Education over GNETS Program

Department of Justice versus Georgia Department of Education Letter of Finding
www.ada.gov/olmstead/documents/gnets_lof.pdf

Georgia Network for Educational and Therapeutic Support (GNETS)
bit.ly/1KHFPeX

Georgia Advocacy Office
www.thegao.org

ADA: Keeping the Promise

National Disability Policy: A Progress Report
1.usa.gov/1KHG1Lm

ADA Legacy Tour
www.adalegacy.com

Americans with Disabilities Act Pledge
www.adaanniversary.org/pledgeon

Real Communities Disability and Social Justice Summit
bit.ly/1KHG8Xm

Straight Talk

East Georgia State College CHOICE Program for Inclusive Learning
www.ega.edu/offices/student_affairs/choice



Employment First Georgia (EFG) is leading the way to make meaningful employment a first choice for people with disabilities.

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twitter.com/georgiacouncil



gcdd.org



Scan the QR code to watch GCDD's audio described and open captioned videos saluting the ADA.

Join GCDD's 2015 Celebration of the 25th Anniversary of the ADA



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MAKING **a** DIFFERENCE

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FALL 2015

HELP MAKE
THE ABLE
ACT A LAW
IN GEORGIA.

Meet with Georgia legislators at the State Capitol after a morning of advocacy training by the Georgia ABLE Coalition.

Get Involved!



Join Our
Advocacy
Team

Sign up for GCDD Advocacy
Action Alerts at gcdd.org

Join us at the ABLE Act
Advocacy Day in 2016!

