

Michigan Developmental Disabilities Council's

LEGISLATIVE DAY 2010 TALKING POINTS



Our Community Includes Everyone



Michigan Developmental
Disabilities Council



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The Issue: Michigan's Budget

The state has made very large cuts to services. These cuts have been felt in many areas of the state budget. Michigan is facing an even larger budget deficit in 2010 through 2011. The economy continues to decline. The housing market is in trouble, and foreclosures are on the rise.



Michigan is one of the hardest hit states with the highest unemployment rate. There are rising numbers of citizens (and families) relying on Medicaid, food stamps, and other forms of public assistance. The budget deficit for 2011 is estimated to be over 2.4 billion dollars. This means there will be even more cuts to education, police and fire departments, health care and other human services.

Temporary solutions such as economic stimulus money are “one-time” fixes. We need a lasting solution to Michigan’s budget crisis. Michigan can’t continue to “cut” our way out of this situation. When Legislators make decisions about the budget, the health and welfare of people with disabilities need to be a high priority.

ACTION NEEDED on Michigan's Budget

Tell your legislators to:

- prioritize health and other essential services so people with disabilities, seniors, and low-income people get needed services
- include people with disabilities in the decision making process for policies that affect them
- make sure there is equal coverage for both mental and physical conditions in health insurance
 - Treatment and prevention for substance abuse and mental illness is important.

- It will lead to more efficient use of the corrections and health care systems.
- make government more efficient and coordinated to make the best use of government funds
- look for long-term solutions to Michigan's deficit, such as closing tax "loopholes," creating a graduated income tax, and finding new ways to bring more funds into Michigan

The Issue: Anti-bias or Hate Crimes

A hate crime is a crime in which a person picks a victim because of an actual or perceived trait of the person.



Hate crimes attack the rights and freedoms of individuals. They put the safety of minorities in danger. These crimes are meant to hurt and intimidate because of race, ethnicity, sexual orientation, religion, national origin or disability.

In April 2009 a new bill added protection for "sexual orientation, gender identity or expression of gender" and "disability".

The change that is being proposed to current law is an amendment, not a new law.

- The proposed amendment to the Act would add protections based on sexual orientation and to persons with disabilities who are victims of hate crime. It would also help law enforcement use this law more often.
- If passed, it would allow the penalty for hate crimes to be served one at a time for each crime. Currently the two penalties are served together.

It is a hate crime if the person is targeted because of their disability, or the attacker uses degrading statements about the person's disability while committing the crime. The number of reported hate crimes against people with disabilities is low, while the number of crimes committed against them is very high.

People may not report disability-based hate crimes because they

are often mislabeled as "abuse" and are dealt with through counseling as opposed to criminal prosecution.

The four most common type of offenders against people with disabilities are disability service providers, acquaintances, neighbors, family members, and other people with disabilities. Two-thirds of the offenders met their victims through a disability service.

Personal Stories

When the Macomb-Oakland Regional Center (MORC) attempted to open a group home in suburban Detroit, neighbors waged a campaign to prevent it from opening. Neighbors sent out letters warning that the neighborhood would no longer be safe and property values would fall if the group home were to open. Included in their mailings was a newspaper article about a resident of a group home who had raped a nine-year old girl. When the pressure failed to stop MORC from opening the home, the neighbors pooled their money and bought the home out from under MORC to prevent the group home from moving in.

In 2002 a man was verbally assaulted while walking his dog. The man, who uses a wheelchair and has a service dog, was on his way from work to his nearby apartment when a woman from a neighboring apartment building told him to "get his dog off her property," called him a "cripple!" and stated, "God punished you, and I hope he punishes you some more. People like you should be in nursing homes." The woman believed the dog defecated on the property, which it didn't. When he called the police to file a complaint about the verbal assault, the officer he spoke with told him that using hateful words against a person with disabilities is not a crime. The officer instead lectured him on letting his dog defecate on the property and warned that he would be taken to the station in handcuffs if it happened again.

Action Needed on Hate Crimes

Tell legislators to:

- support hate crime legislation

- fight hate crimes and provide safety and security for all people
- tell them if you have ever been the victim of a hate crime

The Issue: Assistive Technology

Assistive technology (AT) is any kind of technology that is used to improve the functional independence of a person with a disability. However, it is sometimes hard to find resources and funding for AT.



The Individuals with Disabilities

Education Act says that students are entitled to any AT services that are necessary for them to benefit from a public education. If a child's Individualized Education Program involves AT, the school must provide it. Medicaid and Medicare, as well as some private insurance companies, will cover some costs of AT. However, Medicaid and Medicare will only help pay for AT if it is needed for medical purposes. You may need a doctor's prescription to show that your AT is for medical use.

Assistive technology can be mobility devices such as walkers and wheelchairs. It can also be hardware, software, or visual devices that help with using computers or other technologies. AT also:

- allows an individual to perform functions that wouldn't otherwise be possible
- increases the ability to complete tasks that otherwise would be too difficult to do
- allows an individual to better concentrate on learning or employment tasks
- provides greater access to information
- supports social interactions with peers and adults
- supports participation in the least restrictive educational environment

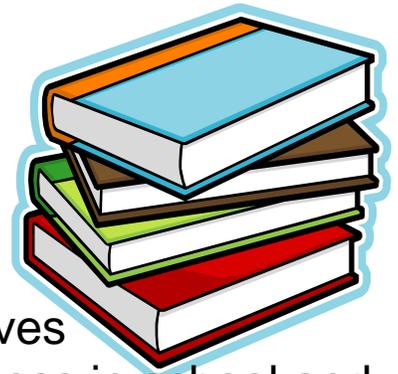
ACTION NEEDED on Assistive Technology

Tell your legislators to:

- support state-based funding programs to help with the cost of AT (example, the Assistive Technology Loan Program)
- protect and improve Medicaid and Medicare coverage of AT
- improve the appeal process for individuals who are not found eligible for AT
- ensure that employers provide AT for employees with known disabilities
- understand the importance of AT, and how it benefits people with disabilities in their everyday lives
- hear your personal story of how AT has improved your life or how it could improve your life if you had it

The Issue: Education

Too many students with disabilities are kept out of the general education classroom. We believe that Universal Education, educating all students, all together, all the time gives students with disabilities the best chance for success in school and life. However, fewer than 6 out of 10 school-aged students with disabilities attend school in a regular education classroom. Even worse, fewer than 4 out of 10 preschoolers with disabilities attend a regular preschool.



Students who receive special education services may have other problems. Too few students with disabilities succeed after high school. Students who receive special education services drop out twice as often as other students, and are less likely to graduate from high school. Too few parents, families, and schools work together. Schools can do more to welcome and involve parents and families. Early planning must occur to help students prepare for a successful life after school. Increasing family involvement improves student attendance, achievement, behavior, and positive attitudes. This gives students the best chance for success in school and life.

Personal Story

Our daughter has attended our local school district since she began school in kindergarten. Fourth grade is a big transition year as the students switch classes and have four different teachers. We knew this was going to be a new challenge in addressing her needs. The school was pushing strongly that being included in the regular education setting was not the best placement, but rather a self-contained, cognitively impaired classroom in another district!

It was very difficult facing resistance from the school. We were, however, fortunate to have support from many others; including teachers, family, friends, the Michigan Alliance, and Michigan Protection

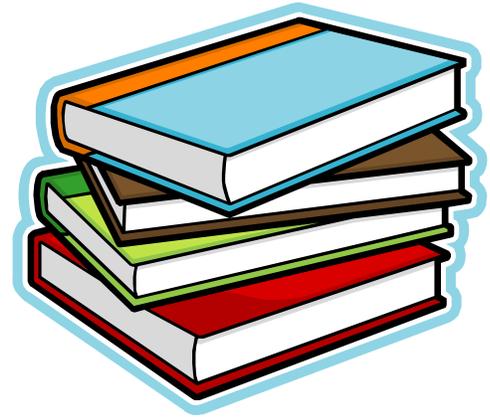
and Advocacy Services. We probably would not have been able to overcome such resistance without their support and encouragement that this could be done! Our daughter is now in fourth grade in her neighborhood school. Two consultants have observed our daughter in the school setting and met with staff. With on-going training and support for the teachers we have no doubt that with appropriate accommodations she will continue to thrive...right where she belongs!

ACTION NEEDED on Education

Tell your legislators:

- if you did not have a chance to learn with other students or to pursue a career
- to support Universal Education, beginning with early childhood education programs
- give students with disabilities more chances to graduate and fewer chances to drop out
- how their school can include parents and families in solving these problems

The Issue: Education: Seclusion and Restraint



In 2003, two students living in Michigan died while being physically restrained by public school officials. In 2006, Michigan's State Board of Education passed a voluntary policy limiting the use of restraint and seclusion in schools. The policy does not go far enough because it does not require schools to do anything. Michigan schools continue to be the last place where restraint and seclusion are not controlled.

In 2009, the U.S. Secretary of Education urged each state to “review its current policies *to ensure every student is safe and protected.*” Many groups as well as the government have urged lawmakers to pass laws limiting the use of restraint and seclusion in schools. These groups represent health care providers, educators, parents, and advocates.

Michigan lawmakers should adopt a mandatory policy which applies to all students. The policy should ban seclusion and limit the use of force. The policy should get rid of dangerous practices and require public reporting of any incidents of seclusion or restraint. It should encourage staff training and use school-wide positive behavior support methods.

Personal Stories

- “Emily”, a 7-year-old girl with emotional impairment, was shut in a room from 25 minutes to 5 hours per day for non-compliant behavior such as being too loud and not paying attention. She would take off all of her clothes to avoid wetting them when she had to urinate in the room because no bathroom was made available.

- “Carl” is a 10 year old with autism. His school has a time out room available for him to use for respite if needed. This room has now become part of his nightmares as he has been forced into this room and restrained in a chair multiple times.
- “Schuyler” is a 14-year-old boy with a variety of disabilities including Asperger’s syndrome, ADHD, depression and anxiety. He was often secluded in a tiny concrete room with a locked door, sometimes with staff present, and was also restrained. One time while being restrained he was pushed into a wall so hard his foot went through it; after that, he was restrained face down on the floor with his hands behind his back.

ACTION NEEDED on Education

Tell your legislators:

- your personal story of seclusion or restraint
- restraint and seclusion in public schools is dangerous and requires regulation
- Michigan’s voluntary policy isn’t working and mandatory changes are needed

The Issue: Employment

Michigan has the highest unemployment rate in the country. People with disabilities are more often unemployed because of:



- A belief that people with disabilities are undesirable employees who need too much support to make it worth hiring them.
- Discrimination by employers
- The fear that working will disqualify people with disabilities for benefits they need to survive, such as Medicaid and SSI
- Job training agencies don't offer enough services
- The fact that people with disabilities are not often expected to work

It is important to build partnerships with business leaders to educate them about the benefits of hiring workers with disabilities. Disability advocates are doing this right now. This can lead to a higher demand for workers with disabilities. There are incentives for employers who recruit, hire, and train workers who have a disability. There are other resources available for interested employers as well.

Personal Story

A non-profit association recruited Bill, who has a disability, to work for them. Bill is a good communicator and has experience in building positive relationships with groups. Bill's employer wants to help build connections between people with disabilities and neighborhood and community based groups. Bill's life experience and skills made him the ideal person for the job.

ACTION NEEDED on Employment

Tell your legislators to:

- increase the number of people with disabilities employed by state and local governments
- remove barriers that people who receive public benefits (such as Medicaid, Social Security, and SSI) have when it comes to working
- make Michigan's network of One Stop Employment Centers (MI Works!) more accessible for people with disabilities
- continue funding the "Disability Navigator" Program
- include career preparation in school programs for all children, including children with disabilities, this prepares them for college and higher education
- strengthen the high school transition process so that graduates are prepared for adult life and jobs
- explore new partnerships such as the Business Leadership Network
- support new career options such as "Project Search" that allow people with disabilities to earn competitive wages
- assure that the employment supports people with disabilities need have enough funding. (examples, personal assistance, transportation, assistive technology, etc)

The Issue: Family Support

Family support is services that:

- improve the family's ability to care for their son or daughter in the family home
- enhance the quality of the family's life
- support the family in helping their family member achieve independence and choice using a person-centered plan
- help families with the transition process into adulthood



Family support can be respite services or financial help, such as the Family Support Subsidy. It can also be other help that supports the family. These supports and services are important. They strengthen the parent's role as the primary caregiver for minor children. Without these services, some families cannot take care of their children the way they need to. Family support keeps children in their home where they belong.

Cuts in the General Fund to the Community Mental Health Services Programs (CMHSP) are harming family support services. They are causing the decrease or removal of some services. Families and children who do not receive Medicaid rely on these services.

ACTION NEEDED on Family Support

Tell your legislator to:

- protect the General Fund dollars at the Community Mental Health level
- support legislation to improve pay and benefits of caregivers. Benefits include health and dental insurance

- learn about how quality family support services can improve independence and self-determination for both children and adults
- learn how family support services greatly improve community participation

The Issue: Health

Medicaid is a needed health insurance program for many people with disabilities. Medicaid cuts hurt us and deny us important services. Medicaid's spending per person has grown at a slower rate than any other health insurance.



Personal Stories

Medicaid Dental

For many years we could not find a dentist who accepted Medicaid to serve my brother, who has a significant disability. His oral health deteriorated. He developed a serious oral infection as well as other life-threatening health problems, which resulted in hospitalization. His teeth were so bad, the doctors were afraid he would swallow one and choke so they pulled all of his teeth. Now that he's recovered from that "near death" emergency situation, he has no teeth. Medicaid no longer covers the cost of dentures for him. At this point, his nutrition is suffering by the limited number of foods he can eat without teeth.

Medicaid Specialists

I have multiple disabilities. I cannot find the specialist doctors I need who accept Medicaid, because the reimbursement rate is too low. This problem is made worse because doctors need to spend more time with me because of my chronic, severe and multiple disabilities. My health is deteriorating because I cannot get the care I need. Sometimes I have to be admitted to the hospital just to see the specialists I require. Cutting provider reimbursement rates reduces my access to doctors and increases Medicaid's overall expense because I end up in the hospital.

Mental Health Services

Mental health conditions need to be treated just as seriously as physical ailments. One night one of us wanted to die in order to end the pain caused by fear from scary hallucinations. Together we attempted to find help through our local mental health agency. They could not provide help because of lack of capacity and funding.

ACTION NEEDED on Health

Tell your legislator:

- how Medicaid helps you live your life with Home Help, MI CHOICE, prescription medications, assistive technology, mental health services, etc.
- about problems that keep you from getting the health services you need.
- it is hard to find a doctor or other health provider who accepts Medicaid
- low reimbursement rates make it hard and sometimes impossible to find providers
- to reduce or eliminate Medicaid co-pays so you can afford medication and other health services you need
- to make sure that affordable, accessible, timely transportation is available to take you to medical appointments
- to remove the barriers that keep many health providers from taking Medicaid (excessive paperwork, low reimbursement), so you can get and stay as healthy as possible
- to assure that adequate mental health services are accessible
- to restore so called “optional” Medicaid services such as dental, podiatry, vision, etc. Without them you are at greater risk of even more preventable disabilities, illness, or even death

The Issue: Housing



We want the same kinds of choices that others have. We don't often have real choices about where or how we live.

Without suitable housing and in-home supports, too many of us end up in nursing homes. Keeping us in nursing homes costs a lot more than helping us live the way we want to live.

Two basic problems limit our choices:

- there is not enough safe, accessible housing that we can afford
- we cannot rely on getting the supports we need to live on our own

Personal Story

I live in the city and it was not easy to find housing that meets my needs. I was thrilled to find a place that fit all of my requirements. It is in a quiet area and close to a bus stop. More crucial, it is accessible by my motorized wheelchair. It is affordable, even on my very limited income. The apartment is in a subsidized public housing project for senior citizens and people with disabilities.

In most ways, I'm happy with my apartment. I live on my own and take part in volunteer work and social activities. However, most of my neighbors are senior citizens. I have few chances to meet and socialize with people my own age. My elderly neighbors take an interest in my life, but they monitor my coming and going so much that it sometimes embarrasses me. As I leave the building they may even remind me that I need a hat! Some ask where I am going and comment on how late I got in the night before.

I value my neighbors' interest, but often feel that I still live under parental supervision. I would like to see public housing fund "scattered site" accessible, affordable homes. That way, seniors, people with disabilities and low-income families could live among other people, not in segregated housing.

ACTION NEEDED on Housing

Tell your legislators to:

- Increase the amount of safe, accessible housing that we can afford. We need:
 - Full funding of the Michigan Housing and Community Development Fund, and a commitment by the trust fund to build everything according to universal design principles
 - Effective implementation and enforcement of the Michigan Inclusive Home Design Act (PA 182)
 - People with disabilities to have priority for getting Section 8 vouchers and other housing subsidies
- Assure that we can get the supports that will help us live independently, we need
 - More funding for programs like Medicaid's Home Help program
 - Medicaid rules that favor living at home, not moving into nursing homes

The Issue: Long-term Care

Long-term Care is supports and services that people need to live. They can be nursing assistance, personal care, home help, meals and housekeeping. Many persons with disabilities rely on Long-term Care services. Community living may be cheaper in some cases and is preferred by most persons with disabilities over institutional care. At this time, policymakers limit funding for community living in favor of nursing homes.



There is a successful state project focused on helping people who want to stay in their homes find the supports and services they need. It is called nursing facility diversion. Another project, the transition project, tries to get residents of nursing homes out as quickly as their rehabilitation is complete. Most seniors and persons with disabilities prefer to live in their own homes.

ACTION NEEDED on Long-term Care

Tell your legislators to:

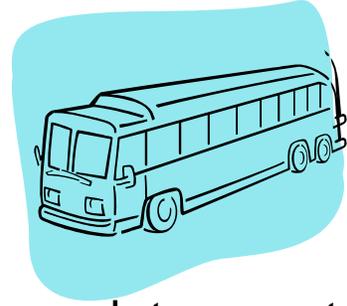
- put community care and nursing homes in the same long-term care part of the state budget so there is flexibility in funding
- shift more funding from nursing homes and adult foster care to the community. This allows consumer choice, such as the MI Choice Waiver and the Home Help Programs
- make sure that direct care workers are paid well so that we can hire someone well qualified
- increase funding for the State Long Term Care Ombudsman Program to cover home care
- support legislation to protect long term care consumers from caregivers who exploit or abuse them
- work to change policies and practices so that people can return to their homes after nursing home care

- make sure people who receive Medicaid are allowed to use the housing allowance as the policy permits, so their homes are available for them to return to after a nursing home stay

The Issue: Transportation

Accessible, affordable, and reliable transportation that is available 24/7 keeps Michigan's economy alive.

Michigan's transportation system moves people, goods, and services. There are not enough transportation services available to meet people's needs.



Transportation is a critical issue in Michigan. More people than ever are unemployed and rely on public transportation. Other people use it as a way to live a "greener" life. Public transportation helps save natural resources and helps the environment.

Michigan's current economy and our high unemployment rate have created the highest demand ever for public transit. Michigan needs to meet the needs of its citizens in 2010.

Personal Story

In today's world, education means a better paying job. For many of us we need transportation to get to school, doctor's appointments, grocery stores, do laundry, etc.

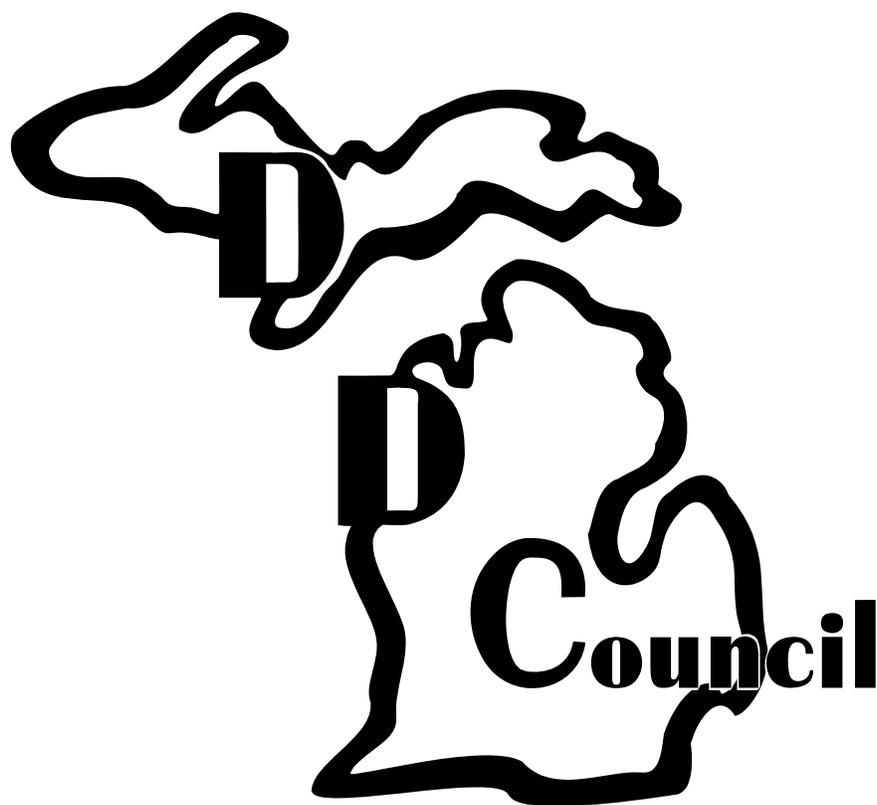
Many of us live in outlying areas with no bus routes close by. A number of us are using wheelchairs-scooters to get around. Many of us can't afford a vehicle and its upkeep. Therefore, we need some help keeping our transportation alive.

ACTION NEEDED on Transportation

Tell your legislators to:

- include more public transit options in transportation planning statewide. (examples, volunteer drivers and voucher programs)
- make transportation funding a priority in Michigan

- transportation is both an economic development asset and a civil rights issue
- consider a new statewide ADA certification process for persons with disabilities who wish to use para-transit. Include people with hidden disabilities
- support local Complete Streets legislation to make all of Michigan accessible for all citizens



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