



# NYSILC NEWS BRIEFS

The New York State Independent Living Council (NYSILC) is a champion of systemic change promoting opportunities and full participation in all aspects of society for people with disabilities.

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## ADAPT Action Report

By Martina Robinson

*\*These are excerpts from an ADAPT blog that reports on some recent advocacy efforts towards enforcing the Olmstead decision that ADAPTERS have undertaken in Washington, DC as part of their "Spring National Action Week"*

Today, ADAPT members departed the hotel at 8:57, 3 minutes ahead of schedule, a minor miracle if you're trying to move 500+ mostly wheelchair-using people. ADAPT's first stop was the Department of Justice (DOJ). The group has been advocating for the DOJ to further enforce the Supreme Court's Olmstead decision which said that people with disabilities have the right to receive services in the least restrictive setting that is safely possible for them. With all the cuts to optional services such as homecare, the Olmstead decision might be law, but it's lacking enforcement. Only nursing homes are mandated entitlement. Everyone who is Medicaid eligible and wants to go into a nursing home can do so with no wait.



Waiting lists for community services, however, may be as long as 2 years in some places.

This morning, wet activists chanted "DOJ, do your Job!" as the rain soaked them. After getting a guaranteed meeting with the DOJ scheduled for Wednesday at 4pm at the Holiday Inn capitol where the group is staying, marchers left and went to their next target.

A stop for lunch provided by McDonald's was somewhat of an interesting experience as the park the group stopped in only had Port-A-Johns and the wheelchair ones were padlocked. After a phone call from the Port-A-John maker who told ADAPT's leadership that he did not authorize the locking and was not in charge of it, wheelchair using ADAPT members simply overtook the bathroom in the Air and Space museum which was across the street.

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Following lunch, ADAPT targeted the National Governors Association (NGA). This is the organization every state governor belongs to and it thusly has a lot of power. ADAPT has been trying to negotiate with them for years. The site of 500 activists sitting outside in their courtyard only being barred from entering the building by uniformed Capitol police and a commitment to non-violence must have finally inspired them to do something. The NGA agreed to meet with ADAPT's leadership within 10 days to discuss including community-based services in their best practice model which many states emulate.

Tomorrow is another long day for the 500+ activists gathered here. More rain is expected, but somehow I don't think rain will deter these people ♦

### **Celebrating 20<sup>th</sup> Anniversary of the ADA: Spirit of the ADA Campaign**

*By Patty Black*

On February 23, 2010, a press event was held in Washington, DC, at the Capitol to commemorate the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act. The event was not only a celebration of this important anniversary, but also a time to remember the work that is still needed in order for disability advocates to bring equal opportunity, independent living and complete participation to all people with disabilities. The Justice For All Action Network (JFAAN) took this time to announce its legislative agenda for the 2010 congressional session with its Spirit of the ADA Campaign.

The event included several prominent disability rights leaders including Tony Coelho, who was the main author and sponsor of the ADA. He thanked the members of the JFAAN steering committee organizations for their tremendous efforts. This group included a number of diverse disability organizations including: ADAPT, the American Association of People with Disabilities (AAPD), the American Council of the Blind (ACB),

the Autistic Self Advocacy Network (ASAN) and several other major disability rights groups.

The event also included Senator Tom Harkin, House Majority Leader Steny Hoyer and Representative Cathy McMorris Rodgers. Congressman Hoyer spoke about how the ADA was originally intended to bring about broader participation in all areas of society for people with disabilities. He mentioned that the celebration of the event was not meant as an opportunity to congratulate themselves on all their hard work and efforts over the last 20 years, but to remember there is still much work to be done. In that spirit, he pointed out that he and Representative McMorris Rodgers were contacting all committee chairs and ranking members of the ADA implementation oversight hearings to determine how well all the laws were working and to examine the nature of the many problems that still exist in the disability community.

Senator Harkin, who is a longtime disability activist, spoke about the progress in the legislative agenda over the past 20 years. He pointed out two current agenda items in the Spirit of the ADA Campaign: the passage of national health care reform and ending once and for all the institutional bias in Medicaid. He also spoke on the major importance of securing the Community Choice Option in the health reform package (which thankfully was included in the Reform package). He also thanked JFAAN for its hard work and tireless efforts, and stressed the powerful message of people with disabilities saying and doing the work that needed to be done to make their voices heard.

The afternoon ended with remarks from Tony Coelho, where he emphasized that the people were there that day to join together to build upon the progress made over the last 20 years. He concluded by pointing out that these activists would continue fighting to eradicate barriers to the human and civil rights of all people with disabilities ♦

## **NYSILC Council Member Elected Chairwoman of the Board of CDTA; Instrumental in Gaining Full Eligibility for STAR Users**

*By Patty Black*

Congratulations to our council member Denise Figueroa, Executive Director of the Independent Living Center of the Hudson Valley. Denise was recently elected as chairwoman of the Capital District Transportation Authority (CDTA). She represents Albany County on the board, and had previously served as a member of their board. During that time, she had also been a key figure (along with other local disability advocates) in gaining a recent major improvement in CDTA's Para transit service, STAR (Special Transportation Available by Request). Users of the STAR service will no longer be bound by what is known as "conditional eligibility" for the services. These conditional requirements severely limited the flexibility and availability of accessible transportation depending on various conditions, including unpredictable weather and how close riders were to a fixed route bus stop. It is a huge victory for disability advocates and STAR users that they will now have complete eligibility or seasonal eligibility, which would limit STAR service for the winter season.

The previous conditional requirement placed too many "conditions" that a rider had to meet in order to qualify for the transit services they needed. Some examples would be a person being denied right to ride the STAR due to being within blocks of a regular bus stop, but the fact that person might have to make a transfer would be ignored. Also, someone who met the requirements of needing it on a rainy day would try to make a reservation a week in advance and would have problems with that since nobody could predict if it might indeed rain a week later. Denise and the disability advocacy community had stressed that there were too many conditions on STAR

users, and it had become impossible for bus dispatchers to determine if the trip was eligible or not. Although controversial, the liberalization of eligibility requirements is a great success for the disability community and will also be helpful to CDTA staffers.

Finally, disability advocates are hopeful that these new guidelines will be adopted in other areas of the state. For example, the New York City Mass Transit Authority still has a conditional eligibility requirement for its users who need Para transit services ♦

## **The TBI and Military Veterans Services Project**

Since recent statistics indicate that *one in five* American troops are returning from Iraq and Afghanistan with symptoms of brain injury, the Brain Injury Association of NYS (BIANYS) is working with individuals and agencies across the State to build awareness about war-related TBIs and their tremendous impact on returning troops. BIANYS and the NYS Department of Health have collaborated on this important effort to raise awareness of this major issue. They now provide training and outreach to encourage collaboration within the network of TBI service providers, veterans' organizations and the community. BIANYS has put together a moving documentary, **Beyond the Invisible**, that highlights the experiences of three Iraqi veterans who share what it is like to live with a TBI. Free copies of this film are available upon request. For more information contact BIANYS at [www.bianys.org](http://www.bianys.org) ♦

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