

Exchange

A quarterly newsletter of Michigan Protection and Advocacy Service, Inc. (MPAS)
Winter 2011

Candidate Forum Draws Crowd

By Rhonda, Government and Media Relations

Candidates vying for elected office in Clinton, Eaton, and Ingham Counties met to provide information and answer questions at the Peckham facility on Capital City Boulevard, October 21, 2010.

Over 150 Peckham workers and representatives from disability advocacy groups attended the candidate forum in Lansing cosponsored by Michigan Protection and Advocacy Service (MPAS) and Peckham.

The event kicked off with an informal “meet and greet” session where guests could personally meet and have their pictures taken with the candidate of their choice. Following welcoming words from Peckham Executive Director Mitch Tomlinson and MPAS Executive Director Elmer L. Cerano, candidates were invited to take the stage and briefly speak about themselves and why they were seeking elected office.

Many of the candidates spoke about the state’s challenging economic environment and how, if elected, they would concentrate their efforts on Michigan’s financial, employment, and education outlook.

Senator Gretchen Witmer (D-23) from East Lansing stated her view succinctly by saying, “It’s all about jobs.”

Representative Joan Bauer (D-68) agreed saying that the most important priorities for Michigan are jobs and education.

As a parent of a child with a disability, Senate Candidate Chuck Fellows, (D-22) said that he supports giving all children a head start through early education. “People have learning differences – not disabilities,” he said.

Mark Hunsaker represented Bill Schuette, the Republican nominee for attorney general. He said if elected as the state’s top law enforcement officer, Mr. Schuette would address public corruption, advocate transparency in tax spending, and prosecute fraud and waste.

Following the presentations, guests asked candidates questions on topics ranging from future job opportunities to protecting Social Security. Candidates later expressed their appreciation to attendees and commented that the forum was one of the best attended public forums they had been invited to this year.

Candidates (or candidate’s representative) attending the forum were:

Neal Barncard (R),

Ingham County Commissioner, 1st District

State Representative **Joan Bauer** (D),

68th Congressional District

Candidate **Lance Enderle** (D),

8th Congressional District

Candidate **Chuck Fellows** (D),

22nd Senate District

Fred Fry, representing

Theresa Abed (D), 71st Congressional District

Mark Hunsaker, representing

Bill Schuette (R), Attorney General

David Irons (R) Ingham County Commissioner, 3rd District

Brian Mishler (R), Ingham County Commissioner, 8th District

Trevor Pittsley, representing Congressman Mike Rogers (R),

8th Congressional District

Matt Sowash, representing Candidate Deb Shaughnessy (R),

71st Congressional District

Nate Triplett, representing Jocelyn Benson (D), Secretary of State
Senator **Gretchen Whitmer** (D), 23rd Senate District

MPAS Partners with Election Officials to Improve Access to the Polls on Election Day

An initial study by Michigan Protection and Advocacy Service (MPAS) found that 22% of Michigan's 3,600 polling places were not fully ADA compliant. However, after working with state and local officials, Michigan's accessibility rate is expected to rise to nearly 90 percent – one of the highest in the nation.

Through an innovative partnership, MPAS, the Department of State, and local election officials worked to ensure that all Michigan polls were fully accessible to people with disabilities by the November 2, 2010 general election.

“Having the ability to cast a vote at your local polling place is a basic right,” said MPAS Executive Director Elmer L. Cerano. “By removing barriers and continuing to make sure all locations are accessible, we succeed in leveling the playing field for all voters – with or without disabilities.”

MPAS staff visited over 3,400 polling places and performed hands-on assessments to determine whether each Michigan location met the accessibility requirements specified in the Help America Vote Act of 2002.

MPAS found over 800 polling places had physical barriers that might present difficulties to voters with disabilities on Election Day. To assist in remedying the problems before Election Day, MPAS sent letters, along with pictures of each polling location to the respective municipality, alerting them to the issues identified during the site assessment.

So far, municipalities representing nearly 600 of these polling places have indicated they addressed the concerns or are in the process of doing so. Once MPAS verifies these polling places have removed the identified barriers, it is estimated that Michigan's accessibility rate will rise to nearly 90 percent.

In addition to MPAS' efforts, the Michigan Bureau of Elections (BOE) has played a vital role in following up with clerks whose polling places are not fully accessible in order to determine the jurisdiction's planned course of action.

The BOE coordinates and has extended Michigan's polling place improvement grant well into the fall to assist municipalities in removing barriers to voting. Local election officials have an option of upgrading with or without grant funds or designating another site that is already accessible. The BOE reports they have seen a large increase in the number of municipalities applying for grant money.

“I applaud the many communities that have taken advantage of this grant program,” said Terri Lynn Land, Michigan's chief election officer. “It provides critical support for accessibility improvement projects at a time when resources are scarce. I look forward to continuing this partnership with MPAS so that other communities are aware of this option. Every voter who wishes to cast a ballot in his or her polling place should have that opportunity. We're committed to making that a reality in Michigan.”

FROM THE EXECUTIVE DIRECTOR The Debate on Deviated Wages Continues

There is a nationwide debate as to whether or not employers should be allowed to continue to pay a deviated (reduced) wage to people who produce at a rate below the average.

Let me explain. Back in the 1930s, in an effort to allow military veterans with disabilities to find work, the government encouraged employers to pay a minimum wage that was reduced to match the levels of productivity of the worker. In other words, if the employee produced at 70 percent of the rate of the employee without a disability, they would earn 70 percent of the minimum wage.

Sounds like a relatively decent plan to allow people to work to their levels of capacity while not placing an unrealistic financial burden on the employer.

Over the years, this well-intentioned plan took some unfortunate turns.

Some unscrupulous employers doctored time studies and exploited the work and talents of people with disabilities. In other situations employees with disabilities purposely held back on their work hours, productivity and earnings in fear of losing government benefits such as Medicaid, Social Security and others.

So now comes the debate. In part, to reduce the risk of exploitation, should the deviated wage provision be eliminated, and should all employers be required to pay all of their employees at least the minimum wage,

irrespective of the level of productivity?

Proponents say that the deviated wage has been and is still being abused and people with disabilities are paid less than the legal minimum wage. Everyone who has a job should be paid at least the legally required minimum wage irrespective of their levels of productivity. People with disabilities are singled out and, overall, they are paid less than people without disabilities.

Opponents of the elimination of the deviated wage provision agree that exploitation and unfair labor practices must stop; however, eliminating the employer's ability to pay at a rate equal to the level of productivity will force employers to simply not hire people with disabilities.

The solution is, (or perhaps the solutions are) complex. A too simplistic remedy may simply discourage employers from hiring or retaining people who, due to their disability, have lower rates of productivity than their coworkers without disabilities.

The obvious best option is to assist people with disabilities, through creative job carving and the application of modern technologies, to find work where their productivity can be maximized and their earnings commensurate with this increased level of productivity. Level the playing field by increasing the productivity of the employee with a disability.

To do this, however, we need to change the job expectations for students with disabilities and we need to move beyond food, filth, and flowers when we think of good paying job opportunities for people with disabilities.

While we creatively increase productivity, we must also keep an eye on what kind of job opportunities the future will hold for everyone, not just for people with disabilities. If we fail to recognize the rapidly changing nature of work, twenty years will pass and, once again, people with disabilities will be left out of the labor force.

It is currently projected that by 2016, Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) will cost the American taxpayer over a trillion dollars each year. It appears that the only way to derail this tsunami will be to enable people with disabilities to work, earn a decent wage, and retain their assets.

We need to think beyond our traditional framework if we are to adequately address the issues around employment for people with disabilities. Perhaps there is another approach that might work – one that creates new incentives for the private employer to hire more people with disabilities in a fully integrated community work environment while, at the same time, assuring at least a minimum wage.

Here is an idea that is currently being studied by the Nish Institute on Economic Empowerment for People with Limited Productivity.

First: LEGITIMATELY calculate the true productivity of the employee on a job that has been appropriately carved to match their abilities.

Second: Allow the employer to pay at least minimum wage – adjusted for the employee's actual productivity (yes, allow for a verifiable deviated wage).

Third: – and this is the cool part –

Allow the employee to file an Earned Income Tax Credit to make up the difference between what the employee actually earned and what should have been earned if the employee were producing at the rate of nondisabled employees.

This way:

- The employer is not forced to pay full wages for reduced productivity.
- The Federal Treasury, not the employer, makes up the difference between earned wages and the minimum wage.
- Earned Income Tax Credits are already available – but perhaps not to the degree necessary to make this work.
- The Federal Treasury reduces its cost for government benefits by allowing the person with a disability to earn money and offset their dependency on government benefits.
- The person with a disability is not at risk of losing their job due to low productivity and high cost to the private employer.
- People with disabilities are allowed to earn money and retain assets that can be used to pay for items and supports that otherwise would be paid for through government programs.

A lot more number crunching needs to be done and variables need to be seriously calculated before these ideas can become a reality. In the meantime, the debate rages on.

There is another debate also raging on the issues surrounding the continued use of segregated worksites for people with disabilities. Why do we still have them and what challenges does the future hold?

I will attempt to shed some light on this controversial topic in the next issue of *Exchange*.

Elmer L. Cerano,
MPAS Executive Director

President Signs Rosa's Law, Proving that Words Matter

By Rhonda, Government and Media Relations

Who is Rosa and why does she have a law named after her?

Rosa Marcellino is a little girl with Down syndrome whose teenage brother, Nick, calls the "smartest person I know."

It was he who testified to Maryland legislators saying that hurtful words like retard were not allowed in his home and ultimately convinced his state legislature to change the official phrase in the health and education code from *mentally retarded* to *individual with an intellectual disability*.

That started the ball rolling at the federal level and was championed by Senator Barbara Mikulski (D-MD) in the Senate and Representative Michael McMahon (D-NY) in the House. On Tuesday, **October 5, 2010**, President Barack Obama signed into law S. 2781, Rosa's Law, which changes references in many federal statutes that currently refer to *mental retardation* to refer, instead, to *intellectual disability*. Similarly, it will change references from a *mentally retarded individual* to an *individual with an intellectual disability*.

Michigan Protection and Advocacy Service and many other disability agencies applaud President Obama and the Congress for signing this law that will affect how Americans refer to more than six million adults and children who are diagnosed with intellectual disabilities.

What to do When Your MRS/MCB Counselor says, "NO"

By Andrea, Employment Advocate

Many customers think they are without recourse when Michigan Rehabilitation Services (MRS) or Michigan Commission for the Blind (MCB) makes decisions they disagree with. Have you been denied eligibility for MRS or MCB services? Has it been longer than 60 days for an eligibility decision and you don't know why? Were you denied a request for a new counsel or denied an individualized plan for employment goal or a service? Have you been denied acceptance into Michigan Career and Technical Institute (MCTI) or Michigan Commission for the Blind Training Center (MCBTC)? There are steps you can take to make sure this decision was appropriate. If you are unhappy with decisions made by MRS or MCB, you have the right to appeal.

If you feel the reason why MRS or MCB made the decision or denial is wrong, you can try to resolve the disagreement administratively (by contacting the supervisor, filing a complaint, and/or consulting with the Client Assistance Program (CAP)). Many times this route is successful; however, you should know what other steps are available to you.

So what is an appeal? An appeal (request for a hearing) is a process where you are asking for a formal change to an official decision – challenging a decision made by the local office. You are essentially asking a third party to review your case in order to resolve the dispute.

Why file an appeal? Many people file an appeal after attempting to resolve the disagreement administratively but feel that things are taking too long (dragging out) or feel that it's going nowhere. MRS has an incentive to try and resolve the matter internally once an appeal is on the table and will, therefore, have staff from other offices review the disagreement to make sure their decision follows policy. If no agreement is made, however, the hearing in front of an Administrative Law Judge will be held within 60 days of your appeal request. There is no cost to you, the customer. Each agency has its own procedure when it comes to appeals. Here are some important things to remember when filing an appeal.

A few things to know about writing an MRS appeal:

1. The appeal letter must be written and signed.

2. The appeal letter should be dated.
3. The appeal letter should be brief.
4. The appeal letter must specify that you wish to appeal the particular denial. The first sentence should include: "I would like to appeal MRS' decision to..." If this is not clear, MRS may think you are simply filing a complaint and your appeal will not be processed.
5. If you receive a letter back saying that the request cannot be processed, make sure to follow up with the hearings manager to find out why.
6. The appeal letter must be mailed to:

Jaye Porter, Director
P.O. Box 30010
Lansing, MI 48909

Any time you are dissatisfied with a decision made by MCB, you can request:

1. Informal Administrative Review (conducted by MCB administrator)
2. Formal Fair Hearing (conducted by an Administrative Law Judge)
3. Mediation (conducted by Michigan Supreme Court Community Dispute Resolution Program)

There is no cost to you, the customer. To make a request you must call or send a letter to the MCB Hearings Coordinator:

Michigan Commission for the Blind
P.O. Box 30652
Lansing, MI 48909

1. If you choose an Informal Administrative Review, an MCB administrator will be assigned to review your case and will make recommendations for possible resolution. The review must be completed within 10 days and a decision must be delivered within another 10 days. This decision does not deny or delay your right to a Fair Hearing.
2. If you choose a Fair Hearing, it will be conducted within 60 calendar days of the request. The judge will deliver his/her report within 30 calendar days of the completion of the hearing. You have 20 days to request a review of this decision and it must be in writing to the MCB Hearings Coordinator.
3. If you choose Mediation, it will be conducted within 20 calendar days of the request. If agreement is made, a written copy will be received within 20 days of agreement. Entering into the Mediation process will not deny or delay your right to a Fair Hearing.

Deaf Persons' Interpreters Amendments Act Ensures Access to Communication

by Mark, Legal Director

For far too many years, a common problem for Michigan citizens who are deaf or hearing impaired has been lack of access to effective communication. Hospitals, government agencies, businesses, law firms, and even courts have refused to make available qualified interpreters who are able to assist with communication. Rather, these businesses and agencies have turned to family members, unqualified staff, or others as a substitute for a qualified interpreter. Those days are, hopefully, drawing to a close.

In 2007, the Michigan Legislature enacted the **Deaf Persons' Interpreters Amendments Act**. The statute amended previous legislation from 1982. While many of the provisions of the Act will be spelled out in greater detail once rules are adopted by the **Division on Deaf and Hard of Hearing of the Michigan Department of Labor and Economic Growth**, there are **three essential provisions of the law** that must be understood.

The **first provision** is the definition of qualified interpreter. What the law does is establish a definition of qualified interpreter that excludes individuals who have not been certified by the Division on Deaf and Hard of Hearing. Family members who may have some passing knowledge of sign language or hospital staff who have taken a course or two will no longer be able to act as qualified interpreters. The rules will set standards for who can act as a qualified interpreter and under what circumstances they can act. For example, an individual might

be qualified as an interpreter in a school setting and not have the qualifications to act as an interpreter in a court room. Again, these rules will be published in the very near future.

The **second provision** of the law that must be understood is that the statute will now require that qualified interpreters be used whenever state or federal law would require the use of an interpreter as an accommodation for an individual who is deaf or hard of hearing.

There are three laws that dictate when an interpreter is required: the **Rehabilitation Act of 1973**, the **Americans with Disabilities Act**, and the **Michigan Persons with Disabilities Civil Rights Act**. While it is difficult to generalize about when an interpreter is required under any one of these acts, it is safe to say that an interpreter is required when that is the only means of ensuring effective communication. For example, when communicating with a doctor or lawyer, it is important that all parties to the conversation be understood and that their communication is precise. Under those circumstances, a qualified interpreter would be required. A medical office, a law office, a school or other organization cannot substitute an individual who is not a qualified interpreter.

The **third provision** in the Michigan Deaf Persons' Interpreters Act is an enforcement mechanism. Once the rules are more clearly defined as to who can act as a qualified interpreter and under what circumstances, organizations that are required to offer interpreters and refuse to do so, may be subject to a fine between \$1,000 and \$10,000.

Due to this Act, individuals in Michigan who are deaf or hearing impaired will be experiencing a new world of access to effective communication. However, they and their advocates will need to be diligent in asserting their rights to qualified interpreters. If you have been denied access to effective communication and the services of a qualified interpreter, you may contact **Michigan Protection and Advocacy Service** at **800.288.5923 TTY** or the **Michigan Department of Civil Rights**.

Adaptable Recreation Equipment in Action During Demo Days

State and local recreation departments, law enforcement, legislators and other guests experienced, first-hand, the latest advancements in adaptive recreation equipment during Demo Days, October 21, 2010, at the Demmer Center in Lansing.

Guests were invited to check out adaptive firearms, downhill/water ski equipment, all terrain (four-wheel-drive) wheelchairs, golf carts adapted for hunting and trail riding, hand-cycle bikes, and van conversion equipment.

MPAS was a platinum sponsor of the event, hosted by the Michigan Department of Natural Resources and Environment (DNRE), the Accessibility Advisory Council (AAC), the Department of Military and Veterans Affairs, the Michigan Paralyzed Veterans of America, and the Brain Injury Association of Michigan.

Improving access to necessary services for all Michigan residents is a priority at MPAS. As a member of the AAC, MPAS works to educate decision makers about disability and accessibility. Recently, these efforts resulted in expanded crossbow regulations, which allows for individuals with a disability to use a crossbow without prior certification from their physician.

Help us Reach our Goal: Become a Fan of MPAS Facebook

Many regular readers of Exchange know that Michigan Protection and Advocacy Service (MPAS) is now on Facebook. It's a great way to connect with others like you who are interested in disability issues and to keep up on the latest news affecting the disability community.

If you haven't already, MPAS would like to challenge *Exchange* readers to join Facebook. Get your friends to join, too. With your help, we can increase our fans to 500 by the end of the year. Join us!

ASK THE ADVOCATE

Q: My supervisor has been unwilling to consider my job accommodation request since I disclosed I have a disability. I feel he is discriminating against me, and I'm afraid I will lose my job. What should I

do?

You can file complaint(s) with the Equal Employment Opportunity Commission (EEOC) and/or Michigan Department of Civil Rights (MDCR). Both federal and state laws protect qualified people with disabilities against employment discrimination. Qualified means you meet the job requirements and can perform the essential functions (basic job duties) with or without accommodations.

Before filing complaints with these agencies, you may first want to explore any administrative remedies available to you. Some remedies could include a company's employee grievance process or contacting a union representative if you are represented by a collective bargaining unit.

The **Americans with Disabilities Act (ADA), Title I**, covers private employers with 15 or more employees and requires they engage in an interactive process when a qualified employee with a disability requests reasonable accommodations. An employee with a disability is also protected under the **Michigan Persons with Disabilities Civil Rights Act** which covers employers with one or more employees. If you work for a small company, and cannot file an ADA complaint with EEOC, you will want to file a complaint with MDCR under the state law.

When requesting an accommodation, it is always good to put it in writing and keep a record of the request. Your employer may require medical information or documentation to determine if you have a disability that is covered by the ADA and if you are entitled to an accommodation. The employer must keep the medical information you provide confidential and in a separate file from your personnel file.

If you are unsure what types of accommodations you may need based on your disability, the Job Accommodations Network (JAN) is an excellent resource. They can be reached at **800.526.7234**. Accommodations must be tailored to your needs and can include modifying the work environment, changing the way a job is performed, reassigning marginal job functions or modifying employment policies.

If your accommodation needs cannot be resolved informally and your employer is still unwilling to consider accommodations, complaints should be filed within 180 days with the U.S. EEOC (ADA) and within 182 days with the MDCR under state law. Both agencies can be reached at:

U.S. EEOC (Detroit Field Office)

800.669.4000 or **313.226.7636**

Michigan Department of Civil Rights

800.482.3604

For additional information regarding your employment rights or to obtain sample letters requesting reasonable accommodations, please call Michigan Protection and Advocacy Service at **800.288.5923**, and ask to speak to an Information and Referral advocate.

Help us Keep Kids in School by Displaying the Poster on the Following Page

You can help us find children who need special education services by prominently displaying the poster in a public place. Hang it up in your **library, grocery store, church, community center, doctor office, day care facility** – or any place that accepts public announcements.

It is only through identification and evaluation that children can begin to receive the behavior supports and services they need to be successful in school.

If you know a child who fits the description, call MPAS at **800.288.5923**.

POSTER

Are Your Child's Behavioral Problems due to a Disability?

Has your child received poor grades for a year or more?

Has your child been absent from school for more than 10 days in one year?

Have you been asked to hold your child back a grade?

Has your child already been held back a grade?

Has your child been sent to the office more than 10 times in one year?

Have you been asked to pick your child up from school or been asked to keep your child home from school due to behavioral problems?

If your child is having behavioral problems due to a disability, the school may be required by law to provide certain supports and services.

Call Michigan Protection and Advocacy Service if you think your child's behavior is disability related and/or you have questions about disability law as it pertains to special education services.

800.288.5923

Michigan Protection and Advocacy Service, Inc.
4095 Legacy Parkway, Suite 500
Lansing, Michigan 49283

Children Belong in School – not behind Bars

Eleven-year-old Thomas has severe emotional and behavioral disabilities. Classmates had a habit of teasing him in hopes of getting him to act out. They made a game of grabbing his backpack and playing "catch" with the contents. Sometimes he would cry in frustration and his classmates would laugh. One time, in frustration, Thomas physically fought back and threatened to "kill" anyone who came near him again. School authorities called the police and had him removed from the school grounds. Later Thomas was suspended from school.

Unfortunately, this scenario is played out in too many school districts throughout the state. Children with mental and emotional disabilities are suspended, expelled and arrested at school, despite disciplinary protections that exist under the Individuals with Disabilities Education Act (IDEA).

Why? Because in order for children to be protected under the law, they must first be identified, evaluated, and referred for services. Sadly, this does not always happen.

At Michigan Protection and Advocacy Service (MPAS), we believe that children belong in school, not behind bars. The more frequently children are suspended or expelled from school, the greater chance they have of becoming involved in criminal activity and being caught up in what is referred to as the school-to-prison pipeline. This not only causes harm to the student whose character and identity are still forming, it adversely affects society as a whole.

Providing proper behavior modification supports is a better alternative to suspension and expulsion, but children must first be identified. Once identified, it is imperative that children be evaluated to see if they are receiving the behavior supports they need to help them be successful in school. If your child has a disability and you answer "yes" to some or all of the questions on the poster, MPAS may be able to help. Call MPAS at **800.288.5923**.

Recipient Rights Bill to Correct Mental Health System is Introduced in the Michigan House

The recipient rights legislation (HB-6456) streamlining the rights process was introduced by Rep. Kate Segal (D-62, Battle Creek) on September 16, 2010. If passed, it would consolidate local recipient rights offices into the state office of recipient rights and give the state office sanction authority when a rights violation has been substantiated.

In 2007 Michigan Protection and Advocacy Service (MPAS) issued a report entitled, *Navigating the Mental Health Maze in Michigan: Why the Recipient Rights System is Broken and How We Can Fix It*.

The report documented how the failure to provide mental health services contributed to the death of an inmate in a Michigan County jail. Subsequent attempts to address that failure through the recipient rights system provided a case study which revealed the system's flaws. It clearly illustrated that the system designed to protect the rights of mental health consumers is defective and in need of legislative corrections.

Statewide advocacy groups have advocated for changes to the recipient rights system for years. In fact,

many of the requirements spelled out in HB 6456 have been endorsed by over 20 statewide disability organizations within the Common Disability Agenda.

“This bill will help move the Mental Health Commission’s recommendations forward,” says Elmer L. Cerano, executive director of MPAS. “In addition, we call upon the new Governor and Legislature to take all necessary steps to ensure a Recipient Rights system that is efficient and protects the rights of people with disabilities.”

To review House Bill 6456 in its entirety, go to www.legislature.mi.gov.

Parents with Disabilities: Know Your Rights

by Mark, Legal Director

In the fall of 2008, MPAS began concentrating in an area of law that had long been overlooked: the rights of parents with disabilities in termination of parental rights proceedings.

While MPAS is no longer identifying termination of parental rights as a separate priority, it is worthwhile to point out some very important steps that parents can take on their own to protect their rights.

First of all, if you believe that your parental rights are being threatened or terminated due to your disability, you should express that concern immediately to your attorney. Don’t wait until after the hearings have started. It’s important for the judge to have this information up front in order to make a fair-minded ruling.

Second, if you are ordered to court, you may be required to attend parenting classes, receive assistance and supervision, or take other measures to improve your parenting skills and abilities.

If you need accommodations to complete these court ordered requirements, make your request early in the proceedings so the judge has the opportunity to evaluate your need. Submitting your request early may improve your chances for receiving accommodations in a timely manner which may ultimately help you maintain your parental rights.

If you have a disability and have questions regarding your parental rights, feel free to contact our Information and Referral team at **800.288.5923**.

Project Homeless Connect: Reaching out to the Underserved

By Rhonda, Government and Media Relations

MPAS has participated in numerous Project Homeless Connect events across the state. These are highly publicized, daylong events, organized county-by-county, where human services agencies join together to provide a one-stop resource to residents.

The events include a hot meal, personal services, and information and referral to those hard-to-reach clients who are homeless or at risk of becoming homeless. By participating in the events, MPAS is able to connect with thousands of people with disabilities from across the state who may be in need of agency services.

Will Michigan Rehabilitation Services (MRS) Repair or Buy Me a Car?

By Phil, Employment Advocate

This is a question that MPAS Client Assistance Program (CAP) advocates often hear. It’s a question, however, that does not have a simple yes or no answer.

One important thing to keep in mind when dealing with MRS is the sole purpose of the agency is employment – helping you attain, maintain, or regain employment. If your request for financial assistance to purchase or repair a vehicle is not work related, you will get turned down for the assistance.

Even if you have a job and your request for transportation is written into your Individualized Plan for Employment (IPE), you are not guaranteed a vehicle. MRS counselors have certain policies they must follow before approving a vehicle purchase or repair.

One thing MRS must consider before purchasing a vehicle for you is that it cannot be priced higher than what is listed in the Blue Book (used car guide). If you already own a vehicle and would like help paying for repairs, MRS will need to determine if the cost to repair your vehicle exceeds what your vehicle is worth. If the repair to make your vehicle dependable and safe exceeds the Blue Book value then, according to policy, MRS cannot pay for the repairs.

If MRS is considering repairing your vehicle, you may be asked to get a written estimate of repairs. This estimate must be from a licensed mechanic and must include *all* repairs necessary to make your vehicle safe and dependable – not just the repairs you feel your vehicle needs. For example, you may think that all your car needs is a new battery. When your vehicle is checked out by a licensed mechanic, however, it may be determined that much more is required to make it safe and dependable.

Before MRS offers to buy or repair your vehicle, you may be asked to consider using public transportation. If you live in a rural area where there is limited or no public transportation, you still must consider all other available transportation options. Per MRS policy, you must use the method of transportation that is least expensive for the agency.

If your doctor determines that you are unable to take public transportation, he or she must give MRS a written document stating that you are not able to use public transportation. Also, if public transportation is not in service during the time you need it, other means of transportation must be explored – which may or may not include purchasing or repairing your vehicle.

As you can see, each vehicle request is carefully considered on a case-by-base basis. There are many things to consider and policies that must be followed to purchase or repair your vehicle for purposes of employment.

If you have questions about whether or not you qualify for transportation services from MRS, call MPAS at **800.288.5923**.

Federal Bill Regulating Restraint and Seclusion in Schools Likely to be Tabled; Michigan Legislature Takes No Action on State Bill

by Rhonda, Government and Media Relations

It's becoming increasingly clear that federal legislation regulating seclusion and restraint in schools will not be taken up by Congress any time soon.

The Senate bill disability advocates had hoped would be passed before the end of the current session was introduced by Senator Chris Dodd, (D-CT), who is retiring at the end of the year, and cosponsored by Senator Richard Burr, (R-NC). It is similar to the one approved in the House of Representatives in March, with one notable exception. The Senate bill would allow schools to include restraint and seclusion in individualized education plans, or IEPs. That exception which was not included in the House version, created a source of tension among some in the disability community.

It has become apparent that the federal bill will not be taken up this year. If not, the process to push for rules and regulations banning seclusion and restraint in schools will need to start all over in the next Congress.

In addition, the **Michigan House Bill (HB 5639)**, introduced in December 2009 by Representative Deb Kennedy, will also not be acted on this year. Representative Kennedy was successful in coordinating a small workgroup on the issue, but opposition continues. As bill sponsor, Representative Kennedy lost her re-election bid and will not be back next year. MPAS is extremely grateful to Representative Kennedy for her leadership and passion on this issue. We will continue to work with the 96th Legislature to educate members on the dangers of allowing restraint and seclusion in schools.

Please check our Web site at **www.mpas.org** or become a fan of MPAS Facebook to receive updates on this important issue.

For background information on federal and state legislative efforts regarding restraint and seclusion in schools, read the MPAS Facebook page and past issues of *Exchange* (www.mpas.org).

Consumer Voice for Vocational Rehabilitation Michigan Rehabilitation Council

This group is appointed by the governor and is a statewide, federally mandated organization to ensure input from citizens concerning Michigan Rehabilitation Services (MRS). The group is designed to provide feedback on how effective MRS policies, programs, and services are in meeting the needs and desires of persons with disabilities.

Business meetings are usually scheduled four times a year (once every quarter). Public comment is on the agenda for all scheduled business meetings in order to provide consumers a chance to give the council feedback on MRS services. To find out more about MRC and the business meetings go to www.mrccouncil.org, or call **877.335.9370**; TTY **877.344.1684**.

Michigan Commission for the Blind Board of Commissioners

This group is appointed by the governor and is a statewide organization to ensure input from citizens concerning Michigan Commission for the Blind (MCB). The group is designed to provide feedback on whether MCB policies, programs, and services are meeting the needs and desires of persons with disabilities. Meetings are usually held four times a year and public comment is scheduled during each meeting. To find out more about the Board of Commissioners visit the Web site for the Michigan Commission for the Blind or call **800.292.4200**; TTY **888.864.1212**.

Enter the Annual Disability Advocacy Essay Contest

Do you have a disability?

Do you have a story you'd like to share about how you faced a particular challenge head-on and won?

Michigan Protection and Advocacy Service (MPAS) is looking for *real, motivating* stories about people with disabilities who have successfully advocated for themselves or others. In 500 words or less, describe how you overcame barriers and achieved success.

First Prize: \$300.00

Second Prize: \$200.00

Third Prize: \$100.00

Entries must be submitted no later than

December 23, 2010, and will be judged on:

Authenticity

Content and appeal of the advocacy story

Impact the story has had on the life of the individual or the lives of other people who have disabilities

Impact the story has had on the priorities within Michigan Protection and Advocacy Service

Rules of Entry:

Entries are limited to 500 words or less and can be submitted in writing or audiotape.

Entries will be judged by the MPAS Essay Contest committee.

Decisions of the judges are final.

Late entries will not be considered.

Employees of MPAS, volunteers, board members, and members of MPAS PAIMI Advisory Council and their immediate families are not eligible to win.

All entries become the property of MPAS and will not be returned to the author.

Entries, in part or in total, may be used by MPAS in publications.

Actual names will be used **only** with written permission from the individual. The stories, without identifying information, may be used by MPAS.

Prizes will be awarded to the person about whom the story is written, and not the author (if different).

Winners will be notified by mail and announced via the Spring 2011 *Exchange* newsletter and MPAS Web

site www.mpas.org.

**All entries must be received by
December 23, 2010.**

Be sure to include your name, address, phone number and email address so we can contact you if you are a winner!

You may submit your entry through the MPAS Web site at www.mpas.org or by fax at **517.487.0827**. Those wishing to mail their entry may do so to:

MPAS Essay Contest
4095 Legacy Parkway, Suite 500,
Lansing, Michigan 48911-4263

You Stood up and were Counted! Census Bureau Announces Final Mail Participation Results

By Rhonda, Government and Media Relations

America participated! A whopping 74 percent of households in the United States completed and mailed back their 2010 Census questionnaire, a significant achievement in a time of declining survey participation worldwide. **Michigan did even better than the national average with an impressive participation rate of 78 percent.**

The results include an additional two percentage points of households that mailed back their forms after the April 27 cut-off that marked the transition to the door-to-door follow up operation. Although received too late to prevent a visit by a census taker, those late arriving forms were still used for tabulating purposes.

Both October's final rate of 74 percent and the 72 percent achieved in April, matched the rates achieved during the 2000 Census.

Michigan Protection and Advocacy Service partnered with the U.S. Census Bureau to encourage all people with disabilities to participate in the 2010 Census. Participation ensures that our state is accurately represented and that adequate funding is received for essentials such as health centers, transportation services, and other assistance programs. Census data is also used to reapportion congressional seats.

Michigan's Human Services Web Sites Inaccessible to People with Disabilities

By Rhonda, Government and Media Relations

According to a report released in June 2010, Michigan is one of five states in the country whose state public benefits Web Sites are inaccessible to people with disabilities.

The report, *The Closed Digital Door: State Public Benefits Agencies' Failure to Make Web sites Accessible to People with Disabilities and Usable for Everyone*, was issued by the National Center for Law and Economic Justice (NCLEJ) (www.nclej.org). It shows that Michigan, along with California, Florida, New York and Texas – have agency Web sites that are technically inaccessible to people with disabilities who are users of assistive technology.

With Michigan's budget and workforce shrinking, there are fewer employees available to offer traditional face-to-face or telephone service to those seeking assistance. More often, the public is expected to seek information and apply for benefits such as Supplemental Nutrition Assistance Program (SNAP/food stamps), Medicaid and cash assistance over the Internet.

In many ways this is good – Web sites allow individuals to receive information about a program, download an application, and apply for benefits any time of the day or night. This can be extremely convenient for anyone, but it can be especially beneficial to people struggling with transportation, mobility, or other disability-related issues. However, if a Web site is not accessible to those who use assistive technology, it's not only inconvenient, it's against **Title II of the Americans with Disabilities Act** which prohibits discrimination against individuals with disabilities in the programs, services and activities of state and local governments as well as **Section 504 of the Rehabilitation Act** which prohibits discrimination against individuals with disabilities by entities receiving federal financial assistance.

For specific examples of inaccessibility issues with Michigan's human service Web sites, refer to the report at www.nclej.org.

Board of Directors

Mark Lezotte

President
Detroit

Michelle Huerta

First Vice President
Livonia

Kate Pew Wolters

Second Vice President
Grand Rapids

Donna DePalma

Secretary
Pinckney

Tom Landry

Treasurer
Highland

Kathy McGeathy

Immediate Past President
Flint

Pamela Bellamy, Ph.D.

Lansing

Mark Brewer, Esq.

Clinton Township

Sheila Faunce

Director Emeritus
East Lansing

Ann E. Manning

Clarkston

John P. McCulloch

Royal Oak

Susan L. Odgers, Ph.D., ABD

Traverse City

Stoney Polman

St. Johns

Ernest A. Reynolds

Roscommon

Kristy Sumera

Traverse City

Frederick A. Swegles

Director Emeritus

Port Huron

Frederick F. (Rick) Swegles, Esq.

Port Huron

Frank Turnage

Roscommon

For more information, call 800.288.5923 or 517.487.1755

Exchange is an official publication of Michigan Protection & Advocacy Service, Inc. (MPAS).

Address: 4095 Legacy Parkway

Suite 500

Lansing, Michigan 48911-4263

Telephone: 517.487.1755

TOLL FREE:

800.288.5923

Fax: 517-487-0827

www.mpas.org

Find us on Facebook

Voice/TTY/Language and accommodations available. Available in alternative formats upon request.

Elmer L. Cerano, *Executive Director*