



Speaking out for people with intellectual & developmental disabilities



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## VOR Weekly News Update

News and views for VOR Advocates

*Did you receive this as forwarded e-mail? If so, someone thought you would benefit from VOR's information. Please consider [joining VOR](#) and receive this E-News Update publication weekly!*

**VOR is a national organization that advocates for high quality care and human rights for people with intellectual and developmental disabilities**

### **VOR and You**

1. VOR's Nominating Committee seeks individuals interested in serving on the VOR Board
2. VOR's "Quality Matters" Survey! Let us know what you consider "non-negotiable" in delivering high quality care to people with intellectual and developmental disabilities
3. ReelAbilities: Houston Disabilities Film Festival 2013

### **Advocacy Toolkit**

4. Nonprofits can and should lobby! Free Salsa Webinar to Discuss Non-Profit Lobbying Rules
5. Tell Lawmakers What You Think — With One Click

### **Federal News**

6. Disability Programs Still Vulnerable After 'Fiscal Cliff' Deal

### **State News**

7. Press Release: Governor signs 'watershed' bill easing IQ restrictions

**Quotable**, by Albert Einstein

1. [VOR's Nominating Committee seeks individuals interested in serving on the VOR Board](#)

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- VOR is looking for applicants who:
- Have a passion for our cause on behalf of individuals with intellectual disabilities
  - Can commit time for board meetings, committee planning and meetings, assist in reaching out to current and prospective members, and attend the Annual Conference.
  - Are team players who work well with others in a group
  - Listen well and are thoughtful in considering issues
  - Are willing and able to assist in development efforts

If you are interested in receiving a VOR Board application form, **by January 25, 2013**, please contact Sybil Finken, Chair of the VOR Nominating Committee, at [finkensrc@aol.com](mailto:finkensrc@aol.com) or 712-527-3250; or Julie Huso, Executive Director at [jhuso@vor.net](mailto:jhuso@vor.net) or at 605-370-4652.

**2. VOR's "Quality Matters" Survey! Let us know what you consider "non-negotiable" in delivering high quality care to people with intellectual and developmental disabilities**

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This year, VOR has launched its Quality in the Community Initiative "to identify and pursue uniform, humane quality standards in community settings across all states, with an emphasis on staff competency and access to specialized health care and supports" (see, [VOR Case Statement](#) (November 2012)). Although proponents of deinstitutionalization promise a better life in the "community," the promise is far from well-documented reality, resulting in tragedy for thousands of impacted citizens.

As a first step in this Initiative, VOR would like to hear from its members. Our ["Quality Matters" survey](#) identifies several quality "criteria" and asks you to rank them from "non-negotiable" to

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“not important.”

The survey will take less than 10 minutes.

**The survey will be available for 2 weeks.**

**Please respond by January 25, 2013.**

[Click here to take VOR's Quality Matters Survey.](#)

### **3. ReelAbilities: Houston Disabilities Film Festival 2013**

Office of the Governor (Press Release) \* January 8, 2013

[ReelAbilities: Houston Disabilities Film Festival 2013](#) will take place February 6.

Jewish Family Service and its Alexander Institute for Inclusion is excited to present the city of Houston with this event as ReelAbilities is the largest film festival in the nation committed to promoting appreciation and awareness of the lives, stories and artistic expressions of people with various disabilities. Initiated in NY in 2007, the festival presents award winning films by and about people with disabilities in multiple locations throughout each hosting city. Post-screening discussions and other engaging programs bring together the community to explore, discuss, embrace, and celebrate the diversity of our shared human experience.

[VOR is a collaborating partner.](#)

### **VOR's Advocacy Toolkit**

#### **4. Nonprofits can and should lobby! Free Salsa Lab Webinar to Discuss Non-Profit Lobbying Rules**

While many charities understand that they can lobby, they hesitate to do so because they are afraid of breaking the rules. So how can you give your mission a voice in the policy debates while staying within the law? Find out by joining us for a [webinar on January 29: "Lobbying Rules for \(c\)\(3\)s: Keeping It Legal."](#)

**A recent survey found that over half of**

**government decision-makers and D.C. thought-leaders believe the ability of charitable nonprofits to engage in nonpartisan advocacy and lobbying has a significant impact on their ability to achieve their missions.** Yet, fewer than 20 percent of charities are doing any lobbying. Join us and make sure your mission is being considered by policymakers.

Some of the things you'll learn include:

- What counts as lobbying and what doesn't
- The difference between the "501(h) election" and the "no substantial part" test
- How to calculate your organization's lobbying limit
- Fundraising for lobbying, including rules for foundation funding
- The lobbying reporting requirements

**[Register today. It's free!](#)**

## **5. Tell Lawmakers What You Think — With One Click**

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### ***Congress.org* \* January 2013**

Writing Congress is now easier than ever.

All you need to do is click on the words "[Join the Conversation, Write Your Lawmakers](#)" in the upper-right corner of the site.

Or, you can click on the links to be taken to a form to [write all of your federal representatives at one time](#), or [write all your federal representatives at one time or all your state lawmakers at one time](#).

### **Federal News**

## **6. Disability Programs Still Vulnerable After 'Fiscal Cliff' Deal**

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### ***Disability Scoop* \* January 8, 2012**

Despite an agreement last week to avert the so-called "fiscal cliff," experts say considerable uncertainty remains regarding the future of the nation's disability programs.

[Read more](#)

### **State News**

## **7. Press Release: Governor signs**

## 'watershed' bill easing IQ restrictions

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[The Massachusetts Coalition of Families and Advocates](#) \* January 10, 2013

In what some advocates are labeling a "watershed event" for people with developmental disabilities, Governor Deval Patrick signed a bill into law this week that will prevent the state Department of Developmental Services from automatically denying eligibility for services to people scoring above 70 on IQ tests.

The new law as well as new regulations adopted last month by DDS should make it easier for potentially thousands of people with borderline limitations in intellectual functioning to receive services. DDS adopted the new regulations in the wake of a Massachusetts Court of Appeals decision in July that invalidated previous regulations, adopted in 2006. Those previous regulations had given the Department the latitude to establish a "bright-line" cutoff of eligibility at an IQ score of 70.

"This new law and the new regulations open the door for services to thousands of people, particularly those who have autism," said Thomas Frain, an attorney who represented a woman in the appeals court case that resulted in the new regulations. Frain, who is also president of COFAR, added that, "There is a Tsunami of people with autism arriving at the Department's door right now, and this will reignite the discussion as to whether the Department should be serving them."

Both the new law and new, final DDS regulations tie the definition of intellectual disability to the American Association on Intellectual and Developmental Disabilities (AAIDD), which defines intellectual disability as involving "significant limitations both in intellectual functioning and in adaptive

behavior.” The AAIDD also states that a limitation in intellectual functioning can be indicated by an IQ score as high as 75.

Richard Glassman, litigation director for the Disability Law Center, a federally funded public interest law firm, which pushed for the new law and regulations, maintained that the new law "will prevent the eligibility standard in the regulations from being narrowed, as happened once before in 2006." The legislation that the governor signed this week had originally been filed last year by Republican state Representative Daniel Winslow.

The DLC, along with COFAR and the Arc of Massachusetts, filed objections to the 2006 regulations, which had led to the denial of benefits to an undetermined number of people whose IQ scores were above 70. Those previous regulations also led to the lawsuit filed by Frain on behalf of a woman who had had scored 71 on an IQ test at age 18, 69 at age 40, and 71 at age 42, and who was subsequently denied services by DDS.

In July, the Massachusetts Court of Appeals ruled in the case brought by Frain that the DDS's 2006 regulations were invalid in defining intellectual disability without referring to a "clinical authority." DDS initially responded to the Appeals Court ruling by proposing emergency regulations in September that named the Department itself as a "clinical authority" in determining the presence of an intellectual disability. That, however, led to a chorus of objections from advocacy organizations, including COFAR, the Disability Law Center, the Arc, and family members of intellectually disabled people.

In the final regulations, DDS designated the AAIDD as the clinical authority in determining intellectual disability. However, questions remain as to how much weight DDS will place

on factors other than IQ in determining eligibility for services. In testimony submitted to DDS in November, the Disability Law Center maintained that Massachusetts is one of a minority of states that do not provide services to people with developmental disabilities that "fail also to meet the definition of having an intellectual disability."

The Disability Law Center urged DDS to work with the Legislature in adopting a new eligibility standard that will include people on the autism spectrum as well as those with other developmental disabilities who aren't currently being served in Massachusetts.

[VOR joined COFAR in its objections to the 2006 regulations.](#)

**Related news: [New law eases IQ eligibility for state services](#) (*Boston Globe*, January 11, 2013)**

**Quotable**

*"Not everything that counts can be counted, and not everything that can be counted counts."*

~ Albert Einstein

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