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October 25, 2013



Speaking out for people with
intellectual & developmental
disabilities



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VOR and You

1. In need of options, guardians of Oklahoma clients meet legislators; VOR provides testimony

***Enid News and Eagle* * October 17, 2013**

Parents and guardians of the developmentally disabled continued to bang the drum Thursday before legislators and key agency personnel.

Led by the man who called the hearing, state Rep. Mike Jackson, R-Enid, they argued there should be more than one option for clients being forced to move out of the state's two large residential facilities.

Northern Oklahoma Resource Center of Enid (NORCE) is scheduled to close in 2015, while Southern Oklahoma Resource Center in Pauls Valley is to close next year.

NORCE clients, many of whom are there because of profound mental or physical impairments, already are moving into community-based care.

Dr. Michael Peck, an Enid resident who served on the commission overseeing DHS before it was disbanded by a vote of the people, said the state should let SORC close, and keep NORCE open for whoever needs it. The plan wouldn't require additional funding, and NORCE could start generating revenue by providing fee-for-service options for those living in the community and rural areas, he said.

None of those who were invited to speak to House Human Services Committee completely opposes moving their loved ones into a community setting. Instead, like Jackson, they ask the state maintain some kind of facility.

Jackson is considering his options for the

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legislative session, which begins in February. SORC is expected to close in April. Ideally, Jackson said, DHS will walk back its decision to close the facilities and consider an alternative plan.

[Read more, comment and share](#)

[Read VOR's testimony in support of residential choice \(October 23, 2013\)](#)

[Read Testimony of Dr. Frank Appl, parent and VOR Member](#)

Legal Briefs

2. Arizona: Feds try to eliminate housing for the deaf -- at complex built for hearing-impaired

Fox News * October 21, 2013

Arizona is defying a federal order to eliminate apartments for deaf seniors at a housing complex built specifically -- for the deaf.

"I think it's about the most ridiculous thing I've heard in a while," said Sen. Jeff Flake, R-Ariz., who attempted to negotiate the impasse. "There are a lot of stories of out-of-control regulators, but this just seems to be going to the extreme."

A 2005 federal study found that the U.S. had virtually no affordable housing for the deaf. So the federal government helped build Apache ASL Trails, a 75-unit apartment building in Tempe, Ariz., designed specifically for the deaf. Ninety-percent of the units are currently occupied by deaf and deaf-blind seniors.

But now, the federal Department of Housing and Urban Development says Apache ASL Trails violates civil rights law -- because it shows a preference for the hearing-impaired.

HUD is threatening to pull all federal housing aid to Arizona unless it limits the number of hearing-impaired residents to 18 people. The agency would not forcibly remove current residents. but wants many of their units to be

blocked off to deaf residents in the future once they leave.

However, when HUD approved and helped fund the project in 2008, it did so knowing that the property was specifically "designed for seniors who are deaf, hard of hearing and deaf blind."

The National Association for the Deaf has also stepped in, calling HUD's actions "atrocious" and "a tragic irony."

"It's nice to have a life that's equivalent to other people that are not deaf," said resident Linda Russell. "This building is designed for deaf people, by deaf people, and we know what is best for our needs. And people that don't understand our needs, should not be putting themselves in decision-making positions for us."

[Read more, comment and share](#)

3. Illinois: Murray closure delayed indefinitely

WILY/WRXX * October 25, 2013

The Department of Human Services is confirming this morning that the closure of the Warren G. Murray Developmental Center in Centralia has been indefinitely postponed.

DHS spokeswoman Januari Smith says that the closure of the Murray Center is being rescheduled because of a pending court case.

The decision comes eight months after a lawsuit was filed in federal court by the Murray Parents Association and others to block the closure.

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4. Supreme Court To Weigh IQ Cutoff For 'Mental Retardation'

Disability Scoop * October 22, 2013

The Supreme Court agreed Monday to clarify the legal standard for intellectual disability in the

case of a Florida death row inmate who is illiterate and was once judged to have severe impairments.

The justices in 2002 struck down imposing the death penalty for murderers who are “mentally retarded,” ruling this was cruel and unusual punishment. However, the court did not set a clear standard for what is now commonly known as intellectual disability and left the states some leeway in the matter.

Now, the court will decide whether states may rely entirely on a single IQ test.

Florida, like nine other states, has used a cutoff score of 70 on the test to measure for intellectual disability. Those who score 70 or above cannot be deemed to have intellectual disabilities, even if psychologists testify the inmate does. Those below that score still may go to prison but cannot be executed.

Freddie Hall, the Florida inmate, was sentenced to die for the kidnap and murder of a woman he abducted from a grocery store in 1978 despite having organic brain damage and other disabilities. Though the judge in the case agreed Hall had intellectual disability, he imposed a death sentence anyway, citing the severity of his crime and the planning that went into it.

After the Supreme Court’s ruling in 2002 outlawing the death penalty for those with intellectual disability, Hall sought to be removed from death row. But a psychologist who tested him said Hall scored a 71 on the Weschler Adult Intelligence Test. As a result, under a new Florida law, he could no longer qualify having intellectual disability.

A divided Florida Supreme Court upheld his death sentence last year, but two dissenting justices objected to the use of a single cutoff score.

In appealing his case to the Supreme Court. a

lawyer for Hall said his case illustrates the confusion in the law, because the defendant had become “unretarded” between the time of his original sentencing and now. He said the justices should intervene now to prevent the “prospect of executing a clearly mentally retarded human being.”

The court said it would hear the case of Hall vs. Florida during the winter and issue a decision by June.

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State News

5. New York: As Search Goes On for Queens Boy With Autism, Adults at His School Face Questions

***New York Times* * October 16, 2013**

Eleven days after a teenager with autism walked away from his school in Queens in the middle of the day, a senior police commander, Chief of Department Philip Banks III, said on Tuesday that an intensifying search had failed to turn up even a trace of the student.

As the effort to locate the boy, Avonte Oquendo, continued, a lawyer for the family and advocates for children with disabilities said they were increasingly troubled by a prior mystery: How did the 14-year-old get out of the school to begin with?

The city school system has been carrying out significant reforms of special education that are intended to reverse a longstanding practice of segregating those students in their own classrooms and schools. Several advocates hailed the effort, known as mainstreaming. Still, many wondered whether the policies attending the effort, begun in earnest last year, were adversely affecting some children, particularly those with the most severe needs.

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6. New York: Guest Viewpoint: Broome Developmental Center serves residents, region well

***Press Connects* * October 17, 2013 * by Catherine McGrath, whose son has been a resident at the Broome Developmental Center for the past 10 years.**

Here are just a few reasons why Broome Developmental Center should remain open:

- It provides a safe, caring home to 160 developmentally disabled individuals; for some, it is the only home and family they have known in years.

- Change can be devastating to some disabled people, such as those with autism, and can result in catastrophic behavioral regression.

- Living “in the community” is not for everyone. There would be far fewer people for BDC residents to interact with in a group home setting.

- Living at BDC provides a very safe environment, with constant oversight of staff. There would be virtually no opportunity for a staff member to abuse a resident.

- The direct care staff members at BDC are professional, dedicated, experienced and give from the heart. The stability of long-term workers is important to the residents, since change can be so hard for them.

- The proposed closing of BDC is extremely difficult on family members, many of whom are frail, elderly people who have grown to trust the high standard of care.

- Immediate health care is available at BDC. There is nursing staff 24 hours a day, seven days a week, and a doctor available during the day. This would not be the case in a private-sector group home.

- The Binghamton, NY area will lose 600-plus well-paying jobs if the center closes.

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Quotable

"The difference between the impossible and the possible lies in a person's determination."

~ Tommy Lasorda

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Calendar Reminders:

March 25, 2014

AHCA/NCAL's ID/DD Residential Services Providers Hill Fly-In event. Questions? Contact Dana Halvorson, dhalvorson@ahca.org.

June 8, 2014

VOR 2014 Annual Conference and Initiative:

"Making it Happen: Reforming Policy and Law in Support of Person-Centered Quality and Choice"; Hyatt Regency, Washington, D.C. [Details coming soon](#)

Week of June 9, 2013

VOR 2014 Congressional Initiative: Families and advocates visit Capitol Hill. [Details coming soon](#)

Archives

***Social Media Strengths: Using Facebook and Twitter to Advance Your Cause (VOR, July 2013).** [Visit VOR's website for a copy of the powerpoint presentation and an audio of the event.](#)

*** How Congress Works Webinar:** [Recorded - Listen Here.](#) Tuesday, April 23, 2013 - 12:00 pm central / 1:00 pm eastern. How Congress Works: The Basics. Hosted by Peter Kinzler and Larry Innis.

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