
Cape Organization for Rights of the Disabled

NEWS UPDATE
February 2010

Community Services From CORD

In addition to one-on-one consumer services, CORD's advocates provide an array of community services such as access reviews, disability awareness presentations, assistive technology demonstrations, and public education on laws and issues such as the Americans with Disabilities Act (ADA), service animals, and special education. Recent activities have included:

- Conducted an access review of the Hyannis Youth and Community Center
- Provided technical assistance to the Cape's disability commissions and committees
- Participated in the Mashpee Wampanoag Tribal Fair
- Provided technical assistance with accessibility issues at the Cape's regional emergency shelters
- Assisted with the planning of — and provided workshops at — the county's regional ADA conference
- Participated in the Town of Barnstable's Peace Week event for the third consecutive year
- Presented information about becoming a PCA to a class at Cape Cod Community College

(Community Services, continued on page 7)

B-bus Improvements

The Cape Cod Regional Transit Authority (CCRTA) has taken consumer input and will be implementing changes to improve its fares and payment policies. Beginning in April, the following improvements will take place:

- Passengers will be able to pay as they board;
- Mileage charges will be eliminated and flat fares will be charged for all rides. People with disabilities will pay \$1.50 per ride;
- Bus passes will be available at discounted rates.

What does this mean for b-bus riders?

- Passengers will not have to maintain accounts for their rides;
- There will be no more monthly billing statements;
- Passengers will always know what their fares are because they won't be based on mileage;
- Passengers will have options for paying their fares.

Please call the CCRTA at 508-775-8504 with any questions.

Office of Disability Employment Policy

A New Day: We're Listening

The U.S. Department of Labor's (DOL) Office of Disability Employment Policy (ODEP) and its federal partners, including the Social Security Administration, the Department of Education, and the Department of Health and Human Services, will be holding a series of six nationwide listening sessions.

Each session is an opportunity for the public to provide input and ideas to senior federal officials on more effective ways to employ various groups of people such as veterans, minorities with disabilities, and women. They are specifically looking for input from the following groups:

Individuals and Consumers – youths and adults with disabilities, parents, and caregivers
Employers – public and private
Service Providers and Advocacy Organizations – Independent Living Centers, One-Stops, and State Vocational Rehabilitation Programs

This is a unique opportunity for people from all areas to provide input directly to the U.S. government. Our regional event — to be held in Boston — will be held on Wednesday March 3, 2010. The sessions will also be available online to listen live. Public comments may be submitted online from February 3 through March 5. For more information and to register, please visit ODEP's website at www.disabilitylisteningtour.com.

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Overview of Massachusetts Regulations on Independent Educational Evaluations

In 1974, Massachusetts passed a law designed to protect the rights of students with disabilities and their parents. In 1975, Congress passed a similar law. Both laws, with their accompanying regulations, describe the family's right to an Independent Educational Evaluation (IEE).

What is an IEE? It is an evaluation conducted by a person or persons who are not employed by the school district.

The Individuals with Disabilities Education Act (IDEA), the federal special education law, says that parents have the right to obtain an IEE whenever they have a disagreement with an evaluation conducted by the school district, but no more than one per year in each area of suspected disability. Districts can inquire as to the nature of the parent's disagreement but cannot "unreasonably delay" in responding to a request for an IEE. The district must agree to either pay for the IEE or initiate a due process hearing to demonstrate that its own evaluation is "appropriate." Massachusetts regulations require school districts to respond to the parent's request for an IEE within five school days. If the district's evaluation is found to be "appropriate" the parents are still entitled to an IEE but not at public expense. If parents ask for referrals for outside evaluators, the school district must provide a list of qualified evaluators within the geographic area. However, parents do not have to use an evaluator on the list. They can choose any qualified evaluator to conduct the IEE.

Massachusetts special education law and regulations provide additional requirements for IEE's that are not included in federal regulations. These include:

- ◆ Language about a "sliding scale." Parents may disclose financial information about income, but it is a "voluntary" decision. If the parents choose not to disclose financial information, the school district must still consider the request and decide if their evaluations are adequate.
- ◆ A provision for state rate setting. This means that the school district will only have to pay the independent evaluator the fee set by the state. However, the regulations note that parents may be able to demonstrate that unique circumstances may justify a parent utilizing the services of an independent educational evaluator who does not accept the Massachusetts rates.
- ◆ A statement that a publically funded IEE "continues for 16 months from the date of the evaluation with which the parent disagrees." If it has been more than 16 months since the district evaluated the student, the district can ask the parents to allow the district to re-evaluate before agreeing to pay for an IEE.
- ◆ That an independent evaluation report should be completed within 30 days from the time

(IEE's, continued on page 6)

Assistive Technology Fairs

CORD recently had its first Assistive Technology (AT) fair of 2010. On January 26, 2010 CORD advocates were on hand at the Chatham Community Center to explain what AT is, how it can help people with daily living and recreation, and how to get assistance in paying for it. Some of the low-tech devices that were on display included aids that assist with:

- ◆ Dialing the phone
- ◆ Hearing the TV
- ◆ Writing letters and checks
- ◆ Using the computer
- ◆ Turning knobs
- ◆ Talking with family and friends
- ◆ Playing poker and other games
- ◆ Cooking
- ◆ Eating
- ◆ Remembering to take medication
- ◆ Dressing
- ◆ Brushing your hair
- ◆ Threading needles
- ◆ And so much more!

CORD is planning on holding AT fairs in Orleans and Barnstable over the next few months so watch for more information to come!

If you would like to host an AT fair or have CORD give an AT presentation to your business or group, please contact Alison Kirwin at alison@cilcapecod.org or call 1-800-541-0282 ext. 24 (V/TTY).

CORD Needs You!

CORD invites you to become a dues-paying member. For over 20 years, CORD has been a leader in battles for fair housing, the ADA, communication access, expanded bus service for the Cape, accessible ferries, affordable health care, attendant services, and many other concerns that enhance independent living.

Yes, I want to pay my annual \$20 dues Yes, I want to make an additional donation

I would like to become a CORD member and this is what I am able to give \$ _____

Name: _____

Address: _____

Send to: CORD, 106 Bassett Lane, Hyannis, MA 02601

It's in Your Hands

This year it's time to **Be Counted** as part of the US census!

The Census Bureau will mail everyone a short census questionnaire in March. The hope is that everyone immediately takes the time to respond to the questions and mails the form back as soon as possible after receiving it.

People with disabilities have a major stake in a complete census count. An accurate count impacts several important programs and services, such as MassHealth, Medicare, SSI, programs funded by the Rehabilitation Act, housing, Vocational Rehabilitation, accessible transit, and special education for children ages 3 through 5.

Census officials believe that people with disabilities have been under-reported in past census counts and have taken steps to increase the count. The Disability Policy Consortium is prepared to help by providing information to people with disabilities. In the coming month, the DPC will have information on their web site (www.dpcma.org) on how to participate in the census, with specific details for people who are Deaf, Blind, and Deaf-Blind. The DPC also urges consumers of Personal Care Attendants to encourage their PCAs to respond to the census, as they are also often under-reported in the census. The Census Bureau cannot share questionnaire responses with any other entity or government agency, including immigration status.

Questionnaire Assistance Centers (QAC) will be available to assist those unable to read or understand the census form. For those with visual impairments, Language Assistance Guides will be available in large print and Braille. Deaf and hard-of-hearing persons who do not have access to Video Relay Service (VRS) can call 1-866-783-2010 via FedRelay, a free and confidential federal government communications service. In addition to these options, Language Assistance Guides also will be available in 59 languages at all QAC locations.

For more information, please contact Robyn Powell at the Disability Policy Consortium at rpowell@dpcma.org or 617-542-3522.

Bourne Disability Commission Seeks Members: Do you live in Bourne? Do you have a disability or are you a caregiver or family member of a person with disabilities? Would you like to help your town become more accessible and be a part of a group that will assist the local government with the issues that affect people with disabilities? Bourne's ADA coordinator is looking to re-establish the town's Committee on Disabilities and is searching for members. If you are interested or would like more information please contact Bourne Town Hall at 508-759-0600 and ask for the ADA coordinator.

Items for sale

1. **Invacare Pronto Sure Step Power Wheelchair (model # 91):** It has an electric blue frame and has center wheel drive. It is equipped with a high speed motor and can reach a speed of 6.5 miles per hour. Great for active individuals. Weight capacity up to 300 pounds. Has adjustable angle flip up footplates and tilt back seat and side supports. Comes with a built in charger but needs a new battery. Should also have a tune-up. Great for someone who can't afford a brand new chair but is willing to spend a little money to get it serviced. Cost of batteries is approx. \$100 each and this wheelchair will take 2 batteries. Price = \$300. Sold AS IS.
2. **Roll-Aid:** It turns any 14" to 22" foldable manual wheelchair into a power chair. It works on any straight or drop bar chair. Moves at 4.5 miles per hour. Has a 20 mile range per charge. Weight is 85 lbs and comes with a 5 amp battery charger and remote tilt to move the steering column out of the way for easy transfer. Needs batteries. This item takes 2 batteries @ approx. \$100 each. Price = \$100. Sold AS IS.
3. **Easy Pivot Transfer Assistant (model # EP-82):** This is a mechanical manual lift. This system helps caregivers lift and transfer consumers with little effort while reducing strain on both caregiver and consumer for safe effective transfers in the home setting. Maximum weight capacity is 225 lbs. Great for moderate assistance. Price = \$25. Sold AS IS.

All three items may be purchased together for \$375. Contact Kristen Jung at CORD at 508-775-8300 or 1-800-541-0282 (both numbers V/TTY) for more information.

(IEE's, continued from page 3)

- that the parents have requested an IEE "whenever possible."
- ◆ A provision that a Team meeting must occur within 10 school days after the district and the parents receive a copy of the evaluation report to consider whether a new or modified IEP would be appropriate. While the district is able to have 10 school days to review an IEE prior to a Team meeting, parents only have two days to review an evaluation conducted by a school district. This occurs only in situations where the parent requested in writing to receive copies of the school district's evaluations prior to the meeting.
 - ◆ That an IEE report may include a recommendation about the type of placement that will address a child's needs but not a specific placement per se.
 - ◆ That the IEE report will summarize procedures, assessments, results, and diagnostic impressions as well as relevant recommendations for meeting the student's needs.

The protection offered by the Massachusetts regulations on IEE's relative to the five school day rule is very positive because it requires districts to respond to parental requests for a publically funded IEE in a timely manner. Provisions relative to confidential information on income, state rate setting requirements, and the 16-month window for requesting an IEE seem to include requirements that go beyond what the federal regulations require for publically funded IEE's.

Federation for Children with Special Needs, Newslines, Fall 2009

A letter from Cape Cod Healthcare to the Deaf and Hard of Hearing Community

Dear ...

Commissioner Heidi Reed of the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) has announced that, due to the governor's recent 9-C budget cuts, the After Hours Emergency Referral Service for ASL Interpreters will close as of November 20, 2009. This service provides hospitals, courts, and police departments with sign language interpreters between the hours of 5 p.m. and 8 a.m. Interpreters were sent to hospitals based on availability and when requests were made.

To ensure continued access to hospital services, Cape Cod Healthcare will work with the Cape Organization for Rights of the Disabled to:

- ◆ Inform the community of the new changes to the After Hours Referral Service
- ◆ Continue to provide remote Video Relay Interpreting services at Cape Cod Hospital and Falmouth Hospital at all hours
- ◆ Obtain an after-hours emergency list of available ASL interpreters (RID certified) to contact when the need arises.

Cape Cod Healthcare is committed to providing our patients with the best possible care and services.

If you have any questions please contact me at 508-862-7822.

— Cecilia Phelan-Stiles
Senior Manager of HR Communication Systems

(Community Services, continued from page 1)

- Did an interview with a local radio station regarding CORD's services
- Hosted a focus group to assist with Barnstable County's *Impediments to Fair Housing* report
- Advocated at the State House for Disability History Month
- Hosted a day of recreation at Camp Lyndon for TAP consumers
- Provided inservices to several local organizations

If you're interested in having a CORD advocate speak to your organization or attend an event, please call Alison Kirwin at 508-775-8300 ext. 23 (V/TTY).

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106 Bassett Lane
Hyannis, MA 02601

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Next CORD General Membership Meeting

The next CORD general membership meeting will be held on **Saturday, March 20, 2010, 11:00-1:00**, at CORD, 106 Bassett Lane, Hyannis, MA 02601. The agenda will include: nominations for the vacant seat on the organization's board of directors; updates from CORD's TAP, Community First, and outreach/systems advocates; formation of a volunteer committee for the Access to Recreation project; and guest speaker Karen Keefe, MassRelay Community Relations Manager. Karen's primary responsibility is to increase the awareness of the telecommunication relay service to consumers, businesses and organizations, which includes any new information that MassRelay has to offer such as the Call Me Cards and the Customer Profile. Please join us in learning about what's new with MassRelay and bring your address book with all the names and contact phone numbers for your Customer Profile. During the presentation, Karen will share her experience of mastering relay telephone skills and the importance of setting up a Customer Profile with MassRelay.