

2012 UCEDD TA INSTITUTE Notetaker Template

Session (check one):

Morning

- NIDRR Long Range Strategic Plan
- Research and Funding Priorities from OSEP
- Employment and Transition

Afternoon

- HHS and DOJ Enforcement Partnership
- State Level P&A Activities
- The Role of CMS in Olmstead Implementation

If speaker is different than who is identified on agenda, please identify speaker:

Curt Decker (on agenda)

Main points from speaker presentation:

Using Olmstead in a lot of different places:

-Prison Context

-“Reverse” Olmstead

-Employment (so far so good)

Not impossible – folks don’t need to be in sheltered settings

no previous litigation like this, so scoured country for right criteria for case (right judge, find state with good experience with competitive employment)

Oregon had history of doing supported employment, so good setting/fit (CP affiliate to be plaintiff) – off and running; will see what happens

1992 ada did not apply to sheltered workshops – now DOJ backtracking and says they didn’t really mean that -- segregated employment violation of ADA

CMS says no money going to sheltered workshops, but not true

People want to get rid of sheltered workshops, until they realize that they would lose too much Medicaid money

Need monitoring, oversight, review of sub-minimum wage, representative payee, etc. – need resources to do this

People want to live/work in community, but lots of problems

Some things to work on moving forward/groups to partner with:

How can we use IDEA to move things forward?

How do we change transition? (too many going to sheltered workshops)

Why aren’t individuals in sheltered workshops given an opportunity for VR?

AAC not used in sheltered workshops

How can we use self-advocacy community to help folks who don’t have any other experience and to educate others?

Resistance to wanting to view things as civil rights issues – need to bring awareness to the worth, value of individuals with disabilities (e.g., Ashley, VA/Arkansas cases)

**Opportunities identified for UCEDDs:
(training, technical assistance, service, and/or research activities, or available funding)**

Opportunities for partnerships between P&A/UCEDDs:

UCEDD can be great source of expert witnesses – maybe not in own state, but in others (can we get a pool together that can go to other states?)

UCEDDS can offer different sources of expertise (medical, etc.)

Can collaborate – UCEDDS can directly observe individuals and report back (institutions, schools, etc)

“Higher up” law groups (or similar –govt official) can use clout to get institution, etc. to do something, and then send them to UCEDDS for education, evaluation

Maybe UCEDDS need to higher a “policy” person (or partner with another agency) – can begin to work together, build network – may eliminate issues such as lobbying. Can sign on to letters as a center. (Wisconsin has done this)

Q&A with participants:

Definition for segregated vs non segregated?

Why can't they do the same work in an integrated setting?

Why doesn't litigation change things? – after so many lawsuits, still sheltered workshops, institutions, etc. Too busy in court to help improve a life?

Need to be careful about how we pick our lawsuits and why

Litigation can take many years, lots of resources, and may not end in good results (risky)

Medical Model

Think about medical issues as civil rights issue

Use cases (e.g., Ashley) to educate (med students, LEND trainees) – brings up incredible ethical issues

Use P&A report as training/teaching tool – “good cop, bad cop” – use it as an opportunity to bring up issues to discuss at UCEDD (approach it from a professional view point)