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TEAM ADVOCACY DD PROJECT

By Lindsey R. Kanipe

Protection & Advocacy for People with Disabilities, Inc. (P&A) is a private, non-profit organization that protects the civil, human, and legal rights of South Carolinians with disabilities.

P&A is expanding its work with individuals with developmental disabilities to include inspections of housing in the community. P&A will respond to abuse and neglect and assess for quality of life indicators. P&A has been conducting similar Team Advocacy inspections in community residential care facilities since 1990.

The project will focus on eight areas: physical well-being, emotional-well being, material well-being, interpersonal relations, personal development, self-determination, social inclusion, and human rights.

P&A staff and volunteers will make unannounced visits to community-based residential facilities throughout the state. P&A anticipates that the first visits will be to community training homes. During their visits the team will review records, interact with staff and residents, and observe the residents in their environment.

P&A will write a report based on interviews and interactions. Each facility will have an opportunity to discuss significant issues and respond to the report. The report will also be submitted to the Department of Disabilities and Special Needs (DDSN), the local Disabilities and Special Needs (DSN) Board, the Long Term Care Ombudsman, the Department of Health and Environmental Control (DHEC), the Department of Health and Human Services (DHHS); and a copy may be sent to the Department of Mental Health (DMH) or other organizations as appropriate.

Since its inception P&A has been committed to improving the lives of South Carolinians with developmental disabilities. We are looking forward to increasing the number of individuals benefiting from Team Advocacy.

P&A is seeking volunteers to be a part of these team inspections. If you would like to be part of a team's visit to a residence or have questions, please contact Lindsey R. Kanipe with P&A at 803.217.6712 or email kanipe@protectionandadvocacy-sc.org.

Ms. Kanipe is a P&A advocate.

OVERCOMING BARRIERS TO COMMUNITY INTEGRATION

By Sara Prothro and Jerri Davison, with Dave Zoellner

P&A's Community Integration (CI) Team works to prevent unnecessary institutionalization of people with disabilities. P&A advocates for individuals to get the services and supports they need to live in the community. Recently P&A was successful in helping two clients overcome obstacles that were stopping them from living in their own homes.

One client uses a wheelchair because of an accident nine years ago that resulted in quadriplegia. Since then he has received services from the Head and Spinal Cord Injury (HASCI) Division of the Department of Disabilities and Special Needs (DDSN). They provided medical supplies, daily attendant care and home modifications for a house he owned.

Last fall, another agency removed him from his home and placed him in a hospital. Their plan was to transfer him to live in a nursing home. P&A advocated successfully for his release. He went to stay with his parents until some remodeling is completed at his house and looks forward to getting back home.

Another client, J. R Shull, a 27-year-old man, had a traumatic brain injury two years ago. Since then he has had a difficult time getting the services he needs to live independently. He was living with his elderly grandmother. United Cerebral Palsy (UCP) began helping him. After much work, UCP located a one-bedroom, accessible apartment that was affordable. Mr. Shull had already moved his belongings into the apartment. Then his funding agency told him that it would not approve the apartment because it did not have two exit doors that he could easily use. They were concerned about their legal liability.

P&A advocated for him to keep the apartment and arranged for a careful review of the apartment's floor plan by UCP's Human Rights Committee. Based on the committee's review and Mr. Shull's continued choice of that apartment, his funding agency agreed to let him move in. The client and his mother, Yvonne Shull, were so pleased with the work done by P&A advocate Sara Prothro that they nominated her for the WIS-TV news program, "People to Count On". Ms. Prothro was interviewed by the news anchor, and the segment was featured on the air during the week of November 19th. P&A thanks Mr. Shull and his mother for sharing this success with the public.



J. R. Shull with his advocate, Sara Prothro

Ms. Prothro is an Advocate, Ms. Davison is a staff attorney, and Mr. Zoellner is Managing Attorney.

THANKS TO OUR SUPPORTERS

DR. AND MRS. CHARLES BANOV
C. MAC GIBSON, ATTORNEY
LILLIE C. HART, ATTORNEY
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*Contributions to Protection and Advocacy for People with Disabilities, Inc.
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P&A HELPS CRIME VICTIM AVOID EVICTION

By Jerri Davison with Dave Zoellner

Two P&A teams worked together to keep a crime victim from being evicted from her home. The client is a young mother raising two children on her own. She is legally blind.

A friend of the client had been living in a neighboring apartment complex, but had been evicted. Our client told her friend that she and her son could stay a couple of weeks while searching for a new home. The couple of weeks turned into three months. During this time, the friend offered to take our client's rent check to the apartment office each month.

Several months after the woman and her son moved out, our client received an eviction notice because she was behind on her rent payments. It was then discovered that the "friend" has stolen the rent payments for all three months. Proper reports were made to the police and small claims court, but our client was still facing eviction.

Jerri Davison, attorney with P&A's Community Integration Team, negotiated with the Regional Housing Authority to cancel the eviction and set up a payment plan. They did temporarily halt the eviction, but did not follow through on setting up the payment plan. That resulted in the local housing authority going to court and filing a Notice to Vacate. Eviction loomed again. Stephanie Pessin, attorney with P&A's Equal Access Team, then negotiated a reasonable payment plan. The client was allowed to stay in her apartment and was very grateful for P&A's help.

COURT ALLOWS CLASS ACTION IN LAWSUIT AGAINST SC DEPARTMENT OF CORRECTIONS

By Nancy McCormick

In June of 2005, P&A and several inmates brought suit against the South Carolina Department of Corrections (SCDC) and government officials seeking improved mental health services in prisons. The law firm, Nelson Mullins is representing the plaintiffs, pro bono.

On November 1, 2007, Circuit Court Judge Michael Baxley certified a class of inmates with mental illness, meaning the case can now proceed as a class action - an action not on behalf of a few individuals, but on behalf of all inmates who meet the definition, set forth in a court order, of "serious mental illness."

Judge Baxley also approved plaintiffs' motion to add as defendants, the State and SCDC Director Jon Ozmint (in his official capacity). The SC General Assembly had previously been dismissed as a defendant.

During this time discovery in the case has been at a standstill while the court resolved these legal issues. This meant P&A's attorneys could not start the formal process to get information needed to prove their claims. Attorneys anticipate that discovery, including inspections, review of medical records, interviews of inmates, and depositions of prison officials, will resume in early 2008. The case is unlikely to come to trial before 2009. For more information, see the P&A website at:

<http://www.protectionandadvocacy-sc.org/P&Apressrelease6-20-05.pdf>.

Ms. McCormick is a staff attorney.



Protection & Advocacy for People with Disabilities, Inc. is a United Way of the Midlands Partner Agency.

IDEA TRANSITION SERVICES: THE BASICS

By Jennifer Addison

This article addresses transition services available for older students in special education. It should be noted that special education law also provides for transition plans for toddlers who are leaving BabyNet and entering the public school system; however, this article focuses on transition for older students.

The Individuals with Disabilities Education Act (IDEA) requires school districts provide “**transition services**” to students with Individual Education Programs (IEP) **to help prepare them for life after finishing public school. These services must be provided while the student is still in public school.** Transition services should prepare students for activities such as employment, independent living, community participation and/or any additional education a student may need beyond public school. The preparation the student receives should be based upon the student’s individual needs. Transition services can be in the form of instruction, related services, community experiences, and development of adult living objectives. If appropriate, transition services can even include teaching a student daily living skills and providing a functional vocational evaluation.¹

Parents and child advocates should be aware that, due to a recent change in South Carolina, students in special education should be receiving transition services at an earlier age. **Under a new state regulation, transition services must be included on the IEP that is in place when the student turns 13 years old.**² By contrast, federal law does not require transition services until the student is 16.³ Until recently, this was also the law in South Carolina. Thanks to the change in our State law, however, South Carolina students must now get transition services much earlier. Of course, if the IEP team decides a student needs transition services even before age 13, the team is free to include them earlier.⁴

Prior to adding transition services to a student’s IEP, the school district must conduct assessments (tests) to determine the student’s needs. Based upon the results, the IEP team must develop transition goals for the student. Those goals must be added to the IEP. This essentially makes up the student’s “transition plan” and sets the course of services and training the school district will provide for future employment and independence.

When a student is entering high school, critical decisions must be made about whether the student will be taking enough credit courses to graduate with a high school diploma. Most colleges and technical schools require a diploma rather than a certificate of completion.

In providing transition services, the school district must work with any other public agencies that could assist the school district.⁵ For example, if the student is also a client of the Department of Vocational Rehabilitation (Voc Rehab), the school district should work with Voc Rehab in the development and provision of transition services. The district should invite a Voc Rehab representative to transition meetings and consult with Voc Rehab about the provision of transition services. If there are services Voc Rehab is better equipped to provide, Voc Rehab and the district could agree that Voc Rehab provide those services instead.

Voc Rehab is only one example of a public agency that could be involved in the transition services. Other public agencies could be appropriate to include in transition planning. Students who are clients of the Department of Disabilities and Special Needs should involve that agency. To get the most out of transition services, the district (or the parent) should invite representatives from all relevant agencies to IEP meetings involving transition planning. If the other public agencies fail to attend meetings or provide services, the school district must provide the necessary transition services anyway.⁶

Inviting the “right” people to IEP transition meetings is a key factor in the development of a good transition plan. This includes inviting representatives from other involved public agencies and the “regular” members of the student’s IEP team. **By law, the student also must be invited to the transition meeting.** If the student does not attend the meeting after being invited, the district must take other steps to ensure the student’s preferences and interests are considered.⁷ The school district should also invite district staff who “specialize” in transition planning. This staff person’s title may be different in each district, but guidance counselors, transition specialists, and/or other staff with special training in transition are all appropriate individuals to invite to the meeting. These individuals can assist with testing to determine both the interests and capabilities of the student. In addition, these individuals can assist in identifying resources such as special training programs to assist the student in reaching life goals.

The student and the parents or guardians play a crucial role in making sure the student receives a meaningful transition plan for employment and independent living after finishing school. Therefore, it is essential to ask questions throughout the transition process about the development of transition goals and the resources available to achieve those goals. School district personnel should be willing to assist students and parents with any questions and should be open to inviting individuals the parents and students request to the relevant meetings.

P&A staff are happy to discuss any questions individuals may have about the transition process. If you would like to speak to an advocate about difficulties you are having with a school district regarding transition services, please call our intake line toll-free at 1(866) 275-7273 (voice) or 1(866) 232-4825 (TTY).

Ms. Addison is an attorney and Team Leader.

- 1 34 CFR 300.43 and SC Regulation 43-243 I. B. 39
- 2 SC Regulation 43-243 IV. D. 1. b)
- 3 34 CFR 300.320(b)
- 4 SC Regulation 43-243 IV. D. 1. b)
- 5 34 CFR 300.154 and SC Regulation 43-243 II. L. 1. b)(1)
- 6 34 CFR 300.154(b) and SC Regulation 43-243 II. L. 1. b)(2)
- 7 34 CFR 300.321(b) and SC Regulation 32-243 II. L. 2. b)

**PROTECTION AND
ADVOCACY FOR
PEOPLE WITH
DISABILITIES, INC.**

*Cordially Invites You To Attend
Celebrating Abilities
An Evening Of Jazz and Art*

The Meridian Building ~ 1320 Main Street, Columbia, SC

April 25, 2008

6:00p.m. ~ 9:00p.m.

*\$50.00 ~ Jazz Combo ~ Silent and Live Auction ~ Wine
Heavy Hors D'oeuvres ~ P & A Annual Awards
Dessert & Coffee Bar*

CALENDAR OF EVENTS

P&A All Staff Meeting
March 3-4
Midlands Technical College
Northeast Campus
Columbia

Board of Directors
March 8, 10:30 a.m.
Central Office Conference Room

MROP Advisory Council
March 11, 10:30 a.m.
Central Office Conference Room

PAIMI Advisory Council
March 12, 12:00 noon
Central Office Conference Room

PAIDD Advisory Council
April 4, 10:00 a.m.
Central Office Conference Room

Celebrating Abilities
April 25, 2008
Law Offices of Nelson, Mullins
Meridian Building
Columbia

2008 ELECTION

During the 2008 election year, people with disabilities may call P&A if they encounter problems while registering to vote, accessing a polling place or casting a ballot. Please call also if you would like to have a color copy of the poster shown on the next page.

BE SURE TO REGISTER!!

You must register 30 days before an Election in order to vote! You may register to vote by visiting your county voter registration office to complete an application or by downloading the mail-in application at www.scvotes.org. You may also call P&A, and someone will assist you with registering to vote.

BE SURE TO VOTE!!

Below is the 2008 Election Year schedule:

<u>Type of Election</u>	<u>Election Date</u>	<u>Voter Registration Deadline</u>
Primary Election	June 10, 2008	May 10, 2008
General Election	November 4, 2008	October 4, 2008

THE SOUTH CAROLINA DISABILITY VOTING COALITION

The South Carolina Disability Voting Coalition (SCDVC) is a non-partisan coalition dedicated to increasing the number of people with disabilities who vote through voter education and improved access to the voting process. The coalition began in February of 2006 when a P&A Equal Access Team advocate met with an individual from the Disability Resource Center and someone from Disability Solutions to discuss how different disability communities in SC could come together to advocate for improved access to the voting process.

The idea of the coalition was formed and is still going strong. Currently, the coalition is partnering with the State Election Commission to create a video for voters who are deaf or hard of hearing. SCDVC members discovered that voters who are deaf have been historically left out of the voting process due to communication barriers. This video will explain the voting process from the polling place door to the voting booth. The video will be available for distribution sometime this spring.

Coalition members include:

<i>The Arc of South Carolina</i>	<i>SC Association of the Deaf</i>
<i>The Autism Society of South Carolina</i>	<i>SC Department of Mental Health</i>
<i>Disability Action Center, Inc.</i>	<i>SC Employment Security Commission</i>
<i>Disability Solutions</i>	<i>SC Independent Living Council</i>
<i>disAbility Resource Center</i>	<i>SC School for the Deaf and the Blind</i>
<i>Federation of the Blind of SC</i>	<i>SC Spinal Cord Injury Association</i>
<i>Columbia Chapter</i>	<i>USC Center for Disability Resources</i>
<i>Protection & Advocacy for People with Disabilities, Inc.</i>	<i>Walton Options for Independent Living</i>

**PROTECTION AND
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Advancing Voting Rights for South Carolinians with Disabilities

Voting Problems?

- ★ Do you have a disability?**
- ★ If so, did you have any problems voting or registering to vote?**
- ★ Do you know someone with a disability who has had problems voting?**
- ★ Have you seen polling places that people with disabilities cannot enter?**

Contact P&A!

1-866-275-7273

Toll-free and Voice

1-866-232-4525

TTY

www.protectionandadvocacy-sc.org

Protection and Advocacy for People with Disabilities, Inc.

P&A is a private, non-profit corporation that serves as South Carolina's federally-funded protection and advocacy system for people with disabilities. Established in 1977, P&A is a member of the National Disability Rights Network and is authorized by state and federal law to protect the rights of people with disabilities in South Carolina. As required by federal law, P&A is independent of all agencies that provide treatment or other services to people with disabilities.

Please feel free to contact our toll-free helpline, [1-866/275-7273](tel:1-866-275-7273) (Voice) or [1-866/232-4525](tel:1-866-232-4525) (TTY) for updates on any of the issues you have read about in this newsletter or to request service. This newsletter is not intended to be legal advice. We do not discriminate on the basis of disability, race, gender or national origin in the provision of our programs or services. Pete Cantrell is the designated coordinator for Sec. 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

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LAST P&A NEWSLETTER

This is the last edition of our printed newsletter *Perspectives*. Like many other non-profits, we will now make news available on our website instead of printing a newsletter. Using the website will allow us to use our resources more efficiently. Our web address is: www.protectionandadvocacy-sc.org

We will still make printed copies of our priorities available for public comment each summer.

We thank you, our readers, for your interest and encourage you regularly to check our website for current information.

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