

# NJCDD

NJ Council on Developmental Disabilities

# the Council

A publication of the New Jersey Council on Developmental Disabilities



From Trenton

## Anti-Bullying "Bill of Rights" Signed



### DDD Director Ken Ritchey Retires; Dawn Apgar to Serve as Interim Director

In a short statement issued in mid-January, New Jersey Human Services Commissioner Jennifer Velez announced that Assistant Commissioner Kenneth Ritchey retired from his position as Director of the Division of Developmental Disabilities (DDD). Ritchey had held the post since March 2007.

In her comments, Velez noted that Ritchey's tenure with DDD was "marked with advances, most notable, reducing out of state residential placements and expanding the Medicaid Community Care Waiver to maximize federal reimbursement."

Deputy Commissioner Dawn Apgar will serve as interim Division Director while the Department conducts a search. Apgar joined the Department earlier this fall.

*Corrected text: The print version of this edition of The Council contained an incorrect spelling of New Jersey Human Services Commissioner Jennifer Velez's name. It is spelled correctly here and above.*

In early January, New Jersey Governor Chris Christie signed one of the toughest anti-bullying laws in the nation. The new law is intended to tighten the state's existing 2002 anti-bullying law. That law encouraged school districts to set up anti-bullying programs, but did not require them.

The "Anti-Bullying Bill of Rights" requires training for public school teachers, administrators and other employees on how to spot bullying, and requires that districts create a "school safety team" to review complaints of bullying.

Under the law, the state will grade local districts on their efforts to fight and address bullying. Administrators who fail to investigate reported incidents of bullying would be disciplined; students who bully could be suspended or expelled. School employees would be required to report all incidents of bullying they learn of, whether the bullying took place in or outside of school.

*continues on page 3*

### New Jersey Dept. of Education Requests Waiver to Reduce State Financial Support for Special Education

New Jersey is among six states asking the U.S. Department of Education for a waiver allowing them to reduce the amount of state financial support provided to local districts for special education for the current fiscal year. Under federal special education law, states must maintain the same level of state support for special education from one year to the next unless they are granted a waiver to reduce that amount.

*continues on page 3*



**This is Your Last Issue  
of The Council.**

Read more about NJCDD's new electronic reading options on the next page, and **make sure we have your current email address** so you can keep reading.

## Feds Announce New Efforts to Move People with Disabilities Out of Institutions

In early January, the U.S. departments of Housing and Urban Development (HUD) and Health and Human Services (HHS) announced a joint effort to help nearly 1,000 non-elderly Americans with disabilities leave nursing homes or other healthcare facilities to live more independently. The interagency collaboration is intended to allow persons with disabilities to live productive independent lives in their communities rather than in institutions. This is the first time two federal agencies are offering a combination of rental assistance, health care and other supportive services targeted to this population.



HUD is providing \$7.5 million in rental assistance vouchers that will help nearly 1,000 individuals with disabilities rent private apartments. Public housing authorities in 15 states, including New Jersey, will administer the rental subsidies and will work with state human service agencies to identify eligible individuals who could benefit from the program. Under this initiative, New Jersey's Department of Community Affairs received nearly \$1 million to fund 100 vouchers.



Individuals receiving rental assistance through the program will also receive health and social supports that will enable them to live independently. These supports are provided through the HHS Centers for Medicare and Medicaid's "Money Follows the Person" (MFP) grant program, which allows individuals who qualify for Medicaid-funded nursing home or other institutional care to receive supports – such as in-home nursing and personal care services – while living in the community. In places where the MFP program is not available, services will be provided by a state-sponsored institutional transitional program comparable to MFP that includes dedicated supportive services.

The funding is part of the \$40 million HUD made available in April 2010 to public housing authorities across the U.S. to fund approximately 5,300 rental assistance vouchers for non-elderly persons with disabilities to promote independent living.

## From the Executive Editor:

This is the final print issue of NJCDD's newsletter, The Council.

It's been a great run but, like the rest of the world, it's time to go a bit greener and stay in touch electronically. We're not leaving the print world behind, however. We will continue to publish our quarterly magazine *People & Families* in print form and mail it out as always.

**If you or your colleagues would like to receive any of our publications, print or electronic, visit [www.njcdd.org](http://www.njcdd.org). Click on the "Join Our Mailing List" link near the top of the home page. Use the form to provide your name, address, and email address, and indicate your preference for receiving e-alerts and other e-communications. If you're not already subscribed, you can let us know that you'd like to receive *People & Families* magazine. Remember to include your name so we can find you in our database.**

We also encourage you to visit our Information & News page, and NJCDD's "[JustSaySomething.org](http://JustSaySomething.org)" blog, where we post news and host discussions on a variety of topics of interest to people with disabilities and their families. Join the conversation. Find links to both on our website. You can also email us directly at [njcdd@njcdd.org](mailto:njcdd@njcdd.org).

Keep in touch and stay connected. Let us know what you're thinking. We welcome your comments, questions, and requests.

Norman Reim

The Community Living Initiative is an outgrowth of the 1999 landmark Supreme Court ruling in *Olmstead v. L.C.* In that case, the Court ruled that the Americans with Disabilities Act (ADA) protects a person with a disability from being unnecessarily institutionalized. The Court said that such forced institutionalization can lead to isolation and segregation of individuals with disabilities and can be a serious and pervasive form of discrimination.

## Anti-Bullying “Bill of Rights” Signed *continued from cover*

According to the National Education Association, an estimated 160,000 school children stay home each day out of fear of attack or intimidation. Studies have shown that students with disabilities or chronic illness are more likely to be victims of bullying at school than their non-disabled peers.

The bill, which was in the works for almost a year, gained publicity and momentum after the suicide of Rutgers University freshman Tyler Clementi, whose roommate streamed video of a private same-sex

encounter via the internet. In October, immediately following Clementi’s death, the U.S Department of Education issued a letter to school leaders reminding them that some student misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department’s Office for Civil Rights (OCR). In some cases, bullying may also result in discriminatory harassment.

---

## NJDOE Requests Waiver to Reduce Special Ed Support *continued from cover*

In a letter sent to Education Secretary Arne Duncan in late September, New Jersey reports that it had “a precipitous and unforeseen decline in financial resources” causing the State to have a \$2 billion deficit in FY10, and forcing a reduction in state support of education, including a \$52 million reduction in funding for special education. According to the request, the special education reduction is less than the reduction in overall state aid to school districts (6.2%).

If a state receives a waiver, the state must return to the prior year’s level of state support the following year or face reductions in federal funds (unless a new waiver is requested and granted). To date, only Iowa and West Virginia have been granted a full waiver, and one state, Kansas, has been granted a partial waiver.

For more information, go to <http://ideamoneywatch.com/balancesheet/?p=148>, or visit the U.S. Department of Education’s website, at <http://www2.ed.gov/policy/speced/guid/idea/monitor/smfs-partb-waivers.html>.

---

## Bill Would Establish a Special Education Task Force

Assemblyman David P. Rible, (R) of Monmouth County has introduced legislation to examine special-education in New Jersey. His bill calls for a 15-member task force, which includes leaders from SPAN, the Council on Developmental Disabilities and The Arc, along with other stakeholders, to look at issues including evaluation, best practices, placement, oversight and costs associated with special education.

The bill was introduced in response to a series of articles that appeared in the Asbury Park Press alleging that fraud, lack of oversight and uneven service delivery are adversely affecting the state’s education of students with disabilities.



## People with Disabilities Experience Violent Crime at Twice the Rate of People without Disabilities

The Bureau of Justice Statistics (BJS) has released data from 2008 showing that people with disabilities, ages 12 and older, experienced nearly 730,000 nonfatal violent crimes and about 1.8 million property crimes. The violent crimes included 40,000 rapes or sexual assaults, 116,000 robberies, 115,000 aggravated assaults and nearly 459,000 simple assaults.

The rate of nonfatal violent crime against people with disabilities – 40 per 1,000 – was about twice the rate for those without disabilities. Among those measured, people with cognitive disabilities had the highest risk of violent victimization. People with disabilities ages 12 to 24 and ages 35 to 49

were nearly twice as likely as people without disabilities in those age groups to be victimized. Persons ages 25 to 34 with and without disabilities experienced violence at about the same rate.

Females with disabilities experienced higher rates of violent crime than males with disabilities. About 27 percent of violent crimes against females with disabilities were committed by an intimate partner (current or former spouse, boyfriend or girlfriend) compared to one percent of violent crime against males with disabilities.

The report can be found at <http://bjs.ojp.usdoj.gov/>.

## Illinois Olmstead Class Action Case Moves Forward

A Federal Judge in Illinois has ruled that a group of families fighting to preserve in-home care for their adult children with disabilities can file their case as a class action lawsuit. Being allowed to proceed as a class could strengthen the families' case, which has support from the U.S. Justice Department.

The families are suing the Illinois Department of Healthcare and Family Services to force the state to continue to provide their adult children the same level of in-home care that they had while growing up. The lawsuit centers on a Medicaid waiver program which allows children under the age of 21 with the most severe disabilities to receive extensive in-home care. When children turn 21, however, the level of in-home care for which they are eligible is often dramatically reduced because they qualify for nursing homes. Parents charge that the quality of care provided in a nursing home is lower than that provided through one-on-one home-based assistance, and that their adult children have the right to receive care in the community per the Supreme Court's Olmstead decision, which found that people with disabilities should have the option to live in the community when possible.

## Affordable Care Act Provisions Now in Effect

Last year, several provisions of the broad-sweeping federal health care reform, the Affordable Care Act, took effect, including extending health coverage for young adults, tax credits to help small businesses insure their workers, and insurance protections for children with pre-existing conditions.

In 2011, new provisions take effect that will include prescription drug discounts, free preventative care for seniors on Medicare, and increasing access to home and community based services for people with disabilities. For more information visit <http://www.healthcare.gov/foryou/disabilities/index.html>.

## Georgia settlement would Close State-run Institutions

State-run institutions will close in four years in Georgia under a landmark settlement that could serve as a model for similar efforts in other states. Under the agreement, Georgia will stop admitting individuals with developmental disabilities to state hospitals by July 1, 2011. Those now living in such facilities will move into the community by July 1, 2015.

The settlement comes in a lawsuit filed by the Justice Department in January alleging that Georgia was in violation of the Americans with Disabilities Act, and specifically the Supreme Court's decision in *Olmstead*.

The Justice Department called it "the most comprehensive settlement that the department has ever reached in an *Olmstead* case." They vowed to use it as a template for enforcement efforts across the country.

*Under the agreement, Georgia will establish **750 home and community-based waivers by July 2015** to serve people with developmental disabilities who are currently living in institutions as they transition into the community. In addition, **400 new waivers will assist individuals now living in the community** so they can remain there. Those who receive waivers will be able to choose whether they want to live in their own home or with a family member.*

## Young Adults with Disabilities Placed in Nursing Homes at Increasing Rates

A recent report by National Public Radio focused attention on the growing number of young adults moving into nursing homes. Individuals ages 31 to 64 account for 14 percent of nursing home residents today, federal data indicates. Ten years ago, this group made up just 10 percent of the nursing home population. NPR reports that the trend is likely the result of limited resources to help people with developmental disabilities, mental health needs and other concerns

stay in their homes. Even as funds for home-based care have increased in many states, the need for assistance is rising faster, experts say. As states face record budget gaps, programs that help people live at home are increasingly underfunded.

Federal nursing home data shows that there are more than 6,000 young people up to the age of 21 living in American nursing homes.

## "I am Norm" Campaign Raises Awareness of Inclusion

A group of teenagers has launched a national campaign designed to reshape youth perceptions of inclusion and ideas about what's "normal."

The "I am Norm" campaign, which targets middle schoolers, includes U-Tube videos, social networking and a series of advertising buys slated for next year. Organizers hope their efforts will spark conversation about inclusion of people with disabilities and

challenge typical ideas of "normal."

The youth-led, youth-driven effort has been supported by grants from the Mitsubishi Electric America Foundation, the National Inclusion Project and the University of New Hampshire.

For more information, visit:

<http://www.iamnorm.org/home.aspx>.



## Developmental Disabilities Lecture Series

THE ELIZABETH M. BOGGS CENTER  
ON DEVELOPMENTAL DISABILITIES

Department of Pediatrics



ROBERT WOOD JOHNSON  
MEDICAL SCHOOL

University of Medicine & Dentistry of New Jersey

The Elizabeth M. Boggs Center on Developmental Disabilities has announced dates for its Spring and Fall 2011 Lecture Series. The community and continuing education programs are provided for Division of Developmental Disabilities staff, community provider agencies, people with disabilities, and family members to enhance their knowledge and skills, and promote innovative approaches and state-of-the-art practices for people with developmental disabilities.

Eight sessions of the Developmental Disabilities Lecture Series are held each year, four in the Spring, and four in the Fall. Nationally-known speakers with expertise in their fields serve as faculty for the program, each conducting a morning presentation and providing technical assistance in an afternoon forum. The presentations are free of charge and run from 9:00 a.m.– 12:30 p.m.

### Save These Dates:

**For the Spring: April 8 & 15 – Iselin, NJ; April 29 & May 6 – Mt. Laurel, NJ.**

**For the Fall: September 16 & 23 – Iselin, NJ; October 14 & 21 – Mt. Laurel, NJ.**

For more information visit the Boggs Center's Web site at <http://rwjms.umdnj.edu/boggscenter>.

## UMDNJ Launches Mom2Mom Helpline

A new pilot program is providing a 24-hour helpline, offering support, information and resources to parents of children

with disabilities. The project – Mom2Mom – is part of the autism center and behavioral health care unit of the University of Medicine and Dentistry of New Jersey.

Phone lines are staffed 24 hours a day, 7 days a week by a group of mothers of children with disabilities and mental health professionals. The helpline offers peer counseling and clinical assessments and referrals, but organizers stress that what callers often need most is to talk to someone



who understands – like another parent.

Activated in November, 2010, the Helpline is funded in its pilot stage by a grant from the Healthcare Foundation of New Jersey. Modeled after helpline programs for police officers and veterans -- Cop2Cop and Vet2Vet-- Mom2Mom is targeting parents in Essex and Union counties, but will accept calls from throughout the state. The program's creators hope to begin a fund-raising effort to expand its outreach statewide, and a website is also in development. The helpline number is 877-914-MOM2 (6662).



## Oh No! My Last Issue of The Council? But I Want to Keep Reading!!

This is the final print edition of The Council Newsletter. We're going to continue to publish, print and mail **People & Families**, our quarterly magazine, but The Council newsletter and other information and news will all be "going digital."

- ① **Send us your email address.** Visit [www.njccd.org](http://www.njccd.org) and click on the blue box at the top right of the home page that says "Join Our Mailing List." Provide your name, address, and email address, and indicate that you want to receive our e-communications. Remember to **include your name** so we can find you in our database and update your contact information.
- ① If you're not already subscribed, let us know that you'd like to **receive People & Families magazine.**
- ① Visit our **Information & News page**, and NJCDD's "**JustSaySomething.org**" blog, where we post news and host discussions on a variety of topics. Find links to both on our website.
- ① **Join the conversation.** Stay connected and let us know what you're thinking.

## 2011 The Year of the Caregiver

The Administration on Aging (AOA) has proclaimed 2011 as The Year of the Caregiver. It has created a new website to recognize caregivers where visitors can download tools and resources, view upcoming events and submit written and video testimonials.

More than 65 million people - 20% of the U.S. population - spend an average of 20 hours per week providing care for family members or friends who have chronic illness, or disability. For more information, visit: <http://www.celebratingfamilycaregivers.org>.

## New Programs Help Students Transition to Postsecondary Education

The U.S Department of Education has announced \$10.9 million in awards under new programs to help students with intellectual disabilities transition to postsecondary education.

Among the winners are two New Jersey institutions: Bergen Community College in Paramus received nearly \$395,000; The College of New Jersey in Trenton received nearly \$250,000. Grantees will create or expand programs focusing on academics and instruction, social activities, employment experiences through work-based learning, internships and independent living. Grantees will provide individualized supports for students and opportunities to be involved in college experiences with their peers without disabilities.

For more information, visit: <http://www.ed.gov/news/press-releases/us-secretary-education-duncan-announces-109-million-awards-under-new-programs-he>.



**February**

- 14- 16 Disability Policy Seminar sponsored by The Arc of the United States and others. To be held in Washington, D.C. For information, visit <http://www.aaid.org>, or call 202-534-3700.
- 21 Faith Based Supports From Stranger to Community: Pastoral and Theological Foundations for Inclusive Ministries, sponsored by the Boggs Center. To be held in New Brunswick, NJ, from 9:30 a.m. – 3:30 p.m. For information, visit <http://rwjms.umdj.edu/boggscenter>, or call 732-235-9327.

**March**

- 17 NJCDD Public Meeting, sponsored by the New Jersey Council on Developmental Disabilities. To be held in Trenton, NJ, from 10 a.m. – 3:00 p.m. For information, visit <http://njcdd.org>, or call 609-292-3745.
- 25 Facing the Future XIX Employment Conference, sponsored by the Boggs Center and NJ APSE. To be held in Somerset NJ from 8:00am – 4:00pm. For information, visit <http://rwjms.umdj.edu/boggscenter>, or call 732-235-9300.
- 27 Looking to the Future: Life After High School for Individuals with Autism Spectrum Disorders, sponsored by ASPEN-NJ. To be held in Iselin NJ from 8:00am - 4:30pm. For information, visit [www.aspennj.org](http://www.aspennj.org), or call 732-321-0880.

**Looking Ahead...**

May 20, 21 New Jersey Self-Directed Supports Conference, sponsored by the Division of Developmental Disabilities. To be held in Somerset, NJ. For information, visit <http://rwjms.umdj.edu/boggscenter>, or call 732-235-9327.



**CORRECTED:**

June 3 22nd Annual Conference on Medical Care for Persons with Developmental Disabilities, sponsored by the Arc of New Jersey. To be held in Princeton, NJ. For information, visit <http://www.arcnj.org>, or call 732-246-2525.

The Council on Developmental Disabilities (NJCDD) is a publication of the New Jersey Council on Developmental Disabilities (NJCDD).  
 Chair: Elaine Buchsbaum  
 Executive Director: Alison M. Lozano, Ph.D., M.P.A.  
 Executive Editor: Norman Reim  
 Editor/Writer: Brenda Considine  
 New Jersey Council on Developmental Disabilities  
 PO Box 700, 20 West State Street, Trenton, NJ 08625-0700  
 Telephone: 1-800-216-1199; 609-292-3745;  
 TDD: 609-777-3238; FAX: 609-292-7114  
<http://www.njcdd.org>  
 The Council is a compilation of news from various sources, organized to inform people with disabilities about policies, programs, laws, trainings, and events. This publication and others published by NJCDD are available in alternate accessible formats. Please call the Council for more information.

The Council: NJCDD's Newsletter  
 PO Box 700  
 Trenton, New Jersey 08625

Return Service Requested

PRESORTED  
 FIRST-CLASS MAIL  
 U.S. POSTAGE  
**PAID**  
 TRENTON, N.J.  
 PERMIT NO. 21