

RAP Sheet

The Latest in Disability Research, Advocacy, Policy, and Practice

Fall 2018 Issue

WITH JUSTICE FOR ALL



GETTING HELP

By Marissa Berg, Intensive Treatment Service Oversight Coordinator, Community Support Network, Inc.

Terry's life has not been easy. Growing up he was in and out of treatment centers. By the time he was a teenager he was using drugs and drinking. Terry said, "I was given chances by my sister to sober up, stop drinking. I kept going to AA, but kept messing up. I ended up in a homeless shelter." He had run-ins with the law and was engaging in more significant criminal activity.

Finally, while awaiting trial, Terry's path took a turn. "My guardian and I made a decision in my pretrial hearing. They were gonna let me out into the same house (his family's home), but I didn't want to go. I didn't feel safe. I wanted to go to a treatment facility because I knew what I did was wrong." Terry said, "Living at my dad's house, my sister's house - I was just repeating the same things, ending up in jail for petty theft crimes and misdemeanors. I had to confess to the judge that I'd done something wrong. I knew I needed to go to treatment."

For the past year Terry has been a resident in an Intensive Treatment Service (ITS) facility, one of 11 programs in NH that provide housing and support services to individuals with developmental disabilities who have a criminal history. Many of those served by ITS programs have a personal history that includes abuse, neglect, and significant trauma. For these individuals, treatment - not incarceration - provides the best hope for turning their lives around. ITS programs strive to address the underlining issues in residents' lives and to provide them with the support they need to move towards a meaningful and hopeful future.



Photo Credit - Marissa Berg

For Terry, intensive treatment services are making a difference.

Terry said making the decision to go into the program has made a significant difference in his life. For the first

(Continued on page 7)

Welcome to the Fall RAP Sheet. In this issue we look at the intersection of disability and our justice system. In the United States, people with disabilities are incarcerated at significantly higher rates than people without disabilities. They also are more likely to be the victims of crime, with the rate of violent victimization at least twice that of people without disabilities. At all levels, increased efforts are needed to ensure the promise of Justice for All includes people with disabilities.

SUSAN COVERT, EDITOR

A COLLABORATIVE EFFORT BY THE

DISABILITY RIGHTS CENTER-NH, INSTITUTE ON DISABILITY, AND NH COUNCIL ON DEVELOPMENTAL DISABILITIES



INTERSECTION OF DISABILITY AND CRIMINAL JUSTICE

By Stephanie Patrick, Executive Director, Disability Rights Center-NH

People with disabilities regularly interact with the criminal justice system in a variety of ways: as suspects, as prisoners, and as victims. In each situation, individuals with disabilities often face the challenges of interacting with a system that is not designed to appropriately accommodate their disabilities, making a difficult situation even more challenging.

According to the Ruderman Foundation, roughly a third to a half of all people killed by police are people with disabilities.¹ Magdiel Sanchez, a 35 year old deaf man from Oklahoma, was killed by police when he did not drop a lead pipe he was carrying when police came to his home. Police claimed that they did not hear neighbors yelling that he was deaf.² Conner Liebel, a teenager with autism, was walking down the street in Buckeye, AZ shaking a string when he was approached by police. Within minutes, he was on the ground in handcuffs. The police claim that they thought he was on drugs.³ In both cases, law enforcement failed to recognize or accommodate the disabilities of the people they were supposed to be helping, people who were innocent of any crime, and tragedies ensued.

People with disabilities also are held in jails and prisons at much higher rates than people without disabilities. The Center for American Progress reports that, according to the Bureau of Justice Statistics, people in state and federal prisons are almost three times as likely to report having a disability as the nonincarcerated population. Prison inmates are four times as likely and jail inmates more than six times as likely to have an intellectual disability than the general population. One in five prison inmates has a serious mental illness.⁴

Finally, people with disabilities face significant challenges as they interact with the criminal justice system as victims. First, people with disabilities are more likely to be victims of crime. According to the 2015 Bureau of Justice Statistics, "The rate of violent victimization against persons with disabilities (29.5 victimizations per 1,000 persons age 12 or older) was 2.5 times higher than the rate for persons without disabilities (11.8 per 1,000). Each year from 2009 to 2015, the rate of violent victimization against persons with disabilities

was at least twice that for persons without disabilities. One in five disabled violent crime victims believed they were targeted because of their disability." People with disabilities may be isolated from natural support networks and have access to few resources to report a crime. People with disabilities may be physically, financially, and emotionally dependent on an offender, decreasing the likelihood of a report.

People with disabilities also face challenges in accessing the criminal justice and victim services system. Typical victim services programs may not be educated in working with people with disabilities or have programs designed to accommodate the needs of this population. People with disabilities also face physical and programmatic accessibility challenges. According to the Bureau of Justice Statistics 2016 report, "Crime Against Persons with Disabilities, 2009-2014 - Statistical Tables", only 13% of people with disabilities receive victim services.

People with disabilities also face challenges when police, prosecutors, and other decision makers do not understand how to work with people with disabilities or discount their experiences because of their disabilities. These individuals may not communicate in traditional ways, may need supports to share their stories, or may be reluctant to speak up. According to the Bureau of Justice Statistics report cited above, 22% percent of unreported violence against persons with disabilities was not reported because the victim did not think the police would help. Police and prosecutors may not take the report of a crime seriously or be reluctant to act. Police departments and prosecutors also may be reluctant to call on people with disabilities as witnesses in court.

We must take steps to improve the situations faced by people with disabilities in the criminal justice system. We cannot ignore this reality. Without a system that accommodates people with disabilities, there's no hope for justice.

1 http://rudermanfoundation.org/wp-content/uploads/2017/08/MediaStudy-PoliceDisability_final-final.pdf

2, 3 <https://www.thenation.com/article/four-disabled-dead-in-another-week-of-police-brutality/>

4 <https://cdn.americanprogress.org/wp-content/uploads/2016/07/15103130/CriminalJusticeDisability-report.pdf>



NAVIGATING THE WATERS

By Valarie Tetreault, NH START Team Leader, Community Bridges

Charting the course for success often means sailing beyond the edges of the map and exploring vast unknown territory. Some days it takes every effort just to keep the ship upright and afloat. For a family and team supporting an individual with IDD (intellectual or developmental disabilities) who has mental health concerns and who has had run-ins with the criminal justice system, navigating these waters can feel nothing less than treacherous.

Francis is a striking young man with a warm smile. He has loving parents and caring, supportive siblings. Francis is a talented musician who plays classical piano, is a hard-worker, and enjoys endurance athletics and winter sports. Francis also has a criminal record.

From a very young age Francis has had intensive therapeutic intervention. Over the past decade, he has been in specialized residential programs with varying degrees of success. Francis has experienced multiple incarcerations, out-of-state placement, and is currently serving probation.

Yet - against all odds - Francis is a success story.

Francis lives in a small community where he has a typical life. He lives with a roommate and has a long-time girlfriend with whom he enjoys most weekends. He is gainfully employed and takes advantage of all the outdoor recreational activities that NH has to offer. He also receives support, but no more than is helpful for him. It is a delicate balance.

This balance has been achieved through a collaborative effort by the NH Bureau of Developmental Services, NH Department of Corrections/Probation, the Area Agency, local service providers, and NH START. Together this team assessed Francis's needs, designed a new support path for him, and, utilizing the strength of each person and program, is helping Francis to navigate his life. The team has worked through the "what ifs" and "who does what." When setbacks occur - and they have - the team's commitment to continued collaboration has kept things on track and moving forward.

Francis is living a life of meaning, a life that has purpose, and a life filled with success. In supporting Francis on this journey, his team has learned the following lessons:

Use Your Compass: Before undertaking any journey you need to make sure you are heading in the right direction. The wishes, hopes, and dreams of the person being supported should set the course. Open and honest communication with the individual and among team members is critical. If you set sail with people heading in several different directions, you are not going to land where you intended.

Expect Waves: No person has a perfect path in life. People are going to experience set-backs, bad days, and there may be additional encounters with the criminal justice system. The team needs to expect and prepare for these possibilities. Creating a solid crisis plan can help to ensure that services and residential placements are preserved and incarceration is avoided.

Be Ready to Change Course: The best laid plans sometimes aren't seaworthy. The team needs to be open to new ideas and willing to explore creative solutions and seek new resources when things go awry. Adaptability and resourcefulness are key to long-term success.

Don't Get Scurvy: It is important to have a holistic view of the person. When there are legal challenges, it is easy to become singularly focused on the criminal aspects of the situation and to lose sight of the person's humanity. Effective support includes paying attention to the individual's mental, emotional, and physical needs. The team must commit to the person's overall wellness and health.

Remember Who is The Captain: This journey is not for the faint of heart. The very nature of criminal involvement can make this work difficult. We need to remember that regardless of the challenges, the person we are supporting deserves our respect, our best efforts, and our commitment to helping them achieve the best life possible.



THE SCHOOL TO PRISON PIPELINE AND HOW TO FIX IT

By JoAnne Malloy, PhD, Research Associate Professor, UNH Institute on Disability

In the United States, approximately 100,000 juveniles are incarcerated or on probation in any given year, at an estimated annual cost of more than \$5 billion. A disproportionate number of African American and Latino youth and youth with disabilities are in our justice systems. Many of those in juvenile detention have a serious emotional, mental health, or learning disabilities and an overwhelming majority have histories of trauma, substance abuse, poverty, and social isolation. Exclusionary disciplinary policies that target minority youth and failures to address the needs of these students are integral components of the “School to Prison Pipeline” that put many disadvantaged youth on a trajectory for poverty, addiction, incarceration, and hopelessness.

The pipeline from school to the criminal justice system often begins early. An elementary school student who is falling behind academically and experiencing stress at school and home begins to withdraw or act out. If the family is unable to intervene, or if the student does not have an advocate in the school, the student will continue falling further behind and behaviors will become more of a problem. How the school responds

is key: if the school ignores the behavior or responds in a blaming, negative manner with no supports to address the student’s needs, the student will get the message that they are worth not caring about. If the student thinks that the community doesn’t care about them, they will stop caring about the school and their community. For these students, the only viable option is to avoid schoolwork and to avoid the social demands of school and community membership. At this point, many students also start to look elsewhere for a sense of identity and belonging.

In his project *Who Cares About Kelsey?* Dan Habib, filmmaker with the Institute on Disability at the University of New Hampshire, includes a set of powerful mini-films with incarcerated young adults reflecting on how they got into trouble. While each of their stories is unique, there are common themes and valuable lessons that can be drawn from their experiences. First, the alienation and isolation felt by these youth led them to seek love and belonging in negative ways. Second, exclusionary and punitive school discipline caused each youth to fall deeper and deeper into negative and risky behaviors, including substance

The University of New Hampshire Institute on Disability, through its Centers on Inclusive Education and Renew Implementation, has been awarded a grant from the United States Department of Education to develop an Advanced Interdisciplinary Graduate Certificate in Trauma-Informed Schools and Communities: promoting, through multi-tiered systems of support, equity and diversity among children and youth. This graduate certificate will prepare University of New Hampshire Social Work and General and Special Education students to better meet the needs of students with emotional and behavioral challenges and other disabilities in their local schools and communities.

For more information, contact: cie.iod@unh.edu

use and criminal activity. Third, every youth described intense feelings of emotional pain and isolation, and wished they had someone in their school or community who checked up on them and kept them moving in a positive direction. (Similarly, parents of children and youth who struggle also need someone to listen to their needs, instead of being blamed and shamed about their parenting.)

Fortunately, there are strong research-based practices that can eliminate the school to prison pipeline. Schools that implement the Multi-Tiered System of Support for Behavior (MTSS-B) Framework have demonstrated reduction in behavior infractions and punitive disciplinary responses, including providing more consistent and positive responses across ethnic and racial groups (For resources - www.pbis.org and www.csmh.umaryland.edu/). Positive responses to student behavior help create an inclusive learning environment and ensure that the social emotional needs of students are met. Implementing trauma-informed practices also has been effective in engaging children and youth who

struggle with emotional and behavioral issues related to exposure to chronic, toxic stress (National Child Traumatic Stress Network - <https://www.nctsn.org>). In New Hampshire, the RENEW model is one such practice that guides youth with emotional and behavioral challenges in developing individualized career and life goals and positive social connections (www.iod.unh.edu/projects/rehabilitation-empowerment-natural-supports-education-and-work-renew).

The state of New Hampshire is making a concerted effort to end the school to prison pipeline. The NH Children's Behavioral Health Collaborative (www.nh4youth.org), the NH Department of Education's Bureau of Student Wellness (www.nhstudentwellness.org/) and the NH Department of Health and Human Services are working together to create a proactive, strength-based approach to supporting children and youth with emotional and behavioral challenges and their families.

For more information, email joanne.malloy@unh.edu.

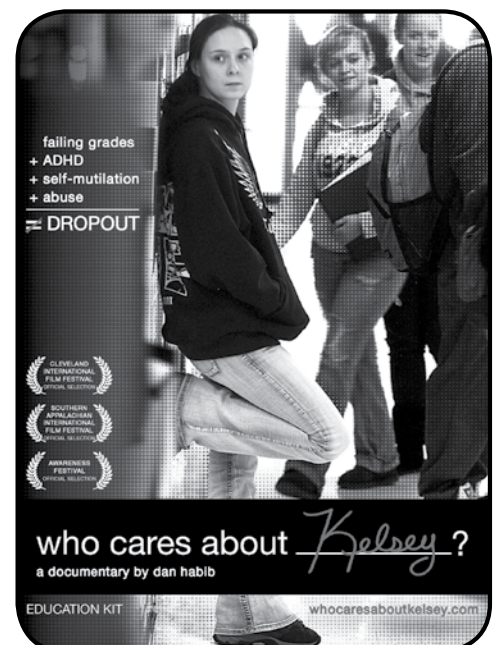
Who Cares About Kelsey? DVD for Individual Use

Kelsey Carroll has one goal - to graduate from high school - and plenty of reasons why she shouldn't. During Kelsey's sophomore year, new school leadership implemented Positive Behavioral Interventions and Supports (PBIS) and a youth-directed planning process called RENEW to improve the school's culture and reduce the dropout rate. *Who Cares About Kelsey?* is the story of Kelsey's transformation from a defiant and disruptive "problem student" to a motivated and self-confident young woman. You can learn more about the film, view additional mini-films, including a recent film looking at restraint and seclusion at www.whocaresaboutkelsey.com.

Visit the Institute on Disability Bookstore - www.iodbookstore.com



The leading resource for products that support community inclusion and individual excellence.





DISABILITY AND JUVENILE JUSTICE SYSTEM

By Michael Skibbie, Policy Director, Disability Rights Center - NH

Like the rest of the country, New Hampshire has a significant overrepresentation of children with disabilities in its juvenile justice system.

The problem is most acute in youth corrections facilities. A commonly cited national statistic is that about 70% of residents of such institutions have one or more disabilities. Children who are court-involved, but not placed outside the home are believed to have a lower, but still-elevated incidence of disability.

The prevalence of emotional and behavioral disorders alone is striking and in New Hampshire, it appears to be higher than in the nation as a whole. In September 2018, representatives of the Department of Health and Human Services told a legislative committee that 100% of the children then at the Sununu Youth Services Center (SYSC) in Manchester had a mental health diagnosis, and 80% required regular contact with a psychiatrist.

A number of characteristics seem to make children with disabilities more likely to be involved in the juvenile justice system:

- ◆ Alienation from their school and community. This alienation may be accelerated by greater contact with the school disciplinary system, which often leads to both forced and voluntary separation from the school community.
- ◆ Reduced social skills and decision-making abilities may increase their involvement in delinquent behavior.
- ◆ Reduced ability to avoid detection and apprehension may cause more children with disabilities to become court-involved, even when they do not offend at a higher rate than their peers.
- ◆ Limited social skills can result in harsher treatment as authorities in the school discipline system, the police system, and the court system determine how to respond to problem behaviors. At virtually every stage, discretion is exercised as decisions are made about who to refer to police, who to charge and with what, whether to divert children

to community programs or confine them. Each decision can have significant influence on the ultimate choice of whether a child is adjudicated and incarcerated, and a child's demeanor, communication skills, and general ability to respond effectively to authority figures can have a major influence on those decisions.

- ◆ In addition to making it more likely to be involved in the juvenile justice system, learning problems, developmental disorders, and mental health conditions can significantly affect the ensuing legal process. Such disabilities can impair the ability to understand and waive constitutional and other rights. They can also affect the ability to recall and then accurately narrate the facts that are important to the case, identify witnesses, and testify and behave in the courtroom in a way that supports defense objectives. Also affected can be the ability to understand and participate in critical decisions, such as whether to take the case to trial and whether to testify.
- ◆ Intellectual, learning, and emotional disabilities can limit a child's ability to respond to rehabilitative interventions, especially when the interventions are not properly tailored to a particular child's circumstances.

In recent years, New Hampshire has made some progress toward more effective treatment of those children with disabilities who end up in the court system. The law now includes several requirements designed to identify the presence of disabilities and respond appropriately when they are found. Schools are required to consider the impact of a disability on problem behavior and attempt to address the behavior before they are permitted to file a case against a child in court.

When children first appear in court, their families are questioned about prior special education identification, diagnoses, and use of medications. Children with disabilities are not permitted to waive the right to counsel; they must be assisted by lawyers. Improvements have been made in the process for determining

whether a disability or immaturity substantially interfere with the ability to participate in the court process.

Improvements have also been made in the services which are available to children who become court involved. Incarceration is no longer permitted for most property offenses, and the Sununu facility is now reserved for cases where safety considerations require confinement. The state is required to offer all available treatment services in community settings, so that children can no longer be placed at SYSC for the purpose of treatment.

Those children who no longer qualify for incarceration are now much more likely to receive appropriate services in the community. Diversion from facilities like SYSC is associated with better outcomes for children, families, and community safety.

The progress made in recent years has been significant -- the census at SYSC is now lower than at any time since it began operation in 2006. However, the population still includes a number of children who have been placed for minor offenses and could be safely living in other settings if they were properly funded and supported. Advocates continue to urge improvements to the service system so that even fewer New Hampshire children with disabilities are exposed to the environment of a corrections facility.



(Cover story continued)

time, he has a clear vision of what he wants for his future – something that would not likely have been possible without the help of ITS. Asked where he would like to see himself in five years, Terry said, “My own apartment. I’m my own guardian, paying my bills, a phone. ... Every day I wake up in a positive mindset. I’m going to wake up, do my chores, (go to) groups... I can be more ‘official’ about my success.”

Terry noted, “A year ago when I first came here, I wasn’t in this mindset. I didn’t think I would get a job, or ever think I would be able to go to court to get guardianship overturned.” He talked about working with his clinician, “One day, he says to me, ‘Terry, you’re the man of motivation.’ That just lit me up. It made me want to do the best I can. It’s been great. I’m celebrating sobriety, getting up, going to work. I got a job here.”

For Terry, a major turning point was being able to work and save the money he earns. “I look back to when I was drinking, living at my dad’s house and drinking his beer. When it was all gone, I was looking for change on his bureau. Now I’ve got my own way to be successful, and sober. There’s more responsibility to being on your own. More than living with your dad and stealing five dollars in quarters off his bureau to buy a six pack. You need more people to support you to stay sober. I get that here.”

Terry has also found that his role in his family is changing. “I feel like my relationship with my brother has changed. He’s still doing the same things; he’s in and out of jail... I want to be a motivation to him when I get out of here. I want to say, ‘Hey, we’re going to an AA meeting. Stay sober!’”





INDEPENDENCE, SAFETY, AND LIP GLOSS

By Carrie Duran

Seven-year-old Katie is outgoing and independent. She insists on doing everything herself; her current mantra is, "I've got this Mom." I am proud of her self-confidence, but as the mother whose vivacious little girl has Down syndrome, I am also alert to potential dangers. Katie loves life and everyone in it. It does not occur to her when she walks out our front door at 6:00 a.m. to go shopping, that perhaps she should wake someone up first.

It was a lazy summer morning. Always the first to wake, I strolled down the hall peeking in on my three girls. My 12-year-old twins were still asleep, but Katie's bed was empty. Walking downstairs, I called out, "Good morning Katie." Silence. Then I saw the front door was unlocked. A feeling of dread and panic overtook me. I ran outside searching the property calling for her. No answer. The thought of Katie actually being gone began to sink in.

The sun reflecting off the mini-van's windshield momentarily blinded me, when I looked again I saw a smiling happy Katie in the front seat. Running to the car in my pajamas and bare feet, I felt a sense of relief, anger, frustration, and love for my beautiful girl. I opened the door and asked her where she was going. Katie, dressed in one of my shirts and with my purse over her shoulder, said, "To the store Mommy. We are out of milk." Through tears and in my sternest voice I told her she should never leave the house without letting me know. I told her she scared me and what she did was not safe.

Seeing me so upset brought tears and apologies. While Katie's apologies were heartfelt, I knew she did not really understand the danger of leaving the house and attempting to drive. Thankfully, my car keys were not in my purse. Thankfully, the bears roaming our neighborhood were not around. Thankfully, she did not walk towards the road or go into the marshy areas surrounding our house. Thankfully, she was not hurt.

Ever since Katie began to walk, the possibility of her taking off has been in the back of my mind. For this reason, I have made sure Katie's relationship with our local police department is a strong one. When she was three, I filled out the department's safety form and provided them with a picture of Katie. Every year I attend the Family Day Open House at the police and fire departments. I have introduced Katie to every local police officer we run into. I also have appeared on the local television show, *Coffee and Connections*, with Wolfeboro Police Chief Dean Rondeau.¹ I trust that our community police officers know my daughter and I know my daughter trusts them.

After my seven-year old decided to head to the store on her own, we went to the police department to put a report about this event in her file. I also brought an updated photo of Katie. When the dispatcher couldn't locate Katie's file, I asked if we could start a new one. A very kind officer led us to a room to take down the report. After he finished, he asked us to wait while he got a new special needs safety form.



Photo Credit: Carrie Duran

Katie with local police officers who are the crossing guards at the elementary school.

He brought back a form printed off the internet that focused on the needs of someone with autism. I was surprised by the checklist of conditions, which included, “Is your child mentally retarded?”. I found the use of this term to describe my daughter’s cognitive disability offensive. I am not alone in this, the disability community also considers this to be an archaic and discriminatory term. When I brought this to the officer’s attention, he apologized and said it wasn’t the department’s form.

I asked him if I could help to design a new form that would be more sensitive and appropriate for my daughter’s needs. The officer said, “Absolutely.” I am now working with our police department, community members, and parents who have children with disabilities to create a safety form that is sensitive, appropriate, and useful. I feel so fortunate to live in a community that cares about the needs and safety of **all** its members. (I have since learned that New Hampshire’s Police Academy provides very little training on the needs of the people with disabilities and that this is primarily left up to local police departments.)

I hope sharing our family’s story, will remind other parents how important it is to have a close relationship with local law enforcement. You never can tell, it might be knowing her favorite movie is *Frozen* and she loves flavored lip gloss, that will be what helps the police officer to connect with your child and keep her safe.

¹ <https://youtu.be/YU9Wbkhojtc> - My conversation with our local police chief begins at 14.33 minutes.

SHIFTING OUR LENS

By Christine Tappan, MSW, Associate Commissioner Human Services & Behavioral Health NH DHHS and Christine Santaniello, MSW, Division Director, Long Term Supports and Services NH DHHS

As professionals serving vulnerable individuals, we often have a tendency to look at a person through a narrow lens. If someone is coming to us for help due to a physical or mental disability, health condition, or age, this is how we see the individual. Because social service programs and their associated funding streams are needs-based, the focus on the person’s deficits is reinforced. This happens early in our relationship with the individual and has the potential to warp our view of those we support. They are defined by their needs, not their strengths and are seen in isolation, not as part of a greater picture that includes family, friends, and community.

New Hampshire has been a national leader in promoting a person centered philosophy in the provision of services and supports to vulnerable individuals. The time has come to expand this; in planning and delivering services, we need to consider the person within a fuller context. A whole person centered approach takes into account the individual’s family, friends, and community and the important places and organizations in their life.

Looking at the whole person – not just what makes them eligible for services - has the potential to change how we respond to their request for assistance and our perspective on how we provide support. Can we support the family or friends who are already assisting the person, versus replacing them with paid supports? How can we tap community resources and connections to assist with housing or employment supports? Is there a way we can draw upon the institutions and people in the person’s life to help them on a path to greater self-sufficiency?

Within the Department of Health and Human Services (DHHS), we are actively working towards adopting a whole person/family approach across all our programs. Our focus is holistic, multi-generational, and integrated. We recognize that people do not live in isolation; a service system organized in silos does not make sense. DHHS is working to change how it functions and

(Continued on page 12)



ADVOCATING FOR SAFER COMMUNITIES

By Vanessa Blais, Project Assistant, NH Council on Developmental Disabilities

Many police officers have little, if any, experience working with individuals who experience developmental disabilities. Finding a way to bridge the gap between law enforcement and people with disabilities is an important step in creating safer communities. Two Granite State disability advocates are working to help make this happen.

Nate Webb is employed by the Institute with Disability. He serves on the NH Council on Developmental Disabilities and volunteers with the Concord Police Department. The NH Troopers Association has recognized Webb as an Honorary Trooper. John Fenley co-founded SPARK! Community Center in Lebanon and is currently its Community Outreach Coordinator. He is also President of People First NH and serves on the NH Council on Developmental Disabilities.

Both men are members of Advocate NH and helped plan the organization's 6th Annual Advocacy: *Learn It! Live It! Love It! Conference*. This year's conference was held at the NH Police Standards and Training facility in Concord. This was a great choice of venue, as one of the conference goals was to look at the relationship between law enforcement and citizens with disabilities.

Fenley noted that many people in the disability community are shocked to learn how little training police and first responders receive in interacting with individuals who experience developmental disabilities. He stressed the importance of opening the lines of communication with police and other first responders. This is a critical first step to building a more positive relationship between law enforcement and the communities they serve.

The conference spotlight session, *Staying Safe in Your Community*, was moderated by Nate Webb and included discussion with a Concord police officer. He offered tips on how to stay safe and what to do if you find yourself in a dangerous situation or see or hear about an illegal activity. Those attending the session also discussed the question, "What can police officers learn from people with disabilities?"

Webb encouraged fellow advocates to get to know their local police officers and to share their experiences with them. Webb regularly attends police sponsored events, including *Coffee with a Cop*, where citizens are able to ask questions and bring up



John Fenley



Nate Webb with NH Trooper Josh Beauchemin

concerns. These community events offer an opportunity to discuss safety concerns and to let law enforcement know that individuals with developmental disabilities and their families are willing to partner in resolving these issues.

John stressed, "This is a community issue, not just a disability issue. When everyone is on the same page, we are all safer for it. No one wants these misunderstandings." Our goal is to help police and first responders understand the needs of the disability community. When law enforcement and community members respect each other and work in partnership, we create safer and healthier communities.



Coffee with a Cop is a national initiative supported by the United States Department of Justice, Office of Community Oriented Policing Services. The mission of the program is to break down the barriers between police officers and the communities they serve. It offers community members the chance to ask questions and learn more about how their police department works. It also provides a unique opportunity, especially for individuals with disabilities and their families, to share their personal experiences, perspectives, and concerns with law enforcement officials.

The majority of contacts law enforcement has with the public happen during emergencies, or emotional situations. Those situations are not always the most effective times for relationship building with the community. *Coffee with a Cop* breaks down barriers and allows for a relaxed, one-on-one interactions where community members can talk about issues that matter to them.

Coffee with a Cop and similar events take place in towns and cities throughout New Hampshire. Check with your local police department to see when their next event is scheduled. If nothing is available in your community, encourage your local police department to provide opportunities for people to meet informally with their local police officers.

Coffee with a Cop aims to advance community policing by improving relationships between police officers and community members - one cup of coffee at a time.

<https://coffeewithacop.com/>

SAVE THE DATE



Join us in celebrating 40 years of service to people with disabilities in New Hampshire

NOVEMBER 29, 2018

DRC-NH is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities.

For four decades, DRC-NH has advocated for people with disabilities in New Hampshire. We are excited to celebrate this milestone with everyone who has been a part of our successes.

JOIN US!

Thursday, November 29, 2018

5:30 pm - 8:00 pm

Cocktail Reception

Grappone Center, Concord

+REGISTER NOW+

www.drcnh.org/40th.html



LAW ENFORCEMENT AND THE DEAF COMMUNITY

By Christopher Emerson, Deaf Grassroots Movement Advocate and Stephanie Patrick, Executive Director, Disability Rights Center - NH

Over the last six months, Deaf people and people who are hard of hearing have come together with local police at community forums across New Hampshire to build connections and discuss the challenges they face in interacting with each other. At these events, members of both communities shared their experiences and brainstormed solutions to improve future interactions.

Law enforcement officials are often unaware that they are interacting with someone who is deaf. Even when they are aware, there are no standard police operating procedures or an understanding of accommodations to help ensure their interaction with a person who is deaf or hard of hearing is positive. Difficulties can include:

- ◆ Police officers who are not aware that individuals are deaf or hard of hearing and think that the individual is deliberately not complying when he/she cannot hear a command.
- ◆ Deaf individuals who are unable to read the lips of a policeman because a flashlight is being shined in their face, making a difficult interaction almost impossible.
- ◆ Deaf or hard of hearing individuals who cannot communicate that they are deaf and their attempt to reach for a pad and pen to write notes is interpreted as reaching for a weapon.

Awareness is critical. The Americans with Disabilities Act, requires police and other government agencies to provide “effective communication” to individuals with disabilities. This accommodation often occurs when the individual with a disability makes a formal request.

However, ADA compliance is much harder and rarer in informal settings.

These gaps can lead to confusion and miscommunication. With support, police and law enforcement can better understand the impact of deafness or hearing loss in these interactions. To address these issues, the deaf and hard of hearing community and police are discussing several options.

1. Providing visor cards which deaf people or police can keep in their cars to facilitate basic communication. One example is available at http://www.minews26.com/content/wp-content/uploads/2016/08/visor_card_graphic_533022_7.jpg
2. Adoption of local police protocols or standard operating procedures to address communication with individuals who are deaf, including obligations to provide interpreters. It is critical that police departments solicit input from people who are deaf in this process.
3. Provision of training by the NH Police Standards and Training Council to improve law enforcement’s interactions with people who are deaf or hard of hearing.
4. Encouraging local police departments to host coffees or other informal opportunities for community members who are deaf or hard of hearing to interact with local law enforcement.

With up to 13% of all Americans experiencing deafness or some type of hearing difficulty, law enforcement agencies across the state must commit to address these issues. New Hampshire’s Deaf and hard of hearing communities are committed to working with them to do so.

(Continued from page 9)

has begun restructuring its array of human services and behavioral health programs into the following divisions: Economic and Housing Stability; Behavioral Health; Long Term Supports and Services; and Children, Youth, and Families. As part of this restructuring, DHHS is embracing a “No Wrong Door” approach to create a standardized and streamlined application, eligibility determination, and service delivery process. Regardless of how a person comes in contact with the system, it will be the

right door, and they will receive the same information and access to eligibility and enrollment services.

While DHHS is still in the early stages of this reorganization, we are already seeing positive impacts both at the programmatic level and for the individuals and families we serve. With a sustained commitment to strengthening a whole person-centered approach to services, we will continue to support the opportunity for every person to realize their full potential.



TRUMP ADMINISTRATION DELAYS EQUITY IN IDEA REGULATIONS

By Dan Valone, Policy Director, Reaching Higher NH

On July 3, 2018 the United States Department of Education (ED) announced it was postponing implementation of regulations governing “significant disproportionality” under the Individuals with Disabilities Education Act (IDEA). The regulations were issued by ED under the Obama Administration in December 2016 to safeguard the rights of students who are members of a racial or ethnic minority to a free and appropriate education (FAPE). The regulations were set to go into effect July 1, 2018. However, under the Trump Administration, implementation of the regulations has been delayed until July 2020 and the Department of Education has indicated it is likely the regulations will be significantly changed or rescinded completely.

Changes to these highly-technical federal regulations could have substantial, negative implications for students with disabilities and their families, particularly students of color.

What is significant disproportionality?

Under IDEA, states are required to identify school districts where students from any race or ethnicity experience one or more of the following at notably higher (i.e., “disproportionate”) rates than their peers:

- ◆ identification for special education;
- ◆ for students with disabilities - placement in more restrictive or segregated situations at school (e.g., separated from peers for some portion of the school day); or,
- ◆ for students with disabilities - discipline such as suspensions or expulsion.

Nationally, students of color are identified for special education at much higher rates relative to their peers. (Although several recent studies that examine the impact of family income argue that students of color may actually be under-represented relative to White

students from comparable income backgrounds.) States have the authority, within reason, to set the threshold for what constitutes “significant” in terms of disproportionality. One state could set a policy that would flag school districts where students from any race or ethnicity are twice as likely as their peers to experience one of the three things noted above (identification, placement, and discipline), while another state could set the threshold at three or four times as likely.

Where students of any race or ethnicity are disproportionately represented at significant levels in terms of identification for special education, or where students with disabilities from any particular race or ethnicity are disproportionately represented at significant levels in terms of segregated placement, it indicates there are structural issues that could be systematically disadvantaging certain students.

For example, a 2016 study found that the higher rate at which Black students receive exclusionary school punishment (e.g., out-of-school suspensions) is a significant factor in academic achievement gaps between White students and Black students.¹ IDEA requires that school districts identified as having significant disproportionality for any race or ethnicity use a certain portion of their federal IDEA funds on coordinated early intervening services (CEIS), such as professional development for educators to improve instruction or behavioral evaluations and supports, to address the root causes contributing to the significant disproportionality.

In 2013, the Government Accountability Office (GAO) published a report that found the wide range of methodologies used by states for identifying significant disproportionality impeded the effectiveness of the requirement. Few states were actually identifying school districts and in some situations, the GAO found that

(Continued on page 15)

¹ Edward W. Morris, Brea L. Perry; The Punishment Gap: School Suspension and Racial Disparities in Achievement, *Social Problems*, Volume 63, Issue 1, 1 February 2016, Pages 68-86, available at <https://doi.org/10.1093/socpro/spv026https://academic.oup.com/socpro/article/63/1/68/1844875>



TRAINING & EVENTS

nTIDE Lunch & Learn Webinar Series

On the first Friday of every month, corresponding with the Bureau of Labor Statistics jobs report, the Employment Policy and Measurement Rehabilitation and Research Training Center offers a live broadcast via Zoom Webinar to share the results of the latest nTIDE findings, provide updates from the field of Disability Employment, and hosts an invited guest to discuss current disability-related findings and events.

Dates: First Friday of each Month
Time: 12:00 pm EST
Location: www.researchondisability.org/ntide

Responsive Practice Training

Responsive Practice enhances health care providers' ability to deliver disability-competent care to people with intellectual, mobility, and other disabilities. Training includes strategies and approaches to identify, address, and help remove barriers to care. There are trainings on Providing Health Care & Screenings to Individuals with Disabilities and Providing Mammography to Women with Disabilities. CEU's are available.

Date: Available On Demand
Location: www.nhdisabilityhealth.org
Cost: Free

INTELLIGENT LIVES

INTELLIGENT LIVES stars three pioneering young Americans with intellectual disabilities – Micah, Naieer, and Naomie – who challenge perceptions of intelligence as they navigate high school, college, and the workforce. Academy Award-winning actor Chris Cooper narrates the film and shares his emotional personal story of his son Jesse. Intelligent Lives unpacks the shameful and ongoing track record of intelligence testing in the U.S.

Date: Ongoing
Website: www.intelligentlives.org
Location: Across NH and USA
Cost: Vary

RENEW Facilitator Training Institute

A three-day, in-depth training on the Rehabilitation for Empowerment, Natural supports, Education, and Work (RENEW) model and process. This training is the first step in full implementation of RENEW, which also includes receiving coaching and the establishment of an implementation team to oversee the work.

Date: December 5-6, 2018 & February 6, 2019
Time: 8:30am-4:00pm
Location: IOD Professional Development Center, Concord, NH
Cost: \$399 per attendee

MTSS-B Universal Team Retreats: MTSS-B Implementation Fidelity

Multi-Tiered Systems of Supports for Behavioral Health and Wellness (MTSS-B) schools see increases in student achievement, attendance, and instructional time, and decreases in discipline referrals, drug use, and emotional distress. Established teams can review current action plans and data and new teams can receive consultation on getting started, developing an action plan, and achieving buy-in.

Date: October 22, 2018
Time: 8:30am-3:00pm
Location: Grappone Conference Center, Concord, NH
Cost: \$199 per attendee

Date: March 13, 2019
Time: 8:30am-3:00pm
Location: Grappone Conference Center, Concord, NH
Cost: \$199 per attendee

MTSS-B Behavior Support Team Retreat: From Implementation to Innovation!

The Check In/Check Out (CICO) intervention is designed for students who are starting to engage in problem behavior, can benefit from an extra dose of positive adult attention, and need more frequent feedback. This retreat provides an overview of CICO and what is needed to make it work. Tier 2/3 Behavior Support Team members will learn how to install CICO and explore ways to innovate and build capacity.

Date: November 5, 2018
Time: 8:30am-3:00pm
Location: Grappone Conference Center, Concord, NH
Cost: \$199 per attendee

MTSS-B Behavior Support Team Retreat Spring 2019: Building Your Team's Capacity to Implement Function-Based Support

This retreat will explore the process and tools to conduct a Basic Function-Based Assessment (FBA), and define the core features of behavior support plans (BSP) for students with non-dangerous problem behaviors. Participants will learn about the systems, structures, and coaching practices required to ensure that effective function-based support is feasible and sustainable.

Date: April 10, 2019
Time: 8:30am-3:00pm
Location: Grappone Conference Center,
Concord, NH
Cost: \$199 per attendee

EPM-RRTC State of the Science and Annual Disability Statistics Compendium

Join us for the Employment Policy and Measurement Rehabilitation Research and Training State of the Science Conference and release of the 2018 Annual Disability Statistics Compendium. Participate in person or online.

Date: February 12 & 13, 2019
Location: National Academy of Sciences,
Washington, DC and Online
Cost: Free
Register: <https://researchondisability.org/2018reg>

3 EASY WAYS TO REGISTER!



online

WWW.IOD.UNH.EDU/Events



call to register or to request a
registration form

603.228.2084



mail a completed registration form

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(Continued from page 15)

states' methodologies were crafted so that no school district would likely ever be identified as having significant disproportionality. The GAO recommended that the ED require that all states adopt a standard approach to identify racial and ethnic disparities.

In 2016, ED published new regulations, referred to as "Equity in IDEA," to address some of the major issues with enforcing IDEA's significant disproportionality requirements. Under the 2016 regulations, states retained the authority to set the thresholds; however, they are required to use a standard methodology for calculating the rates at which students experience identification, placement, and discipline. Previously, states had discretion to develop their own methodology.

The decision by the Trump Administration to delay implementation of the regulations means that states will continue to operate under the rules in effect before December 2016. In explaining its decision to postpone implementation, the federal Department of Education stated that it is not certain that adopting a national standard to identify significant disproportionality is the appropriate or best means to implement IDEA's requirements and that it requires more time to consider the matter. The Department also noted that it had received comments from the public arguing that ED lacked legal authority to mandate a standard approach.

This is an important and urgent issue impacting students and families across the country. ED's decision means that state governments are the primary agent for calculating and enforcing significant disproportionality. In New Hampshire, the Bureau of Special Education at the Department of Education is charged with enforcing this requirement.

RAP Sheet

NH COUNCIL ON DEVELOPMENTAL DISABILITIES

2½ Beacon Street, Suite 10
Concord, NH 03301-4447

RETURN SERVICE REQUESTED

INSIDE THIS ISSUE

- ◆ *The School to Prison Pipeline*
- ◆ *Creating Safer Communities*
- ◆ *Intersection of Disability and Criminal Justice*
- ◆ *Personal Stories*

DISABILITY RIGHTS CENTER - NH

64 North Main Street, Suite 2, 3rd Floor, Concord, NH 03301-4913

Voice and TDD: (603) 228-0432 ◆ 1-800-834-1721 ◆ FAX: (603) 225-2077

TDD access also through NH Relay Service: 1-800-735-2964 (Voice and TDD)

E-mail: advocacy@drcnh.org ◆ Website: www.drcnh.org

"Protection and Advocacy System for New Hampshire"

The Disability Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.

INSTITUTE ON DISABILITY/UCED AT THE UNIVERSITY OF NEW HAMPSHIRE

www.iod.unh.edu | facebook.com/instituteondisability | twitter.com/unhiod | youtube.com/unhiod

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10 West Edge Drive, Suite 101 | Durham, NH 03824

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The IOD promotes full access, equal opportunities, and participation for all persons by strengthening communities and advancing policy and systems change, promising practices, education, and research.

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Phone: (603) 271-3236 ◆ TTY/TDD: 1-800-735-2964 ◆ Website: www.nhddc.org

Dignity, full rights of citizenship, equal opportunity, and full participation for all New Hampshire citizens with developmental disabilities.

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