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91st Legislative Session Begins January 12th at 12 Noon

The 2016 Session of the South Dakota Legislature is scheduled to start on Tuesday, January 12th, at 12 Noon. It will begin with the State of the State Address by Governor Dennis Daugaard. On Wednesday, January 13th, Chief Justice David Gibertson will deliver the State of the Judiciary. Then the work begins. The session is scheduled for 38 days this year, due to end on March 29th - a day reserved for consideration of gubernatorial vetoes.

Two topics we know will be front and center during the 2016 legislative session are funding for education and Medicaid expansion. Governor Daugaard has indicated that he will outline his plan for education funding in his State of the State Address, and he is presently out speaking to the work being done in an effort to expand Medicaid in South Dakota.

The Appropriations process will be a third major focus during session. The Governor has proposed a 2.7% inflationary increase for providers - a higher inflationary increase than has been seen in recent years. Now we watch and listen for what our Legislators believe is the best plan for funding programs and services of State Government for next year.

Other legislation we are hearing about and will be watching for during the 2016 legislative session are:

- Non-Profit Law;
- Suicide Prevention targeting youth;
- Adjustments resulting from Jolene's Task Force Work;
- Regulation of ABA (Applied Behavior Analysis therapy) Providers;
- Board of Psychological Examiners Update;
- Adjustments resulting from CJI and JJRI Initiatives;
- Legislation relating to the ABLE Act, passed nationally last year, to enable this resource to become enacted in South Dakota; and
- We can trust there will be more - both expected and unexpected.

The Coalition will again regularly produce and disseminate its legislative bill tracking document. We ask that if there are bills you believe we need to include, which are not included, please contact Shelly at shellyp@sd-ccd.org, so we might get those added to our listing.

We will also publicize scheduled legislative cracker barrels, coffees and forums. If you learn of such events, please pass along details to our staff.

Emotional Support Animals in the Workplace: A Practical Approach

By Linda Carter Batiste, J.D.,
JAN Principal Consultant

You've heard of service animals for people with disabilities and you know there are specific rules under the Americans with Disabilities Act (ADA) regarding service animals in public places like stores, restaurants, and hotels. But recently an employee disclosed that she has an anxiety disorder and she asked if she could bring her emotional support dog to work. You're not sure whether this is something you have to consider so you do some research.

First, you looked up whether an emotional support dog is classified as a service animal under the ADA. You find out it's not. However, you realized that the only definition of service animal is under Titles II and III of the ADA, which apply to state and local government services, programs, and activities and public accommodations respectively. Under Title I, the employment provisions, you can't find a definition of service animal.

Next you research reasonable accommodation under Title I to see if there is any mention of allowing an employee to bring an emotional support dog to work. Again, you can't find anything that answers that question.

Finally, you decide to contact JAN to see if we can shed any light on this issue.

So what should you do? If you want to err on the side of caution, here's a practical approach you can take. You can treat this request just like any other accommodation request. And how do you do that? Here are some practical steps for processing a request to bring an emotional support animal into the workplace:

1. Asking to bring an emotional support animal into the workplace as an accommodation falls under the category of modifying a workplace policy, assuming you have a no-animals policy.

So you might want to first look at whether you have such a policy and, if so, can it be modified. The answer typically depends on the employee's job and the work environment - for instance, there could be some jobs or work environments in which it would be difficult to accommodate someone having a dog with them, regardless of whether it's a service animal or an emotional support animal. For example, animals might be prohibited in an emergency room (ER) so an ER nurse probably couldn't have an animal with her while working in the ER.

2. Assuming it's possible to modify the no-animal policy, next you can ask for medical documentation of the disability and need for accommodation are not obvious or already verified. This step is optional, but employers are allowed to request medical documentation when an employee requests an accommodation. Under the ADA, employers only have to consider accommodations that are needed because of a disability.

3. Once the need for accommodation is established, the next step is to talk about whether the emotional support animal is trained to be in a work environment and will be under the employee's control at all times. Under the ADA, employers do not have to provide any accommodations that pose an undue hardship. One factor in determining undue hardship is whether the accommodation will be unduly disruptive to other employees or to the ability to conduct business.

4. Finally, possibly the best way to determine whether to allow the employee to bring an emotional support animal to work is to allow it on a trial basis and see if it works. Employers who do this often make a written agreement with the employee that there will be a trial period, how long it will last, and what factors might end the trial period early. For example, if the emotional support dog shows any sign of aggression or if the employee cannot keep the

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Notes from the President...

Dear Fellow Members,

Just a thought or two or three... It is hard for me to believe that 2016 is already here, and I don't even know what happened to 2015!!

But I do know that our 2016 legislature begins January 12th, and it is again an opportunity for our senators and representatives to do some good things for people with disabilities. I sincerely hope you will take the time to keep up with bills having to do with disabilities and do not hesitate to contact your legislators with your concerns, questions and more. If you need some assistance with information, please do not hesitate to contact our staff—they are up on the status of bills on a daily basis, and our lobbyist is tuned into session every day.

The Disability Advocacy Network met again in December to begin the process of identifying issues of importance to the disability community of South Dakota that are likely to come up during the 2016 legislative session. Updates on these issues and more will continue to be available to Network members every two weeks, starting January 14th, via meetings using the Digital Dakota Network with sites in Aberdeen, Mitchell, Pierre, Rapid City and Sioux Falls. If you're interested in participating and need more information, please contact our staff.

The 22nd Annual Disability Awareness Day at the Capitol Rotunda is set for February 10th from 8 a.m. to 2 p.m.. It is a great day to meet and greet our legislators and other state leaders, as well as others who come by throughout the day. It is also a wonderful opportunity to network with others who work daily to support and serve people with disabilities throughout our state.

Membership and finances continue to be a concern. Of course finances are related to the number of members we have... More importantly, lesser members weakens our circle of influence. Since we are the only statewide membership organization that encompasses ALL people with disabilities, it is important that as many people as possible are aware of and involved with our organization.

I'm asking you to take a look around and invite individuals, businesses and organizations to become a member of the Coalition. If membership does not fit for them, but they believe in our work, invite a donation in support of our work.

Let us hear from you, and have a great 2016!

Margot

2014
2015
2016

Upcoming Events

January 18

Martin Luther King, Jr.
Day - Office closed

January 21 - 23

Partners in
Policymaking - Ft.
Pierre

January 29

Board of Vocational
Rehabilitation Meeting
via DDN

February 8 - 10

South Dakota
Advocates for Change -
Pierre

February 10

22nd Annual Disability
Awareness Day -
Capitol Rotunda

February 15

President's Day - Office
closed

February 23

Coalition Board Meet-
ing via DDN

From the Executive Director



The other day a new board member said something like this to me, "I've been told that the Coalition is not what it was meant to be..." Now at first, I heard those as fighting words. I admit it! Then I took some time to think further about them, and rather than hearing them as fighting words, I heard them as a call to step back and ask, "Are we being true to the dream of those who formed the organization and have been part of it over the past 25+ years?" And I believe the answer is "yes!"

Those who started the Coalition, some who are still involved, saw this organization as an agent of change. They saw our mission as one of working on issues impacting the lives of all people with disabilities, and our goal - reaching a day of full inclusion for all. Have we reached that goal - no! Are we closer than we were 25 years ago - even though there are days I'm uncertain, I believe the answer is "Yes!"

Being an agent of change, whether as an organization or as an individual, looks different depending on the times, who is involved, and so much more. It looks different based on what works and what doesn't due to factors beyond our control having an impact on our work. Yet change is happening each and every day, and the choice we have is to be part of it or to be on the sidelines. I believe the Coalition has continually chosen to be a part of it, and I expect that as long as we exist we will continue to make that choice.

Creating change is work! Whatever change we are working for, and whatever process we are seeking to impact, it takes:

- dedicating time and effort to making the change;
- strengthening our individual knowledge and skills surrounding the work we are doing;
- reaching out and educating the larger community on what is important to us and why;
- educating those who work in the field we are seeking to change, urging them to be flexible to new ways of doing what they do;
- fostering coalitions and networks with others so we can have a broader impact and share the load;
- looking inward and checking to be sure that the work we're doing is not for our benefit - rather it is for the benefit of those whom we serve; and
- it takes influencing public policies and legislation at all levels - local, state, national and beyond.

As we begin this New Year, approaching the 2016 Legislative Session and entering another year of being the SD Coalition of Citizens with Disabilities, may we continue to reassess our mission and our efforts to ensure that what we are doing honors those who were before us, respects and challenges all who are presently on the journey with us and leaves a better road ahead for those who will follow us!

I close thanking you for the opportunity to be of service with you! I thank you for conversations that challenge me to stop, think and then act! I am looking forward with hope and expectation that we will continue progress towards the goal we share with those who started the Coalition many years ago!

Shelly

Marsy's Law for South Dakota

(Information provided by MarsysLaw4SD.org)

South Dakota has some of the weakest crime victim rights in the nation and is one of the seventeen remaining states that does not have any rights for crime victims in its state constitution. The limited rights crime victims have in South Dakota are not even enforceable because victims do not have a cause of action to force any judicial remedy.

Marsy's Law will implement the following changes:

- Give victims due process rights and legal standing so they can have their rights enforced by a court of law;
- Require victims to be immediately informed of their rights;
- Require notification be given to victims for all criminal proceeding hearings and changes in custody status;
- Give victims the right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition or parole, and any proceeding during which a right to receive a copy of any pre-sentence report or plan of disposition, and any other report or record relevant to the exercise of a victim's right, except for those portions made confidential by law;
- Expand the definition of victim to mean any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act was committed; and
- Create a right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal conduct; putting victims first in line for restitution.

SD Secretary of State Krebs is currently reviewing petitions to determine if this issue will be on the ballot in November of 2016. **BREAKING NEWS:** Secretary Krebs has certified the petitions in relation to this initiated measure as of 12/21/15. Certification can be challenged up to 1/20/16.

Emotional Support Animals...

(Continued from Page 2)

animal quiet or under control, the employer will immediately end the trial period and deny the request.

The use of animals to help overcome disability-related symptoms seems to be a growing trend, and it's not just dogs; it's all types of animals. It's likely we'll be hearing more and more about this topic and maybe we'll get clarification in the future, but for now we hope our practical approach is helpful.

JAN (Job Accommodation Network), a Service of the Office of Disability Employment Policy, U.S. Department of Labor, provides free, confidential technical assistance. You may contact them at 1.800.526.7234 (Voice) or 1.877.781.7234 (TTY) or visit their website at <http://askjan.org>

**Thank You
Ft. Pierre Pizza Ranch
and all who supported our annual
fundraiser on December 8th.
The evening raised over
\$500 in support of our work!**



**"Blessed are the flexible,
for they shall not be bent out of shape."
Michael McGriffy, M.D.**



DARE 2016
TO
DREAM
The Journey Comes Full Circle

**AVERA
TRADITION OF
CARING IN
KELOLAND**

AVERA Health & KELOLAND Television has awarded the Coalition a grant for 2016 to assist us in promoting our work throughout the KELOLAND viewing area. These funds will be used for air time on KELOLAND TV, MyUTV and KELOLAND.com.

The Coalition received word of this grant on November 25th, and we are looking forward to working with a KELOLAND Marketing Strategist to start the process of promoting the organization and our work.

**Thank You,
AVERA Health &
KELOLAND
Television.**



**Save
the
Dates**

Three regional one-day Conferences will be held around the state. Please save the date and plan to participate in a Dare to Dream conference near you!

Saturday, February 20th - Sioux Falls Convention Center

Saturday, July 9th - Watertown Event Center

Saturday, October 15th - Rushmore Plaza Holiday Inn
Convention in Rapid City



**Learn
more at
Sdparent.org**

**World Health Organization
Comments on Violence
Against Persons with Disabilities**
(<http://www.who.int/disabilities/violence/>)

Both children and adults with disabilities are at much higher risk of violence than their non-disabled peers, according to two systematic reviews carried out by entities under the direction of the World Health Organization (WHO).

The review on the prevalence and risk of violence against children with disabilities, published in 2012, found that overall children with disabilities are:

- Almost 4 times more likely to experience violence than non-disabled children;
- 3.7 times more likely than non-disabled children to be victims of any sort of violence;
- 3.6 times more likely to be victims of physical violence; and
- 2.9 times more likely to be victims of sexual violence.

Children with mental or intellectual impairments appear to be among the most vulnerable with 4.6 times the risk of sexual violence than their non-disabled peers.

The review on violence against adults with disabilities, published in February 2012, found that overall they are 1.5 times more likely to be a victim of violence than those without a disability, while those with mental health conditions are at nearly four times the risk of experiencing violence.

"The results of these reviews prove that people with disabilities are disproportionately vulnerable to violence, and their needs have been neglected for far too long," notes Dr. Etienne Krug, Director of WHO's Department of Violence and Injury Prevention and Disability. "We know that specific strategies exist to prevent violence and mitigate its consequences. We now need to determine if these also work for children and

adults with disabilities. An agenda needs to be set for action."

**Dear Disability Rights
Organizations and Advocates:**

December 21, 2015 - "Please find enclosed a Notice addressed to all potential class members of a class action pursuant to the Americans with Disabilities Act ("ADA") of Ashford hotel transportation services.

We have recently come to a settlement in this case and a fairness hearing has been scheduled by the District Court, pending notice to all class members. Please distribute the attached Notice to your members, clients, satellite offices and other organizations in your networks, as it affects the legal rights of all class members in this action.

Thank you for your consideration; do not hesitate to contact me with any questions or concerns related to this matter.

Sincerely,
CIVIL RIGHTS EDUCATION
AND ENFORCEMENT CENTER
Timothy P. Fox"

***The Notice is attached to this newsletter.**

Explore for Yourself!

The airwaves are telling us a lot already about the upcoming 2016 election cycle. Once the New Year arrives, we know it will only increase. As we prepare for November 2016, take time to explore for yourself the parties, their candidates and the issues.

If you need assistance in locating sources of information, we invite you to contact our staff, and we'll do our best to assist you in tracking down sites that will provide you with the information you are seeking.

South Dakota's Statewide Independent Living Council Gathering Input on Independent Living Unmet Needs

South Dakota's Statewide Independent Living Council (SILC) is gathering input into the development of the next three-year State Plan for Independent Living services. This state plan guides the delivery of "Independent Living services" available through funding from the U.S. Department of Health and Human Services, Administration for Community Living, Independent Living Administration. The funding flows through the South Dakota Department of Human Services, Division of Rehabilitation Services, and the centers for independent living (CILs) in South Dakota. The South Dakota CILs are: Independent Living Choices, Native American Advocacy Program and Western Resources for Independent Living.

The SILC invites you to complete this survey for yourself, or on behalf of a family member, and help them learn what South Dakotans with significant disabilities need in order to live independently in their homes and communities. You may complete it on-line by going to

www.surveymonkey.com/r/ILneedsSD

If you need assistance in completing the survey or if you would like a printed copy mailed to you so you can complete it and return it by mail, please contact our staff at 1.800.210.0143 or 605.945.2207 and they will be more than happy to assist you.

Thank you for taking the time to provide us with your thoughts on how to build upon a legacy of independent living services, which have led many individuals with significant disabilities to living independently in their homes and communities, so that future generations may share in a similar experience.

South Dakota Statewide Independent Living Council



Stop by the
**22nd Annual
Disability Awareness Day**
at the State Capitol Rotunda
Wednesday, February 10th
8 a.m. to 2 p.m.
Enjoy some "fruitful"
conversation.

What is Universal Design?

www.universaldesign.com

Washington D.C. Leaders' Contact Information

Universal Design makes things safer, easier and more convenient for everyone.

Universal Design involves designing products and spaces so that they can be used by the widest range of people possible. Universal Design evolved from Accessible Design, a design process that addresses the needs of people with disabilities. Universal Design goes further by recognizing that there is a wide spectrum of human abilities. Everyone, even the most able-bodied person, passes through childhood, periods of temporary illness, injury and old age. By designing for this human diversity, we can create things that will be easier for all people to use.

Who Does Universal Design Benefit?

Everyone. Universal Design takes into account the full range of human diversity, including physical, perceptual and cognitive abilities, as well as different body sizes and shapes. By designing for this diversity, we can create things that are more functional and more user-friendly for everyone. For instance, curb cuts at sidewalks were initially designed for people who use wheelchairs, but they are now also used by pedestrians with strollers or rolling luggage. Curb cuts have added functionality to sidewalks that we can all benefit from.

What can be Universally Designed?

Everything. Universal Design can apply to anything that can be designed, including products like door handles, kitchen utensils and smartphones... Universal Design can be applied to architecture and the built environment, including public and commercial buildings, as well as residential buildings and family homes. Universal Design can also help older adults concerned with Aging in Place by designing products and spaces that are safer and easier for them to use... Universal Design can also be applied to the community at large through urban planning and public transportation.

President Barack Obama

The White House
1600 Pennsylvania Avenue
Washington D.C. 20500
(202) 456-1111
<https://www.whitehouse.gov/administration/president-obama>

Senator John Thune

U.S. Senate SD-511
Washington D.C. 20510
(866) 850-3855
www.thune.senate.gov

Senator Mike Rounds

Hart Senate Office Building, Suite 502
Washington D.C. 20510
(844) 875-5268
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Representative Kristi Noem

2422 Rayburn House Office Building
Washington D.C. 20515
(855) 225-2801
www.noem.house.gov

Your Voice Matters!
Talk with "our" leaders about what is important to you!



National Aging and Disability Center Will Promote Availability and Accessibility of Transportation for Seniors, People with Disabilities and Caregivers

Washington, DC, December 15, 2015

Easter Seals and the National Association of Area Agencies on Aging(n4a) are pleased to announce the launch [on Oct. 1, 2015] of the National Aging and Disability Transportation Center (NADTC), a new national technical assistance center funded by the Federal Transit Administration (FTA). Building on more than 20 years' experience of these two national leaders in accessible transportation, the NADTC will promote the availability and accessibility of transportation options for seniors, people with disabilities, caregivers, and communities throughout the U.S. The new Center will work to support the delivery of more effective, efficient high-quality and coordinated specialized transportation services that maximize federal investments.

NADTC will provide technical assistance, information and referral; develop and field training; implement an interactive communication and outreach strategy; and offer grant funding to support communities in assessing their needs and developing innovative transportation solutions. To ensure that the Center's work responds to the needs of our target audiences, we will engage consumers and other stakeholders as partners, offering opportunities to provide feedback and guidance.

"FTA is committed to improving quality of life for seniors and individuals with disabilities by making public transportation an easy and efficient way for them to access jobs, schools, and services," said FTA Acting Administrator Therese McMillan. "The National Aging and Disability Transportation Center (NADTC) will help aging and disability networks leverage funding from FTA and others to improve access to community supports and services."

"People with disability and older adults often rely on public transportation systems to engage in the community and live their lives to the fullest," said Administration for Community Living Administrator Kathy Greenlee. "The National Aging and Disability Transportation Center will connect transportation leaders and the aging and disability networks to ensure that the perspectives of people with disabilities and older adults are incorporated into every aspect of transportation planning. We look forward to continuing our work with FTA to support transportation systems that work for people of all ages and abilities."

"The lack of access to viable transportation options is a major reason why many older adults can no longer live with dignity and independence in their homes and communities," said n4a Chief Executive Officer Sandy Markwood. She went on to note, "It's exciting to know that through its work to improve the mobility options of seniors and others, NADTC will also be in a position to improve the quality of life of so many Americans."

"Innovations in transportation and technology are making it possible for people with disabilities and older adults to live more independently and remain in their homes longer," said Randall L. Rutta, President & Chief Executive Officer of Easter Seals, Inc. "Through the NADTC, Easter Seals and n4a will be able to share information on creative ways to improve transportation services and involve in the transportation decision-making process the individuals most affected by it."

To find out more about the NADTC, request technical assistance, or to sign up for the Center's e-News, send an email to

contact@nadtc.org

or call toll-free (866) 528-6278.

Media Contact: Rachel Beyerle; (202) 403-8304; rbeyerle@easterseals.com; <http://easterseals.com>



This publication is the official publication of the Coalition (South Dakota Coalition of Citizens with Disabilities). We welcome letters, manuscripts, news items, articles and other items of interest, which will be considered for possible publication within future editions. This publication is mailed, electronically or in hard copy, to all Coalition members and other interested parties, as well as located on our website at www.sd-ccd.org.

Many of the articles in this publication are reprinted from other sources, as a way to share with our readers an example of the information being presented to leaders and other members of the general public locally and nationwide. The opinions expressed in these articles do not necessarily represent the opinion of the Coalition - its membership, board or staff. Its appearance in this publication does not constitute the Coalition's position in regard to any issue or item, unless expressly stated as such.

The Coalition is a strong supporter of "People First" language and supports its use in written and spoken communication. Some of the articles used in this publication may contain language that is not consistent with the "People First" concept. The language used by authors of articles that are not consistent with "People First" language is not a reflection of the Coalition's preference.