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South Dakota Community Foundation Awards The Coalition a South Dakota Fund Grant

The South Dakota Community Foundation (SDCF) announced in a news release on February 17, 2017 that it had awarded the South Dakota Coalition of Citizens with Disabilities a \$5,000 grant. The funds will be used to strengthen a statewide network of disability organizations that focus on policies and practices affecting those living with disabilities. The South Dakota Fund grant will provide much-needed resources to reinvigorate the Coalition's efforts.



(Pictured from left to right: Arlene Poncelet, long-time individual member and Executive Director of the SD Council on Developmental Disabilities, long-time organizational member; Shelly Pfaff, Coalition Executive Director; Ginger Neiman, SDCF Grants Officer; Patty Kuglitsch, individual member and President of SD Association of the Deaf, long-time organizational member; and Tim Neyhart, long-time individual member and Executive Director of SD Advocacy Services, long-time organizational member)

As the only statewide membership organization working on behalf of people with all types of disabilities, the Coalition has a call to identify needs impacting all South Dakotans with disabilities and to work with others to develop collaborative strategies to address those needs. The grant will support efforts to explore how the Coalition can strengthen existing partnerships and build new ones with the goal of using existing resources as efficiently and effectively as possible.

The check award presentation was made at the 23rd Annual Disability Awareness Day at the Capitol Rotunda on February 14th.

Giving Hardworking Americans with Disabilities A Chance At a Middle Class Life

(American Association of People with Disabilities - AAPD)

Many Americans with disabilities are denied their fair chance to pursue the American dream. Despite gains from the landmark civil rights bill, the Americans with Disabilities Act (ADA) in 1990 and guaranteed healthcare coverage under the Affordable Care Act (ACA), much economic progress remains for Americans with disabilities. Today, many hardworking Americans with disabilities are essentially punished for earning too much money by losing access to long-term services and supports (LTSS).¹

Most Americans who require long-term services and supports (LTSS) have to rely on Medicaid to meet their support needs. Many Americans with disabilities rely on LTSS which allow them to get up and go to work each day. For many low-income Americans with significant disabilities, the only option that will pay for their LTSS is Medicaid. As they earn more or save, they risk becoming ineligible for Medicaid and therefore losing access to their LTSS. Private health insurance does not cover LTSS and can result in coverage gaps such as durable medical equipment and prescription drug coverage.

Federal policies should not punish Americans with disabilities for trying to live middle class lives. Given that Medicaid is the only option for LTSS coverage, these Americans must impoverish themselves or remain poor in order to get the support they need. Some are forced to apply for Supplemental Security Income (SSI) as a gateway to Medicaid and LTSS. They end up foregoing increases in pay and other economic opportunities in order to keep their LTSS through Medicaid.

The federal government must provide

access to LTSS and unique disability-related healthcare coverage so that all Americans with disabilities have a shot at economic security. With the right tools, Americans with disabilities can live independently in their homes and communities, increase their earnings, decrease their reliance on a program like Medicaid that is for low-income people, and contribute to the growth of our economy as taxpayers, consumers and small business owners.

¹ LTSS is generally defined as personal care services (i.e., help transferring from a wheelchair, dressing, going to the bathroom, etc.), transportation services, assistive technology, durable medical equipment and other daily assistance to support an individual living with a functional impairment due to disability or health condition.

Quick Employment Facts

Americans with disabilities are less likely to be employed, are more likely to hold jobs with lower wages and earn less than Americans without disabilities.

The unemployment rate for Americans with disabilities is nearly double the national rate (14.7% compared to 7.7%) of people without disabilities.

8 out of 10 people with disabilities or 48 million are out of the workforce.

Get Your TICKETS NOW TO WIN!

2016 Honda SxS 500 ATV



“Community Means Everyone”

Please Support the



Only 1,000 Tickets will be sold!

Tickets are \$25/each or five (5) for \$100

DRAWING May 5th, 2017

(Need Not Be Present to Win)

**Tickets Available at Lynn’s Dakotamart in
Pierre - Fort Pierre - Fort Thompson - Belle Fourche - Sturgis -
Lead - Faith - Custer - Hot Springs - Martin
or at
www.sd-ccd.org**

Executive Director Notes...

As of the end of today (March 1st), there are seven (7) days left in this year's state legislative session. In reality, the final day is one set aside for legislators to consider any vetoes, which the Governor may have issued; so we have six (6) days when they will be meeting to make final decisions that will impact all of our lives.

In the past week to ten days, we have learned that it is now expected that the revenue coming into the state for the current fiscal year is estimated to be \$25 million less than needed to meet the budget. That's right, \$25 million less than needed. In addition, we've learned that it is now expected that the revenue for the next fiscal year, FY18, is being estimated to be \$28 million less than the Governor's proposed budget, which our legislators are presently working on and will act upon within the final days of session.

Now I don't know about you, but when I heard those numbers I was shocked! How could we be so far off in our revenue projections? What's going on? And I've been asking a variety of people those questions during the past days.

The two most common answers I'm hearing are the impact of internet sales on sales tax revenue and the current downturn in the farm/agriculture world. And as I've listened to various people and tried to read a wide swath of information, I can't argue that these two factors are having a significant impact. And it is important to understand the causes so we might plan ways to create a future in the midst of change. Yet, between now and the end of session, I believe our efforts must be on the immediate impact these numbers may hold in store for us, if we do not speak to what is important to us.

Once the revenue shortfall numbers were

announced, I began hearing three predictions in reference to the FY18 budget.

First, no funding for new programs or services. Second, no inflationary increase for providers, programs and services. Third, we are going to have to make cuts. We have to end with a balanced budget.

Now is the time for everyone to contact Senate and House Leadership, as well as members of the Joint Appropriations Committee. Tell them what services, supports and programs are important to you, AND tell them what will happen to you and/or your family if those services, supports and programs are cut. They need to hear from you about what will happen you are not able to access those services, supports and programs.

Others will be doing the same for services, supports and programs that are important to them - that is how advocacy works! This is a time to lift our voices so they understand how their decisions impact the lives of those they represent!

Shelly

**To leave a Phone Message for any
Senator call:**

773-3821

**To leave a Phone Message for any
Representative call:**

773-3851

**To access email and personal phone
numbers for Senators and
Representatives go to:**

www.sdlegislature.gov/Legislators

President's Thoughts...

Warm Greetings to all our Members and Friends!

Spring is coming soon! I can see geese flying overhead, and I've seen several robins around us, which tells us spring is coming. We are so glad that winter didn't give us a hard time except for a few times in the past months.

In the last newsletter, I mentioned the challenges and changes in our political climate that might or might not impact all of us. I said that we all must watch this closely. We can see what has been happening in our state legislature and at the national level with Congress and the Presidency.

We, the Coalition, and the disability community need to make sure that our rights and values are protected and preserved. Some of the proposed changes will impact our community, and we need to be vigilant in our advocacy efforts to hold onto our rights.

We encourage all of you to attend town hall or cracker barrel meetings with legislators to express your opinions and concerns about changes that you feel will impact you. It is important because they do not often see or hear from the bottom level – people impacted by their decisions.

Thank you for those who participated Disability Awareness Day at the Capitol on February 14th.

I also wanted to thank all of participants involved in the DAN – Disability Advocacy Network. It is very important to be part of the team working to ensure that all people with disabilities in South Dakota have the opportunity to speak on what they feel needs to be accomplished in support of them reaching their goals. Thanks for your time advocating for all of us.

We are still selling raffle tickets for the Honda ATV we'll give away on May 5th. I encourage you to buy tickets to win and support our work. The winner will be able to enjoy riding out in the country in their new ATV. You can buy tickets through our website or at any Lynn's Dakotamarts around the state. Please spread the word to your family and friends, and encourage them to support our work on behalf of all South Dakotans with disabilities.

I would like for you to talk to your friends, neighbor or coworker and even strangers about our Coalition's effort to protect and preserve our rights. Recruit them to join our organization. We need them to be part of our work!

Lastly, I want to assure you that we are here to support all of you all the way to the top. But we need your INVOLVEMENT and SUPPORT to do it!

Tom (Kober)

Joint Appropriations Committee Members

Larry Tidemann, Chairman
David Anderson, Vice Chairman
Dan Ahlers
Hugh Bartels
Lance Carson
Justin Cronin
Terri Haverly
Jean Hunhoff
Chris Karr
John Lake
Reynold Nesiba
Jeffrey Partridge
Deb Peters
Sue Peterson
Billie Sutton
Jim White
John Wiik

Bazelon Applauds SCOTUS Decision in Fry V. Napoleon Community Schools

(Wednesday, February 22, 2017)

The Bazelon Center applauds the Supreme Court's unanimous decision today in Fry v. Napoleon Community Schools. In ruling in favor of a student with a disability and her family, the Court provides important guidance regarding when parents must exhaust claims alleging disability discrimination through the administration procedures of the Individuals with Disabilities Education Act.

The Fry case was brought by the parents of a Michigan grade school student with cerebral palsy who wanted their daughter to be able to bring her service dog Wonder to school. Wonder is trained to help the student with many life activities, including helping her pick up dropped items and assisting with balance when she uses the walker. After the school refused to allow Wonder at school, the parents filed a lawsuit in federal court alleging disability discrimination under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Lower courts dismissed the case because they considered the Frys' claims educational in nature, and so held they were required to file an administrative IDEA complaint and pursue it to its conclusion - in other words, to "exhaust" the administrative process. In this decision today, the Court made clear that discrimination claims, such as those asserting rights to equal access to public programs or services under the ADA and Section 504, can be brought directly in court even when such claims arise in schools. The Court held that parents need not use the IDEA administrative process and exhaust IDEA claims when the crux, or "gravamen," of their complaint does not involve the failure to provide the student a free and appropriate public education (FAPE). Even if the alleged discrimination occurs in a school setting, in non - FAPE cases parents may go directly to court

to protect the student's rights.

"The Court's decision today makes clear that parents and students need not engage in time-consuming administrative proceedings when they are seeking remedies for disability discrimination that aren't focused on FAPE." said Bazelon Legal Director Ira Burnim. "Here, the school district should have permitted the student to bring Wonder to school, instead of violating her rights under the ADA and Section 504. In the future, parents will be able to go directly to federal court so that any disability discrimination can be addressed promptly, if the school will not do the right thing on its own."

The Court's ruling vacates the decision of the Cincinnati-based Sixth Circuit Court of Appeals dismissing the Frys' complaint, and sends the case back to that court for further proceedings. Other court of appeals, including the Tenth Circuit Court of Appeals in Denver, in a decision written by Supreme Court nominee Judge Gorsuch, have applied similarly incorrect approaches to the IDEA exhaustion issue. Going forward, lower courts will now follow the "gravamen analysis" the Supreme Court proclaims today.

Bazelon Center Legal Director Ira Burnim, Senior Staff Attorney Lewis Bossing, and pro bono counsel from the firm Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, filed an amicus brief in the Supreme Court on behalf of three former Department of Education officials in support of the Frys and advocating for the result reached today.

The Bazelon Center works to advance and protect the rights of adults and children with mental disabilities. For additional information on the Bazelon Center's work, please visit www.bazelon.org

23rd Annual Disability Awareness Day a Success!

Fifteen different disability organizations joined together in the Capitol Rotunda on February 14th for the 23rd Annual Disability Awareness Day. Representatives of the participating organizations commented on how successful they felt the day was - a day filled with many people stopping by throughout the day.

Governor Dugaard and Lt. Governor Michels stopped by, and Governor Dugaard spent some time chatting with and taking pictures with many in attendance. Many legislators, other elected officials, department leaders and so many others also stopped by to enjoy a fresh fruit cup, visit and pick up some information being shared by the participating organizations.

Thank you to: Brain Injury Alliance of South Dakota, The Brain Injury Rehabilitation Center, Communication Service for the Deaf, Community Support Providers of South Dakota, Independent Living Choices, LifeScape, South Dakota Advocacy Services, South Dakota Advocates for Change, South Dakota Association of the Deaf, South Dakota Council on Developmental Disabilities, South Dakota Network Against Family Violence and Sexual Assault, Special Olympics of South Dakota, Transition Services Liaison Project and University of South Dakota/School of Medicine Center for Disabilities.

A special thanks to those who helped prepare fruit the evening before: Colette Wagoner, Nancy Schlichenmayer, Tim Neyhart, Rebekkah Kruse, Cara Boyle, Arlene Poncelet, Patty Kuglitsch and Katie Petersen. We couldn't do it without you!



24th Annual Disability Awareness Day will be held on Wednesday February 14th, 2018!

Introduction to the National ABLE Alliance

With the recent launch of even more ABLE plans to choose from, the [ABLE National Resource Center \(ANRC\)](#) would like to invite potential ABLE participants, their families, and all other ABLE stakeholders, to attend a free webinar focused on introducing you to the [National ABLE Alliance](#). The National ABLE Alliance is a partnership of States dedicated to providing the disability community with an ABLE investment product that offers multiple financial options at low cost. To date, the National ABLE Alliance has facilitated the launch of 8 ABLE programs, with more to come in the next year. Moderated by Michael Morris, the Executive Director of the [National Disability Institute](#), the webinar will feature the recent state ABLE programs launched by the National ABLE Alliance and their various characteristics.

The webinar, taking place March 2nd from 2:00 – 3:30 PM EST, will focus on various program characteristics including:

- Learning the enrollment process of each program
- Learning the fees associated with each program
- Learning the investment opportunities offered with each program
- Identifying how those differences may affect which program best meets your specific needs

Moderator: Michael Morris, Executive Director, National Disability Institute

To register, and to prepare for the webinar, go to the following site and watch **10 Things to Know About ABLE Accounts** and **Becoming ABLE Ready**.

www.ablenrc.org

Governor Appointed Boards and Councils Seeking Nominations

Four different boards and councils which are involved in State programs, services and policies impacting the lives of people with different disabilities are presently seeking nominations for pending vacancies. They are the: South Dakota Board of Vocational Rehabilitation, Board of Service to the Blind and Visually Impaired, Council on Developmental Disabilities and Statewide Independent Living Council. Each has specific nomination requirements. All are requesting that nominations be submitted by March 31, 2017.

Following is a brief description of what each board or council is seeking in nominations:

Board of Vocational Rehabilitation **1.800.210.0143 or 945.2207**

Representatives from:

- Disability advocacy groups representing a cross section of individuals with disabilities with physical, cognitive, sensory, and mental disabilities; or individuals with disabilities who have difficulty representing themselves;
- Qualified VR (vocational rehabilitation) counselor with knowledge of and experience with the VR programs; and
- Business, industry and labor.

Board of Service to the Blind and Visually Impaired **1.800.265.9684 or 773.4644**

The Board of Service to the Blind and Visually Impaired is seeking nominations for two positions.

- Nominations should be individuals who are blind or visually impaired.

- Nominations may include a representative of an individual who is blind and has multiple disabilities and has difficulty representing himself or herself due to disabilities.
- A priority will be put on nominations that include representation from current or former applicants for, or recipients of, vocational rehabilitations services and/or representatives of disability advocacy groups.

Council on Developmental Disabilities **1.800.265.9684 or 773.6369**

- One vacancy for a person with an intellectual and developmental disability
- One vacancy for a parent or guardian of an adult with an intellectual and developmental disability
- One vacancy for a community based service provider

Statewide Independent Living Council **1.800.210.0143 or 945.2207**

Representatives who:

- Provide statewide representation;
- Represent a broad range of individuals with disabilities from diverse backgrounds;
- Are knowledgeable about centers for independent living and independent living services;
- Individuals with significant disabilities and are not employed by any State agency or center for independent living; and

To access more information about each and to receive nomination packets, go to www.dhs.sd.gov and search for each board/council for their specific information, or contact their staff at numbers noted under each title.

SD Advocates for Change Leadership Team Is Accepting Applications

South Dakota Advocates for Change (SDAC) Leadership Team is accepting written "Applications for Consideration to Serve" from persons with disabilities who are interested in becoming a hardworking, active self-advocate on this busy TEAM!

Several positions are currently open. Team EXPECTATIONS and Guidelines are taken serious, real commitments are required, serious considerations should be given before applying please.

Team members start by serving "one term", and a term length is two years. A team member MAY serve no more than 2 consecutive terms (a total of 4 years) if they wish. It's their choice.

Nomination Applications (2 pages only) are available by contacting SDAC Staff at 1.800.210.0143 or 605.945.2207, and we'll get it out to you!

The deadline to submit applications is April 3, 2017.



This publication is the official publication of the Coalition (South Dakota Coalition of Citizens with Disabilities). We welcome letters, manuscripts, news 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 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 - supporting its use in written and spoken communication. Some of the articles used in this publication may contain language that is not consistent with "People First" language. The language used by authors of articles that are not consistent with "People First" language is not a reflection of the Coalition's preference.



SOUTH DAKOTA
COALITION
 OF CITIZENS WITH DISABILITIES

Join with others to work towards equal opportunity for all!

Name/Agency: _____

Address: _____

City: _____ **State:** _____

Email: _____ **Phone:** _____

Website: _____

_____ **New** _____ **Renewal**

_____ **Individual**
Annual Membership - \$20

_____ **Organizational**
Annual Membership - \$100

_____ **Donation - \$** _____

**2017
 Membership
 Renewals
 DUE!**

**Physical presence
 does NOT equal
 inclusion!**



**See Page 3 for details
 on chances to win this**

