

News Letter

GOVERNOR'S PLANNING AND ADVISORY COUNCIL ON DEVELOPMENTAL DISABILITIES & THE DEVELOPMENTAL DISABILITIES OFFICE OF THE STATE PLANNING AGENCY

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November, 1975

New laws affect disabled

During the 1975 Mn. Legislative Session, numerous bills of benefit to DD persons were passed. Highlights of some of these bills are summarized below.

SPECIAL EDUCATION. The budget adopted for special education provides \$38,600,000 for 1976 and \$46,750,000 for 1977, representing an increase of some \$37.7 million for the coming biennium. The Omnibus School Aid bill includes the following provisions:

- Payment by the state of 65% of the salary of essential personnel in special education, not to exceed \$10,000, for the normal school year for a full-time employee.
- Permissive summer programs for handicapped children, both residents and those temporarily placed in the district.
- Permissive instruction and services through the school year during which the pupil reaches age 25 for trainable mentally retarded pupils who have attended public school fewer than 9 years prior to September, 1975.
- State payment of 80% of the excess cost over 128% of the 1974 fiscal year actual net operating cost per eligible handicapped pupil for transportation during fiscal year 1976; and 80% of the excess cost over 134% of same for transportation during the fiscal year 1977.
- Publication by the State Board of Education of rules assuring the safe and efficient transportation of handicapped pupils, with particular attention to standards for vehicles used in transporting handicapped pupils, equipment to assure the safety of the pupils and the qualifications of the drivers and aids providing transportation services.

Legislation to p. 4

Council plans work program

Federal legislation passed in October, 1970 (P.L. 91-517) authorized the establishment in each state and territory of a Planning and Advisory Council on Developmental Disabilities. In Mn., this policy-making body was organized in 1971 and is currently comprised of

29 members. Council members include representatives of principal state and local agencies and nongovernmental organizations and groups concerned with services for the DD population. At least one-third of the members Council to p. 6

News Letter fills communication gap

DD News Letter will be published quarterly during the coming year by the State DD Council and the DD Office of the State Planning Agency. The goal of this publication is to keep the various people working in the field of developmental disabilities in Mn. in touch with one another.

In addition to timely news items and announcements, DD News Letter will also include longer articles on State DD Council activities, Regional Councils, service projects, analysis of current issues, columns by the State Council chairperson and DD Office director, invited articles, and occasional notes on research in progress or just completed.

DD News Letter will be disseminated to approximately 1,000 persons throughout the state and to leaders of DD programs in other states.

INSIDE:

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- Legal Advocacy Project has far-reaching impact, p. 10.

Jane Belau completes term as chairperson

Jane Belau has been chairperson of the State DD Council since its inception in 1971. Under her leadership, the Council has given visibility to the new term, developmental disabilities, and has focused attention on needs of people who are developmentally disabled.

Jane credits the Governor with contributing significantly to the effectiveness of the DD Council over the last 4 years: "Minnesota is fortunate in that Governor Anderson appointed a strong Council for our state,

"Great care must be taken to avoid becoming another layer of bureaucracy. . ."

placed it most appropriately within the State Planning Agency, and has given the Council his continued support during the past 4 years."

During Jane's term as chairperson, the original philosophy of the DD legislation — filling gaps and eliminating duplication — has filtered to many programs; the concept of human services integration has surfaced. Also, in 1972, the Council decentralized its planning efforts by adopting a regional approach.

Jane cautions, "The early and notable success of the Mn. Council has, paradoxically, created its greatest challenge . . . Great care must be taken to avoid becoming another layer of bureaucracy separating those people whom

the program is designed to serve from the benefits of the program itself."

Jane's involvement in DD programs extends beyond the state of Mn. Two years ago, the chairpersons and planning directors of the 56 State and Territorial DD Councils formed a national organization, the National Conference on DD. Jane was elected as the first chairperson of NCDD and continued in that role through September, 1975. She also has been an Advisory Board member since 1973 for the DD Technical Assistance System, a N.C.-based organization which provides consultation and technical assistance to DD Councils nationwide. Additionally, Jane was appointed last year to the National Advisory Council on DD, a body which advises the Secretary of the Department of HEW on issues relating to DD.

In addition to her leadership in the DD area, Jane also has been actively involved in numerous other services and organizations. At present, she is serving on the Olmsted County Welfare Board and the Rochester Housing and Redevelopment Authority.

"Major challenges ahead. . . include increasing support to agencies in a time of diminishing dollars. . ."

A native Minnesotan, Jane will complete her term as DD Council chairperson in December, 1975. She foresees the coming year as an active one, both for the Council and



Jane Belau

for herself as a Council member. "Major challenges ahead for the Council," Jane said, "include increasing support to agencies in a time of diminishing dollars from state and private sources, and delineating roles for more effective DD planning."

In terms of her own involvement in the coming year, Jane plans to continue working through Council committees and to continue communicating Minnesota's concerns to the National Advisory Council.

Jane regards her experience as Council chairperson as valuable: "I learned a lot in the last 4 years, as we all did. My gratitude toward all those who have patiently, willingly, and tirelessly worked on behalf of developmentally disabled individuals is deep, and I will not forget the many kindnesses and continual cooperation people have shown."

The incoming chairperson, Eunice Davis, has, in Jane's view, been a "valuable and tireless worker since the Council was formed." She will be profiled in the February issue of DD News Letter.

New DD Act becomes reality

House and Senate Conferees reached an agreement on legislation amending and extending the DD program on July 30, 1975. This new DD bill was signed by the President on October 6.

The title of the new bill is the "Developmentally Disabled Assistance and Bill of Rights Act." The program is extended for 3 years, through fiscal year 1978.

The bill contains 3 titles:

- Title I, the general provisions of the DD program, including the state plans, State Councils, National Advisory Council, special projects, University Affiliated Facilities and an evaluation system.

- Title II, the new protection provisions.

- Title III, the special studies on the DD definition.

Among the major new provisions of the bill are:

- A revision of the DD definition to include autism and dyslexia. Dyslexia is limited to those persons whose dyslexia is attributable to 1 of the conditions already included in the DD population.

- Special studies to determine what disabilities should qualify one for services.

- Special project grants, including national significance projects.

- Satellite centers for areas not now having University Affiliated Facilities.

- Renovation and modernization funds for University Affiliated Facilities to remove architectural barriers.

- Reduction from 50% to 10% of DD funds for construction purposes.

- Review and comment on other Federal/State plans by the DD Councils.

- An evaluation system, developed by the Secretary of HEW within 2 years of enactment; states will then have 2 years to implement the system.

- Individualized habilitation plans for persons served with DD funds.

- Protection and Advocacy systems in each state.

- Minimum standards for residential services.

This new legislation provides guidelines that have been awaited since the previous DD legislation expired on June 30, 1974.

- Adapted from NARC'S
Government Report, 4 (8),
August 1975

School lunch act passes in Congress

HR 4222, the School Health and Nutrition Act of 1975, was passed this fall by both the House and the Senate. This Act broadens the school nutrition program such that new services may be available to developmentally disabled persons in schools and other facilities.

The President vetoed the bill on Oct. 3 on the grounds that the program would increase inflationary spending. But on Oct. 7, both houses of Congress easily overrode the veto. Guidelines for the bill will be issued early in 1976. A more complete report on the Act and its implications for developmentally disabled persons will be included in a future News/Letter.

Recent research: Problems of disabled offenders

The special needs and problems of developmentally disabled offenders go largely unattended, according to a recent study, *The Developmentally Disabled Offender in the Illinois Criminal Justice System*.

Prepared by the Correctional Services, Inc., of Chicago, the research project investigated in 5 separate substudies, the impact of the Illinois criminal justice system on the developmentally disabled offender. By personal interview and mailed questionnaire, researchers collected data from law enforcement officers, judicial personnel, correctional institutions, developmentally disabled offenders, and community agencies serving developmentally disabled persons.

In general, findings showed serious shortcomings in the system's ability to identify and meaningfully treat developmentally disabled persons. "In no part of the system," the study reports, "are personnel adequately trained to detect these handicapped persons nor are adequate resources available for positive diagnosis, evaluation, or referral."

Another major problem was found in the law itself, when statutes confound mental retardation with mental illness. As a
Offenders to p. 8

DDTA surveys Regional Councils; response planned

Regional DD Councils in Mn. were surveyed in the spring of 1975 by the DD Technical Assistance System of N.C. The study was undertaken at the request of the State DD Council and at the suggestion of the Regional Council planners. The purpose of the survey was to examine and describe the 8 Regional Councils, most of which had been operating for at least 2 full years at the time of the study.

Approximately 8 persons in each region were interviewed on site or by phone for the study, including the Regional Council planner, the Regional Council chairperson, the Regional Council's host agency director and 5 Council members (a planning specialist, a special educator, a service provider, and 2 consumer representatives).

The composition and structure of the Councils, their operating procedures, goals, activities, and accomplishments were discussed. Areas of technical assistance need were identified. Relationships with host agencies and with the State DD Council were explored. The roles of the Regional Council planners were examined.

Survey results suggested that Regional Councils need to clarify their own role and function, improve their organizational development and strengthen their relationships with other relevant groups.

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Legislation from p. 1

STATE HOSPITALS. The Commissioner of Public Welfare was directed to present a comprehensive report to the legislature by January 5, 1976, setting forth in detail a plan to phase down or cease operations at 1 or more state hospitals, the plan to be acted upon by the 1976 legislature.

WELFARE. Included in the Omnibus Welfare bill are appropriations for 70% of the cost of care for mentally retarded. In addition, community-based residential services for mentally retarded are funded at \$926,000. These appropriations provide funds for the state to reimburse counties for their share of the cost for residential services for deinstitutionalized persons, resulting in a cost to the county which will be the same as if the person had remained in the state hospital.

However, a rider to the bill limits the money primarily to 1 hospital catchment area. An additional \$450,000 is to be used as grants for construction and start-up costs for nonprofit community facilities for the mentally retarded. The appropriation for the foster grandparents program was placed at \$462,000.

PARENT SUBSIDY. Funding was provided for an experimental program for parent subsidy of mentally retarded children to age 18 who might otherwise be institutionalized. The program is limited to 50 families with payment limited to \$250 per month.

DAYTIME ACTIVITY CENTERS. Daytime Activity Centers were allotted grant-in-aid funding at \$4,514,600 for the first year of the biennium and \$4,923,300 for the second. These funds together with a federal match will total \$10,200,000 for the biennium. A separate bill shifted responsibility for the total cost of DAC transportation to the Department of Welfare. That bill provided that school district transportation may be used under 3 conditions: 1) that it is in the best interest of the handicapped individual; 2) that it is no undue burden on the school district, and 3) that no less expensive alternative is available. Transportation aids for DACs were funded at \$2.1 million for each year of the biennium.

GUARDIANSHIP. Guardianship laws covering mentally retarded persons were amended to allow for greater flexibility in the ward/guardian relationship. Under the new amendment, a guardian can be appointed to act for the ward in fiscal matters only.

ZONING. The zoning bill provides that group homes for mentally retarded and physically disabled individuals be considered as single family dwellings if they have 6 or fewer residents and considered as multiple dwellings if they have up to 16 residents. Notification of the county or township in which a new facility is to be placed is required 1 month before opening the program. Guidelines for the bill are currently being drafted.

HUMAN SERVICES. The Amendments to the Human Services Act provide:

- Financial assistance to operating Human Services Boards.
- Changing the mandatory "at least one-third citizen membership" on the Human Services Boards to optional citizen membership.
- Extending the number of days from 30 to 365 at which point

Office of Human Services defines its mission

In September, the Office of Human Services began operations in the Space Center Building in St. Paul. Established by Executive Order No. 114 issued on July 9, 1975, the Office is organizationally placed in the Governor's Office. The Office of Human Services is charged with initiating changes in state government policies and procedures that will promote a more effective human services delivery system at the state and local levels. The Office will assist in implementing

changes and recommend appropriate organizational structures.

Under the direction of E. W. (Bill) Quirin, the Office will undertake a number of studies and projects to achieve its overall goals. The Office will provide support to local Human Service Boards. Uniform budget and fiscal practices, reporting systems, staff procedures, and programmatic policies will be developed for the state human services agencies.

The Office will prepare an



Bill Quirin

interim report to the 1976 Legislature and a final report to the 1977 Legislature for the organization of state and local human services.

The initial efforts of the Office staff have been directed toward developing a mission statement, establishing office and program procedures, gathering materials, and defining project areas.

Quirin feels that the project is proceeding well and can have significant impact. "All the major departments and agencies are working together to achieve true coordination and integration," he commented.

An unusual feature of the Office is its staff arrangement. In addition to the 9 "direct staff" who are paid by the Office, there are also staff members assigned from some of the related agencies. These persons are still on their agency payrolls and are well acquainted programmatically with their respective agencies, but they are now housed in the Office of Human Services and are working under Quirin's supervision.

existing local operating Boards shall cease operation upon the establishment of a Human Services Board.

- Directing the State Planning Agency to "implement a program for the standardization of personnel policies, evaluation and fiscal practices, forms and procedures among the Departments of Public Welfare, Health, Corrections, Employment Services and the Division of Vocational Rehabilitation in the Department of Education and the federal categorical program activities in their relationship to Human Services Boards." This responsibility is now vested in the newly created Office of Human Services.

MISCELLANEOUS. The court must provide an interpreter for handicapped persons in all proceedings both civil and criminal.

Nutritional supplements must be provided to high risk women and children.

Special motor vehicle license plates must be made available to physically disabled drivers for a nominal fee.

The reporting of child abuse must be improved.

Any disabled person who is denied a public service or who is refused the use of a public accommodation has the right to take his complaint to the Minnesota Human Rights Department.

Departments, agencies and institutions of the state must procure products and services from sheltered workshops and work activity programs on a competitive basis with private industry.

Substantial actuarial and experiential support must be shown for the denial of life or health and accident insurance to persons with stabilized conditions. The burden of proof now rests with insurance companies and their evidence for denial must be submitted to the Commissioner of Insurance.

— Condensed from *Newsletter*, Minnesota Committee for the Handicapped, May 28, 1975, and "Update on Human Services Act Implementation," Mn. State Planning Agency, May 27, 1975 (#36).

Grant monies available

BEH

The Bureau of Education for the Handicapped in the U. S. Office of Education recently announced the availability of grant funds to support projects for the severely handicapped. This is the first year in which a separate line item for this purpose has been included in the Bureau's budget.

Public agencies and private nonprofit organizations may apply. Projects to meet the educational and training needs of severely handicapped children and youth — including deinstitutionalization programs — will be considered.

Interested agencies should contact the Special Services Branch in November for more information.

Special Services Branch
Division of Assistance to
States
Bureau of Education for the
Handicapped, OE, HEW
400 Maryland Avenue S. W.
Washington, D.C. 20202

*-From Intelligence Report,
National Association of
Coordinators of State
Programs for the Mentally
Retarded, Inc., September
10, 1975.*

DPW

The Department of Public Welfare is now accepting letters of intent from prospective developers of residential facilities. The funds were appropriated under Mn. Statute 252.30, which authorizes grants for the construction, purchase, or remodeling of

small residential facilities for mentally retarded and/or cerebral palsied individuals. A small facility is defined as having 16 or fewer residents; a maximum of 2 such facilities may share a campus. Eligible applicants include public governmental units and private and nonprofit organizations. Inquiries for further information may be directed to the Community Programs Division, DPW, 612/296-3139 or the MR Program Division, DPW, 612/296-2160.

Learning Center has openings

The Mn. Learning Center is a residential treatment program for educable mentally retarded youths with behavior problems. The Learning Center currently has a number of openings for boys and girls.

Youths aged 6 to 21 from anywhere in the state are eligible for this program. The average length of stay is 3 to 6 months. The program is free of charge to the parents of participants; also there is no bill to the local school district.

Strongly oriented toward behavior modification, the Learning Center is located in Brainerd, Mn. Parent training is stressed; staff members visit the residents' homes and schools to work with parents and teachers.

The staff is willing to travel throughout the state to talk with groups or individuals about the program. For more information, contact Mike Reagan, Mn. Learning Center, Box 349, Brainerd, Mn. 56401, 218/829-1474.



*Executive Committee Members with
Belau, Eunice Davis, Sophie Reut
Mary Ann Jensen, Lee Schacht.*

Council from p. 1

represent consumers. Administrative activities are carried out by the DD Planning Office, located in the State Planning Agency in St. Paul.

The Council details its program and accomplishments annually in a comprehensive state plan. A number of flexibly organized Council committees address important issues and work areas. Priority areas in the Council's work program guide the selection of service grants awarded by the Council on a yearly basis. Eight Regional DD Councils and DD planning staffs set priorities and carry out work programs at the local level throughout the state.

The State Council meets on the first Wednesday of each month to conduct business. At their September meeting, the Council members agreed on a work program for 1975-76 which emphasizes the following general areas:

- Efforts to further the national program goal of



Gov. Wendell Anderson (seated). L to R: Ardo Wrobel, Sherri Langdon, Jane Bernie Klein, Betty Hubbard, John DuRand, Bob Bruininks. Not pictured:

creating and maintaining least restrictive living environments for DD individuals.

- Human rights of the developmentally disabled.
- Coordination and interaction between the state/regional programs, and internal and external information exchange.

Specific planning tasks over the coming year will be directed toward developing a statewide advocacy and protective services system,

facilitating the development and maintenance of community-based residential facilities and programs, developing viable and effective case management/tracking system models, and conducting a number of special studies.

Council meetings are open to all interested persons. Information on the location and time of Council meetings may be obtained by calling the DD Office (612/296-4018).

New members join Council

The Office of Governor Wendell Anderson has announced the following new appointments to the State DD Council:

Dr. Will Antell,
Assistant Commissioner,
Compensatory Education Div.,
Dept. of Education, St. Paul;

Ms. Dona Casell,
Chairperson, Region 11
DD Council, Osseo;

Ms. Barbara Goman,
Chairperson, Region 3 DD
Council, Duluth;

Ms. Shirley Hood,
Executive Committee Member,
Region 1 & 2 DD Council,
Bagley;

Mr. William Messinger,
Attorney, Mpls.;

Mr. Richard Ramberg,
Deputy Director, Council
for the Handicapped, St. Paul;

Mr. Glenn Samuelson,
Administrative Assistant,
Social Security Office,
St. Paul;

Ms. Dottie Spencer,
Executive Committee Member,
Region 9 DD Council, Madelia;

Mr. Charles Turnbull,
Chief Executive Officer,
Faribault State Hospital,
Faribault.

Federal DD Office reorganizes, moves to OHD

On August 28, Stanley B. Thomas, Jr., HEW's Assistant Secretary for Human Development, announced the reorganization of the DD Office. Formerly a division within the Rehabilitation Services Administration, the DD Office is now a separate unit within the office of the Assistant Secretary for Human Development. The DD Office will continue to be headed by Francis

X. Lynch, who has headed the program in the Rehabilitation Services Administration for the past 4 years.

The new DD Office will be composed of the following 5 sub-divisions:

- Planning and Evaluation.
- Executive Services.
- University Affiliated Facilities.
- Program Operations.
- Research and Develop-

ment.

With a staff of about 75 in Washington and in the 10 HEW regions, the Office functions primarily as a coordinating agency for the many organizations working in the field of developmental disabilities.

Further information on the reorganization can be found in the *Federal Register* of August 21, 1975.

DD News Letter is printed in bold type to make it more legible for the visually handicapped readers in our audience.

Regions from p. 4

More specifically, Regional Councils need to define "consumer representation" and make it clear to each Council member what his primary role is. They also need to clarify the role of regional planners and other planning specialists. A comprehensive orientation package for Council members would be helpful.

In the area of organizational development, the Regional Councils need to determine what their major planning and advisory functions are and develop committees to carry out each function. They should also adopt a uniform procedure for developing and prioritizing goals, objectives, and activities. Written statements of purpose, goals, objectives, and plans are needed. The Regional Councils should also identify and prioritize technical assistance needs and develop strategies to meet the needs. Moreover, they should uniformly and promptly evaluate their own activities.

The Regional Councils should work to strengthen their relationships with Regional Development Commissions and other significant regional groups. They should review the plans of other groups in their region and share their own plans with every regional agency or group which impacts on service

Regions to p. 12

Offenders from p. 3

result, developmentally disabled persons can be subject to indefinite detainment in improper institutions and to denial of bail rights.

Regarding legal negotiations, most judges and lawyers in the survey tended to believe that mental retardation as a criminal defense would not be "detrimental" to a defendant. However, court services clinical staff feared that "indefinite confinement in hospitals" and "stigmatization of the person" may result. The use of plea bargaining was viewed favorably by most survey respondents, though "possible coercion of less sophisticated offenders" was recognized as a potential problem.

STUDY RECOMMENDATIONS

In each branch of the study researchers recommended several steps for improvement. Some of the recommendations included:

- Community-based mental health centers to assist law enforcement personnel in the identification and treatment of developmentally disabled offenders.
- Training programs at law enforcement academies to inform future police officers about the special situation of developmentally disabled persons.
- Interim guidelines regarding the court's handling of developmentally disabled defendants.
- A statewide planning body to explore, plan and develop pretrial diversion programs.
- Legal social workers to consult with judges on special cases.
- Programs in existing facilities to provide educational and vocational opportunities to developmentally disabled offenders.
- Improved diagnostic testing of developmentally disabled persons in the correctional system.
- Closer coordination of community resources and services with existing institutional programs.
- Community-based programs for developmentally disabled offenders as alternatives to incarceration.
- Specialized programs run by existing community-based agencies regarding living arrangements, counseling, employment, and education of developmentally disabled offenders, including an information and referral service to provide a fixed point of referral for state agencies, community agencies, individual clients and client families.

But the most crucial step, researchers insisted, "is that this preliminary study be followed by a program of research in this important area." Although the availability of federal funding has encouraged a few states to begin attacking the problem, more research is required to assess the needs of developmentally disabled offenders more accurately and to develop concrete proposals to answer these needs. An initial analysis of the problems of developmentally disabled offenders in Mn. is being conducted by the Legal Advocacy Project funded by the Developmental Disabilities Program.

Financial benefits for disabled

Many disabled adults and children are unaware of the financial benefits available to them under the programs of the Social Security Administration.

Basically, there are 2 separate programs with disability provisions. First, the Social Security Disability Insurance program provides benefits for individuals who have worked in employment covered by social security and for impaired widows, widowers, and children of workers who have died, retired, or become disabled. Second, the Supplemental Security Income program was created by recent legislation to replace Federal grants for aid to the aged, blind, and disabled, previously administered by state governments. This is the first federally administered assistance program in the country and provides a floor of income for aged, blind, or disabled persons throughout the nation. Although many of the requirements for establishing disability under this program are similar to those under the Social Security program, there are some differences. A person who meets the eligibility criteria for one may not be eligible for the other program.

SOCIAL SECURITY DISABILITY INSURANCE

Social security disability benefits can be paid to individuals in each of the following groups.

- A disabled worker under age 65 who has worked long enough and recently enough in employment or self-employment covered by social security. The amount of work needed depends on the worker's age at the time he becomes disabled. For the worker who becomes disabled before age 31, the amount of work ranges down to as little as 1 ^{1/2} years of work during the 3 years prior to the onset of disability.
- A disabled widow or widower age 50 or over, if the deceased spouse was covered by social security. Also, certain surviving divorced husbands and wives may qualify for disability benefits.
- A disabled dependent adult, continuously disabled since childhood (before age 22) if a parent (or, in some instances, grandparent) who is covered under social security retires, becomes disabled, or dies. A person disabled before age 22 needs no work under social security to get benefits. His payments are based on the earnings of the parent (or grandparent) and will continue for as long as he is disabled and all other factors of eligibility are met. Many people who are receiving benefits because of disabilities which began in childhood are today in their 50's and 60's and older.

When a person is determined to have been disabled since before age 22, the parent who has personal responsibility for the disabled dependent adult's care may also qualify for monthly benefits regardless of the parent's age.

CHILDHOOD DISABILITY BENEFITS

The actual amount of the monthly benefit for an adult disabled

Benefits to p. 11

NCDD proposes national office

Approximately 100 persons representing 40 states attended the annual meeting of the National Conference on DD in Mpls., Sept. 21-24. Members of NCDD include the chairpersons and planning directors of the State DD Councils in the 50 states and 6 territories. Jane Belau of Mn., NCDD chairperson since 1973, presided at the conference.

Mn. Governor Wendell R. Anderson joined the group during the afternoon of Sept. 22 for informal greetings and a reception.

The participants voted to establish for the first time a national office for NCDD in Washington, D.C., and to hire a staff person, specifically responsible to the DD program.

The meeting featured a comprehensive report on the new federal DD legislation by Marge Kirkland, Deputy Director of the national DD Office. Participants were urged to submit in writing to the DD Office their suggestions regarding the legislation and the proposed regulations.

Among the other speakers was Jewel Hamilton, chairperson of the National Advisory Council on DD. She described the new composition of the National Council and outlined its functions within the broad mission of advising the Secretary of HEW with respect to the implementation of the DD law. She emphasized the importance of strong leadership at the state and local levels and the necessity for a coordinated effort.

Legal Advocacy Project has far-reaching impact

Prior to 1973, there was no coordinated approach to legal issues in the DD field in Mn. The Advocacy Committee of the State DD Council documented a need for helping handicapped people obtain services to which they are lawfully entitled and for explaining laws and regulations to consumers and others.

In July, 1973, the State DD Council funded the Legal Advocacy Project for the Developmentally Disabled of Mn. Headquartered in Mpls. and directed by Luther A. Granquist, the DD Advocacy Project has provided consultation and direct representation to more than 360 cases during its first 2 years of operation.

An overwhelming number of requests for legal services have been made of the project. Neil Mickenberg, an attorney with the project since its beginning, states, "Given the limitations upon our resources, our project has only been able to respond to . . . the most pressing and significant legal needs of the developmentally disabled in Minnesota. . . . We believe our current activities accurately reflect current needs."

The project currently serves an open case load of approximately 100 cases, representing about 160 persons. Two hundred cases have been closed since the inception of the project. By disability, 20% have been persons with epilepsy, 5% with cerebral palsy, and 75% with mental retardation. Approximately half of those served were from outside the Twin Cities area.

Approximately 230 people throughout the state have been trained to serve as lay advocates. These volunteers attempt to solve problems at the local level and receive back-up support from the Legal Advocacy staff.

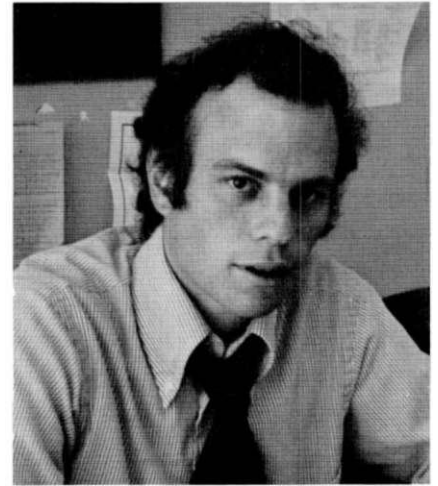
Four major bills have been passed through the 1975 MN. Legislature, including:

- The Mn. Mental Retardation Protection Act, probably the most progressive guardianship law in the U.S.
- A zoning bill which lowers the barriers for developing future group homes for mentally retarded and physically handicapped persons; this legislation will help pave the way for community placement of at least 50 % of the 3,700 state hospital residents.

Litigation has been used only when all other attempts for solutions have been exhausted. Many cases involving court action have had an impact extending far beyond providing relief for the individual requesting assistance. For example, a class action suit regarding Supplementary Security Income brought financial benefits to some 1,000 disabled Minnesotans. Because federal benefits were obtained as a result of the lawsuit, about \$200,000 in state monies were saved which would otherwise have been spent out of Mn. General Assistance funds.

Several University of Mn. law students have participated in the DDA Project as clinical interns.

A centralized legal resource library has been developed in which major cases throughout the U.S. are indexed.



Neil Mickenberg

A wealth of training material has been developed and disseminated throughout Mn. and to other states. A 200-page Advocacy Manual is available at cost (\$3.50) upon request.

An initial analysis of the socio-legal problems of the developmentally disabled offender in prisons and the state security hospital is underway.

Now in its third year, the DDA Project employs 4 attorneys and 1 lay advocate and is operating on an annual budget in excess of \$109,500. It began with an annual budget of approximately \$46,000 and increased in its second year to around \$77,000.

The DDA Project offers its services free of charge. Persons wishing further information should contact: DD Advocacy Project, Legal Aid Society of Mpls., 501 Park Avenue, Mpls., Mn. 55415, 612/332-1796.

Readers who would like to respond to News Letter articles or submit items for possible publication are encouraged to write the Editor.

Benefits from p. 9

since childhood depends on the parent's average earnings in work covered by social security. Today, such a person can receive as much as \$261.40 a month where the parent is retired or disabled and as much as \$392.10 if he is receiving benefits on the social security record of a parent who has died. A mother or father who is caring for a disabled person may receive up to \$392.10 for as long as he is in the parent's care.

To be eligible for childhood disability benefits, a person must be age 18 or over and have a medical impairment that began before age 22. The impairment must be severe enough so that — in the words of the law — he is "unable to engage in any substantial gainful activity." Generally, this means that he can earn no more than \$200 a month from his work efforts.

Sometimes an eligible person under age 18 is already receiving social security benefits because a parent (or grandparent) has retired, died, or become disabled. So that the benefits will continue without interruption, he (or someone on his behalf) should apply for disability benefits approximately 3 months before his 18th birthday.

If a person is receiving social security benefits because of an impairment which began before age 22, these benefits can be continued as long as the condition prevents the performance of regular, sustained work activity. If the individual does decide to try to work in spite of the condition, benefits may continue to be paid during a trial work period of up to 9 months — not necessarily consecutive months. This period gives the individual a chance to test his ability to work. If after 9 months it is decided that the person has demonstrated the ability to do substantial gainful work, the childhood disability benefits will be paid for an additional 3 months and then terminated.

If after working a while the person is no longer able to continue to work on a regular basis because of his or her impairment, childhood disability benefits may be payable again if fewer than 7 years have elapsed since the previous benefits were terminated.

INSUMMARY

In short, there are 2 programs under the Social Security Administration with disability provisions. The first, Social Security Disability Insurance, provides benefits for disabled workers, disabled widows or widowers, and non-working adults continuously disabled since childhood. The second, Supplemental Security Income program, provides a floor of income for disabled persons; this program will be featured in a future issue of DD News Letter. Many disabled persons are unaware of the benefits available to them under these programs. If you think that you or someone you know may be eligible to apply for these benefits, contact your local Social Security Office.

Parts of this article were adapted from an article by Samuel E. Crouch, which appeared in the September, 1975, issue of the National Spokesman, published by the Epilepsy Foundation of America. Mr. Crouch is Acting Director of the Bureau of Disability Insurance of the Social Security Administration.

I & R provides information link

Information and Referral (I & R) is a statewide system headquartered in St. Paul which provides parents, placement agencies, and providers of service a central source of placement information concerning residential programs for developmentally disabled children and adults. I & R gathers information from residential facilities regarding their individual programs. Residential facilities may notify I & R when openings occur. Persons wishing residential information may contact I & R to find out what openings are currently available that would fit their needs.

I & R has handled more than 300 calls since its inception in 1974. The project is funded through the State DD program and is offered by the Association of Residences for the Retarded in Mn. Its services are free of charge.

For more information, contact: Information and Referral, 459 Rice St., Suite 301, St. Paul, Mn. 55103, 612/225-6552.

Orchestra Hall removes barriers

Orchestra Hall in Mpls. will soon be made architecturally accessible to handicapped persons. This action results from an agreement reached in Sept. between the United Handicapped Federation and the Mn. Orchestral Association.

Regions from p. 8 programs for developmentally disabled persons. They should decide whether a need exists for coordinating regional planning for developmentally disabled persons and determine who is most appropriate to be the coordinator. The Regional Councils should also work with the State DD Council to conduct an integrated, statewide planning effort.

Several activities are underway in response to these recommendations. The State DD Council has formed a task force to more clearly define the mission and relationships of the State and Regional DD Councils; regional planners and Regional Council members will be a part of this task force.

In September, the State Council decided to form small teams to visit each regional DD program. Each team will consist of 1 DD Office staff member and 2 State Council members. The team will meet with the regional planners and Regional Council members to share information and improve communication between the state and regional programs.

Other areas of need identified

by the regions may be addressed by the DD Office through Requests for Proposal. Possible areas include needs assessment, alternative planning processes, implementation plans, evaluation, and agency coordination.

DD Dateline

11/6-7 - - "Living in the Community; Problems the Retarded Child Will Face;" Child Development Section, St. Paul Ramsey Hospital; St. Paul Assoc. for Retarded Citizens; East Metropolitan Day Activity Center Council; School of Social Work, Dept. of Conferences, U. of Mn., Nolte Center for Continuing Education; Mpls., Mn.

11/8 - - Annual Meeting, Mn. Epilepsy League, Inc., Health Sci. Bldg. A, U. of Mn., Mpls., Mn.

11/13 - - Workshop on Early and Periodic Screening, Diagnosis and Treatment; Mn. Dept. of Welfare and Mn. Dept. of Health assisted by Region 9 DD Council; Holiday Inn, Mankato, Mn.

11/13-15 - - "The Need is Special," Mn. Assoc. for Children with Learning Disabilities Conference, Leamington Hotel, Mpls., Mn.

11/17-19 - - "Sexuality and the Retarded," Planned Parenthood of Mn. and Central Mn. Regional DD Council, Holiday Inn, Brainerd, Mn.

12/5-6 - - "The Puzzling Child: Autism," College of Education and Dept. of Conferences, St. Paul Campus, U. of Mn., St. Paul, Mn.

1/19-22 - - 5th National Conference on the Epilepsies, Epilepsy Foundation of America, Washington Hilton Hotel, Washington, D.C.

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