



# TARC NEWSLETTER

Oklahoma's leading information source on issues impacting the lives of people with developmental disabilities and their families

## October 2009

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## The TARC Office has MOVED!!

With the last of the moving boxes unpacked and roles of box tape put away the new TARC office has finally settled in its new location. I wanted to take a moment and apologize for the abbreviated edition of the TARC Newsletter but the staff has been extremely busy getting everything ready to better serve you at this new location. Although our address has changed, the TARC telephone, fax and email will all stay the same. Please feel free to contact us with any questions you may have.



**Notice**

The TARC office has moved to:

**2516 East 71st St., Suite A**  
**Tulsa, OK 74136-5531**

## National Study on Crime Against People with Disabilities

The first national study on crime against people with disabilities was released by the Justice Department's Bureau of Justice Statistics (BJS), Office of Justice Programs the first week in October at the national "Responding to Crime Victims with Disabilities" conference in Denver, Colorado.

Findings in this report are the first estimates of crime against people with disabilities measured by the NCVS, administered by the Bureau of Justice Statistics (BJS). The NCVS adopted questions from the U.S. Census Bureau's American Community Survey (ACS) to identify respondents who had a disability. Disability is defined as a long-lasting (six months or more) sensory, physical, mental, or emotional condition that makes it difficult for a person to perform daily living

*"Crime" continued on pg 2*



Partner Agency

TARC is committed to ensuring a high quality of life for Oklahomans with developmental disabilities through education, empowerment, support and advocacy. For additional information about TARC or to volunteer, contact us at:

**2516 East 71st St., Suite A, Tulsa, Oklahoma 74136-5531**

www.ddadvocacy.net tarc@ddadvocacy.net 918-582-8272/800-688-8272 918-582-3628(Fax)

activities. The NCVS questions identified six types of disabilities: sensory, physical, cognitive functioning, self-care, go-outside-the-home, and employment.

This report focuses on the victimization experiences of persons with disabilities, including comparisons to persons without disabilities, disability types, victim characteristics, and crime characteristics, such as reporting crime to the police and the presence of weapons during the crime.

\*Estimates of property crimes against households with persons with disabilities may be an undercount due to the survey.

### Findings from the NCVS include—

- Age-adjusted rate of nonfatal violent crime against persons with disabilities was 1.5 times higher than the rate for persons without disabilities.
- Persons with a disability had an age-adjusted rate of rape or sexual assault that was more than twice the rate for persons without a disability.
- Females with a disability had a higher victimization rate than males with a disability; males had a higher rate than females among those without a disability.
- Persons with a cognitive functioning disability had a higher risk of violent victimization than persons with any other type of disability.
- Persons with more than one type of disability accounted for about 56% of all violent crime victimizations against those with any disability.
- Nearly 1 in 5 violent crime victims with a disability believed that they became a victim because of their disability.
- Victims with a disability perceived offenders to be under the influence of either alcohol or drugs in about a third of all violent crimes against them.
- Violent crime victims with or without a disability were equally as likely to face an armed offender, report the crime to the police, or suffer an injury.
- When adjusted for age variation, people with disabilities experienced higher rates of violence than people without a disability.
- Youth ages 12 to 19 with a disability experienced violence at nearly twice the rate as those without a

disability.

- More than half of violent crimes against people with a disability were against those with multiple disabilities.
- Among victims of violent crime, females were more likely than males to have been victimized by an intimate partner, regardless of disability status.
- Victims with disabilities perceived offenders to be under the influence of either alcohol or drugs in about a third of all violent crimes against them.
- Victims with disabilities faced an armed offender in nearly 1 in every 5 violent crimes in 2007.
- About a quarter of all victims of violent crime with disabilities were injured.
- Violent crimes against persons with or without disabilities were equally likely to be reported to police

Police responded to about three-quarters of reported violence against victims with a disability. The full report can be found at <http://www.ojp.usdoj.gov/bjs/pub/pdf/capd07.pdf>

Source: Monday Morning Memo

## SAVE THE DATE

**The 2009 Advocacy Awards and Annual Meeting  
will be on *Monday, December 7, 2009***

We hope to see all of you there as we recognize the amazing advocates and volunteers of 2009.

The nominating committee of the TARC Board of Directors is soliciting nominations for the Board of Directors for the term beginning January 1, 2010.

If you would like to volunteer or know someone you would like to nominate please email TARC Board Member, Justin Lord at [jlord@wjm-ins.com](mailto:jlord@wjm-ins.com) or contact the TARC office.

**All nominations must be received by  
Monday, November 15, 2009.**

## New Report Puts Focus on Assets and Financial Security in Oklahoma

The release of a comprehensive new state-level Scorecard on assets and financial stability provides an opportunity to focus on efforts to help Oklahoma families get ahead and become more financially secure, according to the members of a state coalition dedicated to asset building.

The 2009-2010 Assets and Opportunities Scorecard provides a detailed, data-rich look at wealth, poverty, and the financial security of families in all 50 states. It was developed by CFED (Corporation for Enterprise Development), a national economic non-profit. The report gave Oklahoma an overall grade of “C”, finding that the state is performing well in housing measures but falling behind in financial assets and health care.

“We know that assets are the cornerstone of family economic security,” said Steve Shepelwich, Senior Community Affairs Advisor at the Oklahoma City Branch of the Federal Reserve Bank of Kansas City, who serves as Chair of the Oklahoma Asset Building Coalition (OkABC). “The Scorecard provides us a unique snapshot of where we are in Oklahoma on a broad range of outcome measures and policies related to assets, and helps us identify areas for progress.” The Oklahoma Asset Building Coalition brings together organizations and individuals to identify and strengthen programs and policies that help Oklahomans achieve economic security.

Among the Scorecard’s main findings is that nearly one-quarter (22.7 percent) of Oklahoma households live in “asset poverty”, defined as lacking sufficient net worth to subsist at the poverty level for three months in the absence of income. Over half those households - 12.0 percent of the total population - are identified as in “extreme asset poverty”, meaning they have zero or negative net worth. These families have no cushion in the case of job loss, major medical incident or family break-up.

“The Scorecard provides a unique lens to identify and assess policy and program options to improve financial security for all Oklahomans. We need a commitment to develop public policies that are aimed at protecting financial assets, expanding education opportunities, and improving health care,” stated Matt Guillory, Executive Director of

Oklahoma Policy Institute, which is the lead state partner with CFED for the report.

Oklahoma received its best grade in the area of housing and homeownership - a “B” - and ranked among the top fifth of states for small business ownership rate and microenterprise ownership rate. “Many of our state economic development programs are based on strengthening assets such as homeownership and business ownerships in communities around the state,” said Kathy McLaughlin, Director of Programs for the Oklahoma Department of Commerce and a member of OkABC’s steering committee. “It is encouraging to see Oklahoma performing well on some of these measures, although the current economic downturn is certainly placing great strain on these critical assets.”

The Scorecard recognizes that educational attainment is a key to economic success, but found that Oklahoma continues to rank among the lower tier of states in its percentage of residents with a 2-year college degree (55.5%, 38th) and 4-year college degree (24.6%, 42nd). “Oklahoma has seen a 26 percent increase in degree production since 2001; this is an important accomplishment and indicative of the innovative approaches that we have been taking.

The report also points to substantial disparities in assets held by minority populations and women. Anna Knight, Commerce Group Leader of the Cherokee Nations and a member of OkABC’s steering committee noted that, “Within the Native American population, there has been a growing understanding that the key to sustainable prosperity depends on policies and programs that create ownership and develop assets for our tribes and their members.”

The Scorecard recognizes Oklahoma for the Passport to Financial Literacy Act, passed by the Legislature in 2007, which requires financial education for students to graduate from a public high school.

Oklahoma’s full 4-page state profile, as well as links to all the data for each of the 50 states, can be accessed at Oklahoma Policy Institute’s website, at: <http://okpolicy.org/asset-and-opportunity-scorecard>



Source: Oklahoma Policy Institute

## Recent Supreme Court Decision Sends a Message to Schools: Timely and Appropriate Evaluations and Eligibility Decisions are Required by IDEA

A recent US Supreme Court decision, *Forest Grove School District vs. T.A.* (08-305, decided June 22, 2009), has sent a strong message that school districts have significant responsibility not only to those students with disabilities that are already eligible for special education, but also to students that have suspected disabilities that should have been receiving special education. In the *Forest Grove* case, the student, T.A., struggled throughout elementary school. In high school, the parent sought an evaluation from the school. Based on a review of records and IQ testing, the school concluded that the student did not have a disability, though it did not do any specific testing for AD/HD or learning disabilities, despite indicators that T.A. might have problems in those areas. T.A.'s problems continued to deteriorate and his parents again unsuccessfully sought help from the school district in his junior year. As a result of the school's refusal to take action, the parents obtained outside evaluations that diagnosed T.A. as having AD/HD and learning disabilities and recommended that he be placed in a highly specialized residential school. Shortly after placing T.A. in a special residential school, the parents requested a due process hearing. In response, the school conducted a reevaluation. While recognizing that he had AD/HD, the school still maintained that it did not sufficiently impact his educational performance to warrant special education.

After a due process hearing, in which the parents prevailed, the federal district court ruled that the family was not entitled to reimbursement, because T.A. was not enrolled in special education and therefore was not governed by the rules for reimbursement of parental unilateral placements under the IDEA. The Ninth Circuit Court of Appeals reversed the district court's decision and the Supreme Court affirmed the Circuit Court's decision.

The Supreme Court wrote that precluding reimbursement to parents that are forced to place their children in private programs because the child has not been properly determined eligible for special education: "is at odds with

IDEA's remedial purpose of [ensuring] that all children with disabilities have available to them a [FAPE] that emphasizes special education . . . designed to meet their unique needs," §1400(d)(1)(A); and it would produce a rule bordering on the irrational by providing a remedy when a school offers a child inadequate special-education services but leaving parents remediless when the school unreasonably denies access to such services altogether. Pp. 8- 15. "The District's claims that imposing responsibility for private placements under these circumstances would be financially burdensome and would motivate parents to seek such reimbursement were rejected by the Court, noting that these arguments... " are also unpersuasive in light of the restrictions on reimbursement awards identified in *Burlington* and the fact that parents unilaterally change their child's placement at their own financial risk. See, e.g., *Carter*, 510 U. S., at 15. Pp. 15-16."

The T.A. decision is of enormous importance in that it highlights the school district's responsibility to engage in timely and appropriate evaluation and to make decisions about eligibility that are correct. Had the Court supported the District's position, it would have given school district's a strong incentive to avoid identifying children with disabilities and conducting appropriate evaluations, for there would have been little or no accountability for the failure to do so. The IDEA requires districts to engage in Child Find for all children suspected of having disabilities that reside in or attend private school in the district. Children with disabilities that are not always readily apparent or require specialized evaluation are often not evaluated or evaluated and determined ineligible.

This problem may become even more pronounced with the introduction of "Response to Intervention" programs intended to provide services within regular education to children suspected of having learning disabilities prior to conducting evaluations to determine special education. The T.A. decision sends a strong warning to schools that failure to timely and appropriately evaluate children suspected of having disabilities is a violation of IDEA and places the district at legal and financial peril.



# Autism News Roundup

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## What Will Health-care Reform Mean for Families Affected by Autism?

By: Hannah Cary, Autism Society of America

### Myths and Realities

The health-care reform debate became extremely heated while Congress was on recess and home in their districts and states; however, navigating the claims from both sides and finding out the realities about what health-care reform means for our families has gotten a little easier.

Ultimately, the Autism Society sees the health-care reform proposals, including the HR 3200 health-care reform bill, as greatly beneficial to our community and the general disability community. These proposals include provisions that prohibit companies from excluding coverage based on pre-existing conditions, including autism; prohibit annual and lifetime spending caps; and require that companies cover habilitative and other lifespan care. Moreover, the amendment that Representative Mike Doyle added to the House Bill, HR 3200, requires that companies cover behavioral health treatments as part of the essential coverage package. The Doyle amendment, and his many other advocacy efforts, has kept the interests of people affected by autism in the debate. Please thank Representative Doyle here.

What health-care reform can do, and what it means for the autism community, is illustrated most easily by the all-too real scenario of two families looking to buy health insurance for their children who are affected by autism. One family, whose son Mauricio, a 24-year-old young man with an autism diagnosis, diligently called several private insurance providers and asked for premium quotes for a policy, and each and every company explained that they will not sell a policy for someone who has an autism diagnosis. Another family, whose 7-year-old daughter, Angela, has a diagnosis of PDD-NOS, made the same calls to a number of insurance companies as well after Angela's dad got a new job with a different company. They too were told the same old story—no coverage for Angela due to her “pre-existing condition,” autism.

“This is just not right,” said Jeff Sell, Autism Society Vice President of Advocacy and Public Policy. “Not only are these families being unfairly refused coverage for treatment of autism, but the companies are also refusing to sell coverage so these young people can see a doctor if they get strep throat, break a bone, develop a stomach ulcer, require intensive behavioral interventions or otherwise simply need access to prescribed medical care. In the future, with meaningful health-care reform, these families will be able to buy health coverage because insurance companies will no longer be able to exclude anyone just because that person has autism, or any other pre-existing condition.”

The White House has two Web sites to help explain the realities of health-care reform: <http://www.healthreform.gov/> and [www.whitehouse.gov/realitycheck](http://www.whitehouse.gov/realitycheck). Both provide excellent background information and myth-busting. Further, Representative Henry Waxman (D-CA) has published a “line-by-line” review of claims and realities regarding HR 3200. That review can be found on his Web site. Many non-governmental organizations have also created Web sites and documents that help provide clarity on the debate. The independent, nonpartisan Web sites <http://www.politifact.com/> and <http://www.factcheck.org/> have investigated a number of claims and provide true-or-false evaluations of many current health-care reform proposals.



# TULSA ADVOCATES FOR THE RIGHTS OF CITIZENS WITH DEVELOPMENTAL DISABILITIES

2516 East 71st St., Suite A  
Tulsa, OK 74136-5531

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## RETURN SERVICE REQUESTED

The TARC newsletter is published monthly by the Tulsa Advocates for the Rights of Citizens With Developmental Disabilities, Inc., to inform readers about issues and legislative action that affect adults and children with developmental disabilities, their families, and professionals working in the field of developmental disabilities. The contents do not necessarily represent the official position of TARC.

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# HELP TARC HELP FAMILIES-BECOME A MEMBER TODAY!

The Sapulpa Group has decided to discontinue their monthly support group but please take advantage of our other Mom's and Dads Group in Tulsa. If you have any questions please contact Sherilyn Walton, 582-8272

**links** to support. to information. to friends.  
Support Group for Adults with Asperger's Syndrome

**Next Meeting:**  
Wednesday,  
November 18th  
6:30-7:45 p.m.

**The next meeting will be held at TARC's new office:**  
2516 East 71st St., Suite A  
Tulsa, OK 74136-5531

Links is a support group for adults with Asperger's Syndrome. Contact Amie Farinella, 918-582-8272 for more information.

**Day Makers** Activities group for adults with developmental disabilities

Contact: Amie, 918-582-8272

**Tuesdays • 10:00-11:00 a.m.**  
Gatesway Foundation-Mabee Gym  
1217 E. College in Broken Arrow

**Thursdays • 1:00-2:30 p.m.**  
McClure Recreation Center  
7440 E. 7th Street in Tulsa

**Hispanic Parents Support Group**  
El Grupo Hispano de Apoyo a Padres de Familia  
**Next Meeting: Monday, October 26th**  
7:00 to 8:30 p.m.  
St. Thomas Moore Catholic Church,  
2720 S. 129th E. Ave., Tulsa

**iJUNTOS!**  
Support Group for Hispanic Families

Contact Zaida at 918-582-8272 for more information.

*Families in Transition*

Families in Transition is a support group for parents of adult children with developmental disabilities.

Contact Amie Farinella, 918-582-8272  
For more information about the next meeting

**Connections Asperger's Group**

**Next Meeting:**  
Wednesday, October 28th 4:30 p.m.  
Hardesty Library, 8316 E. 93rd St.

The "Connections" Asperger's Group is a social skills group for adolescents and young adults with Asperger's Syndrome. The group meets monthly. Contact Sherilyn or Amie at 918-582-8272 for more information.

**MOMS & DADS SUPPORT GROUP**

For this month's meeting we encourage you to attend one of the four lectures we are presenting in honor of disabilities awareness month. Please visit our website for details:  
[www.ddadvocacy.net](http://www.ddadvocacy.net)

*The mission of the Moms & Dads Support Group is to nurture and support families whose children have a developmental disability, to encourage positive strategies in dealing with challenges, and to share in the joys of raising our children.*

For more information, contact Sherilyn, 918-582-8272

**1<sup>ST</sup> TULSA PEOPLE FIRST**  
Tulsa People First TARC

For more information about next month's meeting please contact Amie Farinella 918-582-8272