

OFFICE OF HANDICAPPED CONCERNS

WILL'S CORNER. OKLAHOMA



Volume 5, Issue 3

July, 2004

(Serving the Disability Community of Oklahoma)

YOUTH PREPARE FOR LIFE

Jesse Marquez, a high school junior with disabilities from Woodward, Oklahoma says, "A counselor at school gave me an application for the Youth Leadership Forum, and I sent it in never expecting to be selected as a delegate, but here I am." Joy Johnson from Del City High School says, "I am a student with learning disabilities, and I have had a hard time with reading for my academic subjects. But, I love to sing. They told me I couldn't take music until my grades were better, and this inspired me to work harder so I could do what I really like to do. I want to be a music teacher."

A group of enthusiastic students with various disabilities gathered on the campus of the University of Science and Arts in Chickasha, Oklahoma the week of June 21 for the first-ever **Youth Leadership Forum** sponsored by the Oklahoma Developmental Disabilities Council. Sophomores and juniors from all

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Tennessee v. Lane

On July 26, 1990 President George Bush senior signed into law the historic Americans with Disabilities Act (ADA) which is the monumental civil rights act for people with disabilities. The ADA shares some things in common with the Civil Rights Act of 1964 which also celebrated a birthday in July. Both acts brought massive social changes to disenfranchised minorities. Both turned the direction of America towards inclusion, first with people of color and later with people with disabilities. Both brought people who were members of minorities into mainstream American life and conferred rights and responsibilities on them. The Civil Rights Act of 1964 celebrated its 40th birthday on July 2 and has had a longer period to become an integral part of American society than has the ADA. While the ADA levels the playing field for people with disabilities on paper, we all know that there are still significant areas of American society where restrictions and discrimination occur for people with disabilities. The U.S. Supreme Court has received several important cases in recent years which have served to define the Americans with Disabilities Act and integrate it more completely in American society. **Tennessee v. Lane** is the most recent case (May 17, 2004) reviewed by the court which is based upon an infraction of the Americans with Disabilities Act.

In August 1998, George Lane and Beverly Jones filed suit against the State of Tennessee alleging past and ongoing violations of Title II of the Americans with Disabilities Act. Both George Lane and Beverly Jones use wheel-

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OHC web site:

www.ohc.state.ok.us

YOUTH PREPARE FOR LIFE (continued)



Lieutenant Governor Mary Fallin with members of the Your Leadership Forum

over Oklahoma were selected because of their leadership abilities. It just happens that these young people also had a disability. They came together to talk about their schools and to plan for their future. I listened with awe as one young man talks about his hopes to be an architect. A young woman glows as she shares her desire to be a kindergarten teacher. Another student wants to be a sports journalist. Speaker Rick de Renneaux emphasizes, "You're not here because of your disabilities. You're here because we think you can make a difference in other people's lives with your talents."

Lorrie Sylvester led a group of volunteers from the audience into a circle with a large, inflated ball in the center. The ball was passed from one student to the other on opposite sides of the circle with ever-increasing speed while the volunteers were encouraged to focus on the ball with all their energies. Focus on your life goal. Allow the distractions to fade as you direct your efforts. Overcome the obstacles as you keep your goal above everything else.

Jan Garrett is the director of the world's first center for independent living in Berkeley, California. (Today independent living centers are all over the United States, and we have five in Oklahoma.) "In college I was selected to study in France for a year.

People were amazed that I got out in public and pursued my life. They were amazed, but they supported my efforts. Disability is sheik, and don't let anyone tell you different. Be who you are, not how somebody else thinks you should be."

Mike Shuttic works with students with disabilities at Oklahoma State University. Mike says, "Identify your own needs before you go to college. When you know your needs, you will know what accommodations to ask for. The college administration might not know that certain things are a problem. Push to get things done."

"You're not here because of your disabilities. You're here because we think you can make a difference in other people's lives with your talents."

Each speaker was introduced by one of the students using prepared information. Students spent five days on the beautiful campus of the Oklahoma Uni-

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LEGISLATIVE REPORT

In our last issue of *Will's Corner, Oklahoma*, we offered you a list of bills in the Oklahoma Legislature which could affect people with disabilities. That list of 17 bills as compiled April 2, 2004 was condensed from a longer list of bills introduced in the Oklahoma Legislature in February when the legislative session began. Our 49th Oklahoma Legislature adjourned the last week of May, and we want to report on those 17 bills for your interest.

State Government

HB 1779 would have separated the Department of Aging out of the Department of Human Services if it had passed. This bill failed.

Parity

HB 1835 establishes a task force of the Legislature to eliminate health disparities. (Insurance companies do not reimburse health care for mental health the same way they reimburse for physical health conditions.) The task force to study this issue passed.

Handicapped Parking

HB 1890 which would allow certain disabled veteran license plates to serve as a handicapped parking placard has become Oklahoma law.

Compliance

HB 2197 assures state government compliance with accessibility laws. This bill has passed.

Consumer Directed Services

HB 2300 creates consumer-directed services to Medicaid-eligible people with disabilities in order for them to live in the community. This bill has passed.

City Ordinances

HB 2637 which authorizes municipalities to define what type of motorized vehicles will use city streets as long as such ordinances are not inconsistent with state law has passed.

Why is the third hand on the watch called a second hand?



Tax Credits

HB 2659 would have allowed tax credits to families to cover their expenses for their children with disabilities. This bill was unsuccessful.

Golf Carts

SB 884 would have authorized golf carts and all-terrain vehicles to be operated on city streets. This bill failed.

Handicapped Parking

SB 889 authorizes certain nurse practitioners to certify disability for the purpose of a person's applying for a handicapped parking placard. This bill passed.

Education

SB 1277 would have authorized school districts to provide scholarships for certain students with disabilities. It did not pass.

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Tennessee v. Lane (continued)

chairs for mobility. They claimed they were denied access to the state court system because of their disability. Beverly Jones worked as a certified court reporter and claimed she lost work because she could not get into a number of county courthouses. George Lane stated that he was ordered to appear before a court to answer criminal charges even though the court was on the second floor of a building without an elevator. At his first appearance, Lane crawled up two flights of stairs to get to the courtroom. When he returned to the court a second time for a hearing, he refused to crawl again or be carried by officers of the courtroom. Consequently he was jailed for failure to appear.

Title II of the ADA prohibits discrimination in public services, programs, or activities and these refer to state and local government services. The State of Tennessee did not contest that George Lane or Beverly Jones had unequal access to the court system. Rather, Tennessee argued that Congress did not have authority to allow individuals to sue the state as Congress had done in the passage of the Americans with Disabilities Act. Tennessee argued they were protected from such suits by the Eleventh Amendment of the U.S. Constitution.

These were the arguments both sides presented before the U.S. Supreme Court in Tennessee v. Lane. The Court dismissed Tennessee's contention that the Eleventh Amendment protected them from suit by an individual. The justices said that in the ADA the U.S. Congress did have the right to allow individuals to sue the state in certain circumstances, and physical access to state courts was one such circumstance. The Court went on to say that physical access to the court system is part of the due process clause of the Fourteenth Amendment to the U.S. Constitution. A criminal defendant does have the right to be present at all stages of the trial where his absence might frustrate the fairness of the proceedings. Failure to accommodate persons with disabilities will often have the same practical effect as outright exclusion.

Tennessee v. Lane is a landmark decision because of its potential to effect change in the lives of people with disabilities. A Civil Rights Commission report before the U.S. Congress showed that 76% of public services and programs housed in state-owned buildings were inaccessible to or unusable by people with disabilities. If this figure has any degree of accuracy, Title II of the ADA has a long ways to go before full implementation. "As our population ages, and more families experience disability first-hand, I think people are coming to understand that the cost of exclusion, isolation, and segregation of people with disabilities is too high," said Lex Frieden chairperson of the National Council on Disability. "We must do more as a nation to include citizens with disabilities in all aspects of society, and many states have made great strides in this area. With today's ruling (May 17 decision on Tennessee v. Lane), we hope that all states will continue to move forward in improving accessibility for their citizens with disabilities and that we continue to work toward the goals of the ADA—equality of opportunity, full participation, independent living, and economic self sufficiency for people with disabilities."

...people are coming to understand that the cost of exclusion, isolation, and segregation of people with disabilities is too high...

If you are interested learning more about Tennessee v. Lane or about the ADA in general, call us here at the Office of Handicapped Concerns. We have a toll-free number (800-522-8224) good statewide. The National Council on Disability and the National Organization on Disability provide excellent websites and both are linked to the website of the Office of Handicapped Concerns (www.ohc.state.ok.us).

Let's Go Fishing

Did you know there are fifty state parks in Oklahoma and that all of these parks have some accessible features? Did you know that we have six state lodges scattered across our beautiful state? You may have thought that having a disability would prevent you from accessing outdoor Oklahoma, but not so according to Kris Marek of the Oklahoma State Department of Tourism and Recreation.

(Will)

"Kris, I understand that tourism and recreation is something Oklahomans may consider year round in our state."

(Kris Marek)

"Will, we all do some special thinking about recreation in the summer when school is out, but actually our state parks are open year round and some of my favorite times to visit them are in May or September/October when the facilities are less crowded. We're actually open twelve months a year with cabins and state lodges climate controlled regardless of season."

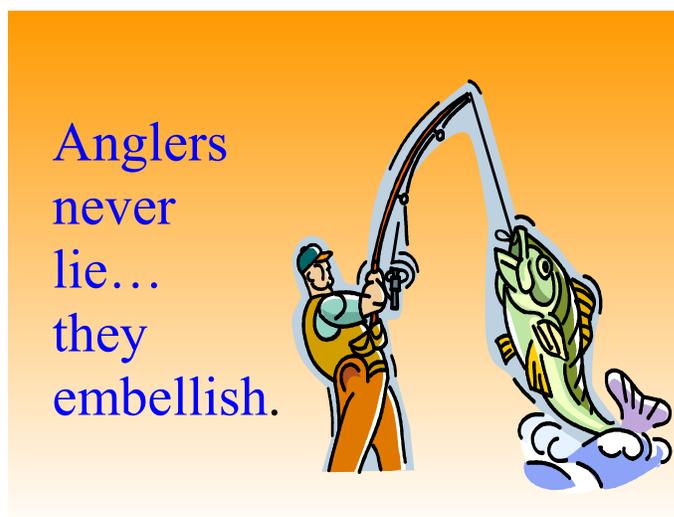
"Kris, if I were to ask you which state park is the most accessible to people with disabilities, what would you say?"

"Greenleaf State Park on Lake Greenleaf just southeast of Muskogee is probably our best park as far as accessibility to people with disabilities although all our state parks will have some accessible features."

"Why do you consider Greenleaf the most accessible?"

"One important accessible feature of Greenleaf not available elsewhere is the Cabin on the Lake. The Cabin is a two-bedroom cabin right on Lake Greenleaf somewhat set apart. It goes beyond the concept of accessibility to include assistive devices which would be usable to a person with disabilities. It has an adjustable bed with a hoist lift to assist a person with disabilities to transfer. Identifying

signs are in Braille, and the Cabin has a TDY-equipped telephone for a person with a hearing impairment. The Cabin has a lift chair and a roll-in shower to assist an individual with mobility impairments. The Cabin is also equipped with the typical accessibility features we have in all accessible cabins and rooms in state lodges such as wide doorways and grab bars in bathrooms."



"This is exciting, Kris. It sounds like some people with disabilities in Oklahoma who may never have dreamed of being able to go to a state park may actually be able to enjoy outdoor Oklahoma. It must cost a fortune to rent a cabin like that."

"Actually, it doesn't. You can rent the Cabin on the Lake for between \$60 and \$100 per night, and it will sleep four adults. The varying rate depends on the season and time you're renting with the lower rate in the less popular times such as winter and week days. The Cabin even has its own accessible boat dock on the lake with fishing and boating available to our guests."

"Now, Kris, let me just clarify something. The rate of \$60-\$100 per night you quoted was for the special, handicapped-equipped cabin on Greenleaf. This is not necessarily the rate of the typical cabins

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Let's Go Fishing (continued)

or rooms at state lodges which you may refer to as 'accessible' rooms?"

"Will, you're right. The Cabin is state of the art, and other accessible cabins or rooms may not offer as much. They also rent for less."

"Of course, as you mentioned, there are many other state parks in Oklahoma, and all of them offer some accessible features. Can you tell us about some of the other parks?"

"I love Beavers Bend State Park in far southeast Oklahoma. It has three accessible units at the new Lakeview State Lodge. One unit has two double beds in one room. One unit has one king-sized bed, and one unit has an entire accessible suite. Beavers Bend State Park has a wonderful Forest Heritage Center with accessible exhibits on the history of the forest and products of the forest in southeast Oklahoma. Exhibits are equipped with an audio explanation."

"Do you have staff who can explain the exhibits in sign language for those who are deaf and hard of hearing?"

"That's on my list of things to think about to improve the Forest Heritage Center. Now let me tell you about Robbers Cave State Park in Latimer County. Robbers Cave has a new facility called the Belle Star Lodge which has at least two accessible rooms for rent and a common-space meeting room with accessible bathrooms nearby. We have also just completed an elevated walkway with accessible interpretation near the actual cave itself."

"Are there other state lodges which offer specific accessibility features?"

"The Quartz Mountain Lodge in southwest Oklahoma offers accessible rooms, but Quartz Mountain is no longer a state lodge run by the Oklahoma Department of Tourism and Recreation. That lodge is now operated by the Oklahoma Regents for Higher Education."

“Greenleaf State Park on Lake Greenleaf just southeast of Muskogee is probably our best park as far as accessibility to people with disabilities...”

"I have heard a lot in recent years about the sale of state lodges to private companies. Which lodges are still run by the Oklahoma Department of Tourism and Recreation?"

"We run Roman Nose, Murray, Robbers Cave, Beavers Bend, Texoma, and Western Hills state lodges."

"Thanks, Kris, for some good information about Oklahoma's state parks system and the efforts to make outdoor Oklahoma available to all."

I know you're wondering about how to make a reservation at a local state park. Kris tells me that you can make a reservation for a cabin or rooms in one of the state lodges by calling 800-654-8240. This number in Oklahoma City is staffed from 8 a.m. until 7 p.m. during the summer months. It is staffed from 8 a.m. until 5 p.m. in the cooler season. Kris says that within about a year, they are hoping to be able to reserve RV spaces and camping spaces as well. This capacity is not available right now. When you call the toll-free call center, you may ask the toll-free number for the specific state park or state lodge that you want to visit. If you have special needs, you may share these needs with staff from the facility you are going to visit. They may be able to help you or refer you to another facility which will meet your needs.

YOUTH PREPARE FOR LIFE (continued)

versity of Science and Arts. In the dorm common area, I saw groups clustered around a board game and others just talking like kids like to do. Yea, the food was pretty good. Are you going to encourage other kids at your school to apply next year? You bet I am. Tomorrow I learn the group is going to the State Capitol in Oklahoma City and will be speaking with Lieutenant Governor Mary Fallin. Something tells me they will be speaking as much as they will be listening.

We talked with you about the Youth Leadership Forum in the January issue of *Will's Corner, Oklahoma*. We interviewed Lathonya Shivers of the Developmental Disabilities Council about applications for the Forum. Lathonya is the organizer of this event, and the DD Council is the sponsor. Plans are for this to be an annual event, and applications will be taken next spring for the 2005 Youth Leadership Forum. If you are a sophomore or junior in high school, you may want to consider applying. If you are interested, you may go to an administrator of your school to request an application. You may want to call Lathonya Shivers at the DD Council (800-836-4470) if you want more information.

Remember, it is easy to be discouraged thinking you cannot have a future because of your disability, but this is not true. Whether you attend the Youth Leadership Forum or not, you can begin to think about your future. Where will you live? What will you do? What do you want from life? It is important to have expectations and that those expectations be realistic. Realistic thinking is hard to do. It does not come easily. It requires that we go deep into ourselves—to know who we are and what we want. But when we do this, wonderful things can happen. Our lives can become changed forever.

State of Oklahoma

www.youoklahoma.com

LEGISLATIVE REPORT (continued)**Service Dogs**

SB 1402 prohibits harming or killing service dogs used for the benefit of people with disabilities. This bill passed.

Information and Referral

SB 1405 creates a statewide 2-1-1 helpline for information and referral on disability issues. This bill passed.

Education

SB 1456 would have regulated the education of students with dyslexia. It did not pass.

Golf Carts

SB 1461 would have authorized golf carts on city streets under certain conditions. The bill was not passed.

Golf Carts

SB 1493 would authorize street signage permitting operation of golf carts on city streets. This bill failed.

Service Animals

SB 1604 would have prevented discrimination against individuals with service animals in public accommodations in Oklahoma. This bill was unsuccessful this legislative session.

This last session of the 49th Oklahoma Legislature has been a busy one. Next February we will begin the first session of the 50th Legislature, and we hope to bring you a set of bills as they are proposed before the Session starts. We will then update you via our website how these bills stand as the Session progresses. We hope this will give you an opportunity to contact your Oklahoma Legislator on how you feel about a particular bill. Legislators listen when their constituents express an opinion. If you do not know who your State Senator or State Representative is, you may contact the County Election Board of the county in which you live. The County Election Board telephone number should be in the blue pages of your telephone book under State Government.

CALENDAR OF EVENTS

- August 7, 2004** Self-Help for Hard of Hearing fund raiser ice cream social and silent auction at Chapel Hill United Methodist Church in Oklahoma City. For more information, contact Nancy Landrum at 405-721-1146.
- September 14, 2004** The Tulsa Area Alliance on Disability will sponsor a conference on health issues for children with special needs. Keynote speaker is Dr. Ira Chasnoff. For more information contact Dr. Carla Tanner at 918-585-5551.
- September 17-18, 2004** Early Childhood Association of Oklahoma annual fall conference. Open to the general public and membership of ECAO. Contact Charlotte Wood-Wilson for further information and if you will need an accommodation (405-946-7822 or 1-866-913-3226).
- September 30, 2004** Business Leadership Network reverse job fair at the DRS Career Center, 5813 S. Robinson in OKC. Contact Glen Hatter for more information (405-522-0508).
- October 4, 2004** Family Perspective Conference in the Altus, Oklahoma area sponsored by OASIS. Great information on social services in Oklahoma for families of children with disabilities. Contact Sally Selvidge at 800-426-2747 for more information.
- October 12-13, 2004** Oklahoma Institute for Child Advocacy Annual Fall Legislative Forum at the University of Central Oklahoma in Edmond. For more information, contact 405-236-5437 x 101
- October 26, 2004** Mayor's Award Ceremony and Luncheon where outstanding employers of and employees with disabilities will be honored. Contact Cathy Newman at 405-297-3876 for more information.

If you have an event coming up relating to disability, let us know at 800-522-8224 and we'll help you publicize.



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don't cause cancer or cavities.**