

BREAKING

GROUND

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**IN THIS
ISSUE:**

**MOVING FROM SHELTERED
WORKSHOPS AND DAY SERVICES
TO COMMUNITY SUPPORTS**

 **TENNESSEE COUNCIL**
on developmental disabilities

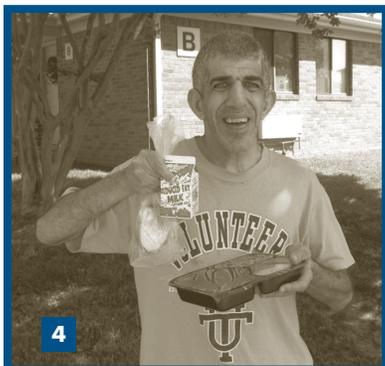


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Dear Readers,

As we leave March behind us, it's a good time to reflect on National Developmental Disabilities Awareness Month. In this issue, as in every issue of Breaking Ground magazine, we highlight ways that people with disabilities and their families are making a positive impact in their community and in statewide policies and practices that affect all Tennesseans with disabilities.

One way that you can make a positive contribution in your community is to help inform and educate your neighbors about exciting changes coming to our service system in the coming months.

In January 2014, the federal Centers for Medicare and Medicaid Services (CMS) that fund Tennessee's community-based programs issued a new rule that will affect the settings where disability services are delivered. This new rule is referred to as the "settings rule", and it defines what a community setting funded through Medicaid must look like. The goal of the rule is to ensure that home- and community-based services funded through Medicaid help people with disabilities become more involved in their communities on a daily basis. The settings rule helps us take a fresh look at our services to make sure that people served are not isolated all day in special facilities used only by people with disabilities. Tennessee's disability service providers will be working with TennCare to assess the current services they offer and determine ways to be innovative and creative in expanding service options that increase opportunities to participate in the community.

On July 1, 2016, the new Employment and Community First Choices program will begin enrolling individuals with disabilities. This new Medicaid Waiver program holds enormous promise for people with intellectual and developmental disabilities by providing opportunities to pursue employment goals, increase participation in their communities, and by offering much-needed supports to families. For the first time, people who have developmental disabilities but no intellectual disability (those with spina bifida, cerebral palsy, autism, etc.) will be eligible for long-term services and supports. These new services will be implemented by Managed Care Organizations (MCOs, groups that currently administer health plans in Tennessee).

The Council has been working for many months to form partnerships with MCOs to educate them about important services and supports for individuals with disabilities and their families.

Finally, this year the Council begins our new 5-year State Plan for 2017-2021. We surveyed people with disabilities and families about their needs, analyzed data from all state programs that serve people with disabilities to determine gaps, solicited input from state and community partners, and used all this information to develop activities and priorities for the next five years. We are eager to move forward with several new initiatives, including a leadership academy for personnel in all state agencies that administer disability programs. The new leadership academy is designed to build skills and competencies of senior managers so that they can improve the collective impact of state programs that serve individuals with disabilities and their families.

We hope you enjoy this issue of Breaking Ground and will find ways to promote awareness and appreciation of Tennesseans with developmental disabilities who contribute so much to our communities.

Wanda Willis,
Executive Director





from Sheltered Workshops and Day Services to

Once upon a time in Martin, Tennessee, there was a provider agency called Community Developmental Services (CDS), which had been a fixture in the area for 45 years. CDS provided traditional day habilitation and sheltered workshop opportunities for individuals with intellectual and developmental disabilities. They were serving approximately 115 people when the company fell on hard financial times. In 2012, a different company - St. John's Community Services - took over.

"This was very scary for our families, our staff, our individuals, because we didn't know what was going to happen to the services that we had been providing for individuals - for some, for as many as 30 or 40 years," said Dwayne Webb, St. John's Program Director for Day and Employment Services, who was, at that point, employed by CDS. "It was a very tumultuous time for us."

St. John's, which has its headquarters in Washington, DC, began evaluating personnel in the Martin office to try to make the transition as smooth as possible. In July of that year, all existing CDS staff rolled over to become St. John's employees.

Today, St. John's Tennessee operates in Memphis, Jackson, Paris and Martin. The Martin and Paris office covers several counties, including Lake, Obion, Henry, Carroll, Benton and Weakley, with hopes to expand to Gibson County in the near future.

Almost immediately after setting up shop in West Tennessee, St. John's began working toward converting from sheltered facilities - workshops or day programs - to fully integrated services in the broader community. "St. John's does not believe in operating within walls," said Webb. "We don't like brick and mortar systems; we're out in the community."

"We have an Employment First training module we use to discuss the issues of informed choice," continued Webb. "If all you've ever experienced is chocolate, strawberry and vanilla ice cream, and we take you to Baskin-Robbins, the home of 31 wonderful flavors, we just blew your mind with all the



Charles Fenwick

selections to choose from. So if an individual has only been exposed to a sheltered day facility, and hasn't really been a part of their community, there are a lot of growth opportunities available to let individuals express themselves fully in the hopes, dreams and goals that he or she might have."

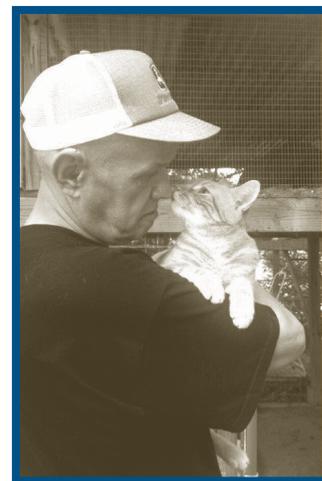
Embedded in the agency's core values are the tenets that everyone should have a career; that individuals should have dreams for the future; that they should be making meaningful contributions; that they should be respected, included and valued; that they need to have ongoing information,

experiences and expectations from which to make informed choices; that they should have a wide array of relationships, not just people who are paid to be with them; and that they should be able to live and participate in the community that they choose to live in.

"With these core values in mind, we began looking at the services that we had been providing with the previous company," explained Webb.

"The company always had good quality services, it was just an old, outdated model of sheltered workshops, traditional day programs and group homes."

Part of that outdated model was bussing in the people they served from all over the surrounding counties to central locations. The individuals and drivers would begin their day at six in the morning for these long routes, to get brought to the day site by nine o'clock, to get six hours of service in a facility-based setting. Then they'd be bussed back to their parents' home or residential



Danny Simmons; photo by David Sheridan

Community Supports

Unless otherwise noted, photos by Christie's Photography and St. John's Staff



Charlie Chapman

services. "That was a bad thing," said Webb. "They were spending 10 to 12 hours a day just to get six hours of service! That was a tremendous amount of wear and tear on the individuals and our staff, not to mention the safety risks in working long shifts and being on the road that long."

So the central question became: *how to begin serving these individuals in the community in which they live, where they grew up, where they go to church, where they pay their taxes, and where they're a contributing member of their community?*

"We wanted services to be provided in the hometown where that individual knows people from church, know their classmates that they went to school with, where they already have those acquaintances in place," Webb said. "That's a better service model for all folks."

But it's not always the easiest transition for staff who have been used to doing things the old way. There was certainly apprehensiveness and concern about being successful in this new paradigm. In an

attempt to calm those anxieties, St.

John's held several discussions with staff and families, preparing them for the move to more integrated settings.

As the conversion began to take place, Webb witnessed some interesting and very promising things. "I saw an immediate change in a lot of the individuals," said Webb. "One afternoon when I was standing in the doorway of a supervisor's office, one of the individuals came back from a volunteer site. She literally knocked me out of the doorway, clapping and

smiling from ear to ear, and said, 'I had a good day today! What do I get to do tomorrow?' To see that excitement on her face was hook, line and sinker for me that yes, this is the right path to go down. We need to be doing this throughout our services. And we need to put our foot on the gas and start doing it even more."

In June 2014, the first county, Henry, was targeted for the new business initiative. Staff approached city officials in Paris and explained that St. John's was setting up an office locally, to have "boots on the ground". Webb was spending several

weeks a month, even before the new office was established, to identify potential employment and

volunteer sites, including all the area non-profits, like the Salvation Army, thrift stores, youth counseling centers, food banks, Meals on Wheels, the Office on Aging and Disability

and animal shelters. "We were looking for locations where individuals could have a good meaningful and productive day," said Webb. "We believe heavily in volunteerism. A, it gives back to the community where the individuals live. B, it builds employment skills that can be transferred to an actual paid job placement."

St. John's began slowly, working with one staff member and a group of three individuals, to "work the bugs out of the system". Then they brought in a second staff person, with another set of three persons served. "We kept doing that in a progression, to the point where we got all of the individuals – about 18 people - in the Paris/Henry County area moved out of our sheltered day programs," recalled Webb.

Once Henry County was in good shape, the effort rolled on to Carroll County. Staff began, again, laying the foundation of



Ross Ratkowski, Wendy Brinkley and Keith Royster



Jimmy Breeding

Continued on page 6

potential volunteer and employment sites, and making sure they had the employees and resources in place to successfully transition the individuals who had been served in the sheltered workshops and day habilitation programs.

According to Webb, getting that foundation in place is key. "Any organization that's looking to do this kind of transition has to build the foundation first. You can't just state, 'we're gonna drop what we're doing, and we're gonna do day services in the community, and no more workshops and no more

Community Supports

continued
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target date of July for closing the Martin sheltered workshop, the location has already decreased its facility-based workforce from 62 individuals to 31.

Another step was setting up meetings with the vendors St. John's had been providing in-house, contract piecework for. The hope was that instead of

paying St. John's to be the "middle man", the vendors would hire the individuals served by St. John's in their own facilities. After all, it was approaching reality check time. "St. John's will no longer be able to provide a sub-minimum wage piecework structure," said Webb, "because individuals should be getting paid fair wages for their work."

Done correctly, this transition cannot be an overnight thing. Individuals, staff and families have to get on board. The community footwork has to be done to find the volunteer and employment sites that are most appropriate for the individuals, and that reflect how they want to spend their days. There are staffing and transportation challenges that need to be worked out.

Every single day requires a significant amount of pre-planning.

"We don't believe in 'van therapy'," said Webb. "A lot of people think that community participation is going to the mall and walking around, or you hop in a van and never stop to get out and do anything, you just drive by and go, 'Look! There's that! Look, there's that!' That's not community participation. That's not community exploration. We want individuals out of those vans, in those locations, getting hands-on experiences, learning and growing on a daily basis.

"When you're out in the community, you're around others that are pursuing similar interests and likes," Webb continued. "You're working side by side with other volunteers, or you're at your employment site, where you're a contributing member of your community. You leave with a sense of pride. You leave with a sense of accomplishment. That's the kind of service we want to offer to the individuals and families."



Howard Langley and Jimmy Townes

facility-based structures.' You really have to do your due diligence as a provider, and go out and prepare the resources, the opportunities that each of those communities might offer, and have a solid platform so the individuals, and your staff, can be successful."

The agency's philosophy is grounded in the concept of "employment first", in line with the Governor's 2013 Executive Order #28, which created the Employment First Task Force. Webb represents St. John's on the task force (which also includes the TN Council on Developmental Disabilities), that annually reports back to the Governor about how to break down barriers facing individuals with intellectual and developmental disabilities in the working environment. Webb is also, as of October 2015, the board chair for the Tennessee chapter of the Association of People Supporting Employment First (APSE).

"We believe in one person, one job," said Webb. "We don't believe in just putting an individual in a job because the job is available to us. We believe in doing a really good job of creating a Positive Personal Profile, which represents that individual's likes, interests and goals, and then comparing that Profile to job openings in the area."

St. John's has amassed some impressive stats. In August, 2015, the day facility in Martin was closed, moving 34 individuals from a facility-based day structure to 100% community integration. There are currently 44 individuals served by St. John's that are in gainful employment, with hours that range from the state minimum to 40 hours plus overtime. With a

Ned Andrew Solomon is the Council's Director of Partners in Policymaking, and the editor-in-chief of Breaking Ground.



David Rodgers and Charles Fenwick

Chattanooga Police Department Takes Steps to Better Serve People with Disabilities

by Lieutenant Roger Gibbens

The Chattanooga Police Department has trained all of its officers for many years on how to handle situations that involve people with mental illness and people who have hearing disabilities. There have also been initiatives to assist people who have various disabilities through home visits by uniformed officers. Recently, two new efforts have begun in Chattanooga that will help make the Chattanooga Police Department more sensitive to the unique needs of the disability communities in the Southeast Tennessee Region, more able to appropriately respond to situations involving persons with disabilities, and to increase the physical accessibility of all police department buildings.

Launched by Chattanooga Police Chief Fred Fletcher, all Police Academy Cadets participate in a program called the "Community Immersion Project". Chief Fletcher developed this project while a commander in the Austin, Texas Police Department many years ago, in response to community expectations of a more organic, dynamic and unfiltered method of learning about our community.

Designed to immerse Cadets (future police officers) in specific Chattanooga cultures, the program has the Cadets spend time in, and interview different people who are members of, their assigned cultural group. Cadets spend over 50 hours (the equivalent of an entire college semester course) interviewing community leaders and community members. The information gathered is then developed into a presentation that is delivered at a public venue, open to everyone in our community to attend and learn about the cultures that the Cadet groups were assigned to research.

This past Police Academy class was assigned to the following communities: the African American Community, the Hispanic/Latino Community, the Intellectually & Developmentally Disabled & Mental Health Consumers Community and the Lesbian, Gay, Bisexual & Transgender Community. The Cadet teams gave their presentations on September 10, 2015, at Chattanooga State Technical Community College in the Humanities Auditorium.

The second initiative was the formation of an Americans with Disabilities Act (ADA) Compliance Committee by Chattanooga Mayor Andy Berke. Mayor Berke formed this committee in



Officer Harold Diaz, Chief Fred Fletcher, Cadet Joe Sanchez, Cadet Marvin Perez, Chattanooga City Councilman Larry Grohn, Gladys Pineda-Loher, Angela Borrás and Chang Phoung at Chattanooga State Community College. Photo by Dev Sanchez.

honor of the anniversary of the signing of the ADA. The committee's purpose is to inspect and ensure that all buildings owned by the City of Chattanooga and open to the public are ADA compliant.

The Mayor's ADA compliance initiative is in full swing. Representatives from all of the city departments are currently conducting inspections of all city buildings that have public access. As a lieutenant with the Chattanooga Police Department, I was tasked with inspecting all of the Police Department buildings. These include the Police Services Center, the Downtown Precinct, and the property and evidence room lobby. A couple of areas for improvement were identified in the Police Services Center, which led to the installation of an automatic door opening system for its lobby. New curb cuts were also made to make access to the front lobby much easier for those with mobility issues.

Each representative on the ADA compliance committee is using an extensive 54-page checklist to conduct a thorough inspection of each of their assigned buildings. These lists are being used to identify any compliance issues in all public areas of city-owned buildings.

Once all the buildings have been inspected, a comprehensive report will be compiled and presented to Mayor Andy Berke and the Chattanooga City Council for review. The Mayor and Council will then take the necessary actions to ensure that ADA compliance is achieved.

The chair for the Mayor's ADA compliance committee is Ms. Jean-Marie Lawrence, who is also the chair for the Mayor's Council on Disability. The final report is expected to be completed by the end of March 2016.

Lieutenant Roger D. Gibbens is a Support Services Commander with the Chattanooga Police Force. He is also a long-standing member of the Tennessee Council on Developmental Disabilities, its current Chair, and a 1995-96 graduate of the Partners in Policymaking Leadership Institute.

The Federal Home- and Community-Based Services (HCBS) Settings Rule: *Frequently Asked Questions*

by TennCare, Long Term Services and Supports Staff

What is the HCBS Settings Rule?

In January 2014, the federal Centers for Medicare and Medicaid Services (CMS) issued a new federal rule. The new rule, often called the HCBS settings rule, applies to all home- and community-based services (HCBS) that Medicaid pays for. This rule impacts the services provided in Tennessee's three HCBS waivers that are operated by the Department of Intellectual and Developmental Disabilities (DIDD). This is how the state provides services and support to 8,000 people with intellectual disabilities.

The rule requires that all of the settings in which Medicaid-reimbursed HCBS are provided, including residential and day services, are integrated in and support full access to the greater community. This includes opportunities for people receiving HCBS to seek employment, work in integrated settings and earn a competitive wage. It also includes opportunities for people receiving HCBS to spend time with others who don't have disabilities and to use community services and participate in activities, like shopping, banking, dining, transportation, sports, fitness, recreation and church, in their communities the same way that people who don't have disabilities do.

All states must comply with the new rule. While states will be given time to come into compliance, after a reasonable period, Medicaid funding can no longer be used to pay for HCBS delivered in settings that do not comply with the new rule. A "reasonable period" is the time needed to complete actions that are necessary to comply with the new rule.

While CMS is giving states until March of 2019 to achieve full compliance, states are expected to bring settings into compliance as quickly as possible. States cannot simply continue to pay for services in non-compliant settings until the March 2019 deadline. If a setting is not expected to come into compliance, states should begin helping individuals served in the setting transition to other services or settings that meet the federal HCBS setting requirements as soon as possible. Tennessee's disability service providers will be working with TennCare to assess current services they offer and develop service options that can support people in being a part of their community.

What is a "setting"?

As it relates to the new federal rule, a setting is any location where a person receives home- and community-based services that Medicaid pays for. Settings include supported living and residential group homes, employment sites, day programs and sheltered workshops. HCBS settings must be integrated into the community - meaning that the people who receive services are able to spend time with other people who don't have disabilities and access community services the same way that people without disabilities do. The setting should not look or feel like an institution.

Are these changes Tennessee is making or are these federal changes?

The HCBS settings rule is a federal rule. It was issued in January 2014 by the Centers for Medicare and Medicaid Services. CMS is the federal agency that must approve each of the Medicaid waiver programs that provide home- and community-based services to people with intellectual disabilities in Tennessee. CMS pays for about 2/3 of the cost of HCBS provided in these waiver programs. To keep getting these federal funds, we have to follow their rules.

Is every state making the same changes to their HCBS waiver programs?

Every state that receives federal Medicaid funding to provide HCBS must comply with the new federal HCBS settings rule to keep getting federal Medicaid funds. However, every state has to decide how their state will assess and comply with the new rule. States may also decide to apply an even higher standard, such as not covering any sheltered workshops or facility-based programs. Some states began making these changes years ago.

- Vermont worked with families to transition from facility-based employment to community-based employment in 2002, and Medicaid funds are now used only for community employment services.
- Dane County, Wisconsin made a public policy change 25 years ago that places community-integrated employment as the central element around which other community-

based supports and services are built. This has resulted in high integrated employment rates (75%) for people with disabilities receiving HCBS, as well as employment providers transitioning their service model from facility-based to community-integrated employment services.

- Some providers of day services in Tennessee started making these changes years ago and now provide all of their employment and other day services in the community. SRVS, one of the largest HCBS providers for people with intellectual disabilities in Tennessee, closed its facility-based day services in 2015, after 52 years of operation. SRVS worked with persons supported and their families to find person-centered alternatives to the facility that allowed for full participation in the community. Some of the people who used to work in the facility now have integrated jobs in the community earning minimum wage or higher.

In addition to the HCBS settings rule, states must comply with other federal laws that protect the rights of people with disabilities to be served in integrated community settings, including the Americans with Disabilities Act (ADA).

The United States Department of Justice (DOJ) – the entity responsible for protecting the rights of people with disabilities and enforcement of the ADA - defines the most integrated setting as one that “enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible”. Recently the DOJ has been more actively reviewing states’ compliance with the 1999 landmark Supreme Court Olmstead decision. The Olmstead decision both affects how services are provided by the government to people with disabilities, and is also a landmark civil rights case that affirms the right of people with disabilities to be fully integrated into community life. The Olmstead ruling is related to the new HCBS settings rule because both focus on using public funds and programs to promote community participation and decrease the use of institution-like settings.

How will the HCBS settings rule affect the Sheltered Workshop or Facility I attend?

Sheltered workshops and facility-based day programs are designed specifically for people with disabilities and, in many cases, don’t comply with the new federal HCBS settings rule. Except for paid staff, people receiving services in these settings usually have limited, if any, interaction with people who do not have disabilities or the broader community during the hours this service is provided. This means changes will be required for facility-based programs in order to continue to receive Medicaid funding.

Does this mean that the sheltered workshop I attend will have to close?

No, the new rule does not say that sheltered workshops must close. It does, however, dictate where services that are reimbursed by Medicaid can be provided.

Medicaid funds cannot be used to pay for employment (or vocational) services in a sheltered workshop. Under the new rule, Medicaid funding can be used to pay for pre-vocational services in a sheltered workshop, but only if the services are time-limited, and intended to help prepare the person to work in an integrated setting.

It’s important to note even in those situations, there is an expectation that people are supported to be engaged in the broader community

It’s also important to understand that the impact of the HCBS settings rule on Medicaid reimbursement of services in a sheltered employment setting is not new. In 2011, CMS issued guidance to states which made clear that Medicaid waiver funding could not be used to pay for vocational services (i.e., employment services) in a sheltered employment setting. The 2011 guidance also said Medicaid payment for pre-vocational services in a sheltered setting must be time-limited, and only to prepare a person to transition into employment in integrated settings.

What if I don’t want to work or I’m not able to work?

The federal HCBS settings rule doesn’t require that every person work. It does require, however, that everyone has the opportunity and the supports needed to work in an integrated setting and to participate fully in their communities. It’s important that each person receiving HCBS understand that they can work and have the supports they need to work, no matter how significant their disabilities. It’s also important that providers help people explore jobs that would match interests and abilities with opportunities to be productive and earn a competitive wage, or develop customized employment opportunities.

If a person is no longer working age or doesn’t want to work, the other services the person receives must comply with the new HCBS settings rule, and include opportunities to spend time with people in the community who don’t have disabilities and participate in community services and activities. This includes residential and day services options.

The Federal Home- and Community-Based Services (HCBS) Settings Rule: *Frequently Asked Questions*

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Does this mean that the facility-based day program I attend will have to close?

No, the new rule does not say that facility-based day programs must close. It does, however, dictate where services that are reimbursed by Medicaid can be provided. Medicaid funds can only be used to pay for services that comply with the new HCBS settings rule, and include opportunities to spend time with people in the community who don't have disabilities.

What changes will have to be made in order for the center to stay open?

Each provider has the opportunity to decide how best to transition their programs into compliance with the new federal rule. Many agencies have engaged the people they support, local advocacy groups and families in developing a transition

plan. Employment providers may step up their efforts to help people that have been employed in sheltered settings find jobs and transition to integrated employment, earning a competitive wage. Providers may find ways to ensure that people participating in facility-based programs for some portion of their day or week also have opportunities to engage in work or non-work activities in integrated community settings.

DIDD and TennCare are committed to helping providers come into compliance and will assist in coordinating regional focus groups upon request to aid in providers' efforts.

For more information on the Statewide Transition Plan and other documents, please visit <http://www.tn.gov/tenncare/topic/transition-plan-documents-for-new-federal-home-and-community-based-services> and refer to the HCBS Settings Resources tab.

NewsChannel 5 Program on Employment for People with Disabilities

The Tennessee Department of Labor and Workforce Development recently began collaborating with NewsChannel5 Network to present a monthly series of 30-minute programs focusing on employment issues for businesses and employers in Tennessee called "Inside Workforce Development".

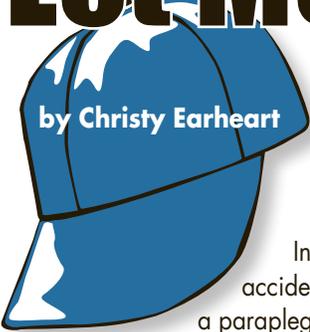
The Council partnered with the Department of Labor to sponsor the March 2016 episode, in honor of Developmental Disabilities Awareness Month. This program focused on the value that employees with disabilities can bring to the workplace.

Featured guests included Joey Hassell, Special Populations Assistant Commissioner, Tennessee Department of Education; Kate Copeland, Director of

Pediatric Emergency Services with the Monroe Carell Jr. Children's Hospital at Vanderbilt who has been involved with the Project SEARCH job training program; and Tommy Lee Kidd, a parent of a child with a disability from Lawrenceburg, who is also the vice-chair of the Council.

NewsChannel **5**
NETWORK

Let Me *“Get Out to the Ballgame!”*



by Christy Earheart

In 2005, I was involved in an accident that changed my life. I became a paraplegic and have relied on a wheelchair ever since. At this time, my son Fulton was only five years old, but already through his second season of baseball. It was coach pitch then, but baseball nonetheless.

For months, I would be in the hospital trying to adjust to my new normal, using wheels to get me around in life. During this time, one of my biggest concerns was how this would affect my children. I had a very active life with my son and my then eight-year-old daughter, and I wanted them to be able to maintain as much normalcy as possible. I quickly learned to drive with hand controls so that I could take them to school and their sports events. I adapted as much as I could and learned as much as I could from my physical therapists.

Returning home, into the real world and away from the smooth tiled floors of the hospital, I learned the biggest challenge wasn't to be my wheelchair, but society and the barriers that stereotypes and architecture put in my way.

I went to basketball and volleyball games in gyms where the only accessible door was around on the other side of the building and locked, with the person who had the key not even at the building during the game. Strangers carried me down stairs so that I would not miss events in my kids' lives, determined always to be present, no matter what it took. I sat sidelined from others at football games when there was not a ramp to the bleachers. When I complained I was met with surprise that things were not compliant with accessibility requirements in the Americans with Disabilities Act ("Isn't it illegal?") to surprise that I came to games ("It's good to see you out!").

Soon my daughter moved on to other activities and my son dropped the other sports to focus on baseball. We played on travel and community teams. We went to so many fields I lost count of the letters I wrote about gravel, no wheelchair accessible parking, no access to the park at all, no accessible restrooms, on

and on. When I came to a park that did it right, I tried to share my good experiences there. I held on to the thought that soon he would be playing for middle and high school teams and it would be easier. I felt that schools had a better chance of being ADA-compliant than small town parks.

I was wrong. Robertson County Schools had not one baseball field or sports complex that was truly ADA-compliant. At a very new middle school field there was a curb, followed by a hill down to a ditch. For that game, I watched from the road. Keep in mind the Americans with Disabilities Act is 25 years old.



Christy Earheart

Playing baseball has been in my son's heart for his entire life. He first crawled to get to a ball. When he went to new ballfields, he would text me if he got there first so I would know what to expect. "There's gravel on that side, park over here" or "there are a lot of steps; someone will have to help you."

I want my son to focus on his game, not to spend his time worrying about if I'm safe. I wanted baseball to remain a passion for him, not a frustration that I cannot access his games.

I began pursuing more attention from the county. Last spring, after some persistence, I was finally able to speak to some commissioners and my school board member. Through their influence, I was granted a meeting with the assistant

director of schools and the maintenance director to personally look at the sports facilities in our county. Seeing it in person was very eye-opening to them. After this, the problem was presented at the school board meeting. Permission was granted for an architecture firm to come and survey three schools to make them accessible.

The board has since approved a large amount of funding to improve the accessibility of these schools. Once these are complete, the next four schools will be made ADA-compliant. In the past, sports boosters were building fields without consulting codes, and thus neglecting a large portion of society. This policy has changed and any further improvements have to be approved in advance so these mistakes are not made again.

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Christy with her son Fulton

BALLGAME... continued from page 11

I am very glad to see the school board taking action in this matter, although it is not happening fast enough. My son is now a freshman in high school. I hope to see one perfect baseball park before he graduates.

I feel every child, no matter their mobility needs, deserves to be able to independently go and see their classmates play sports. They

deserve to participate and be included in every manner they can. Every child deserves the presence of their parent, grandparent, sibling and friends at all of their games. These things are so important to their developing self-esteem. Improving access and removing barriers will help insure this inclusion in the future.

Christy Earheart is a licensed master social worker who never tires in her pursuit for social justice and equality. She is an avid baseball fan, mother, member of the Family Support Council, Partners in Policymaking graduate, animal lover, and volunteer who just happens to sit on wheels.



Helping Families That Experience Disability Save for the Future

by Tennessee Treasury Department

ABLE TN

Achieving a Better Life Experience

A Program of the Tennessee Treasury Department

Millions of individuals with disabilities and their families depend on a wide variety of public benefits to sustain a reasonable standard of living. Due to requirements for Supplemental Security Income and Medicaid, some people with disabilities and their families have been limited in their ability to save for future expenses. We know that saving is both empowering and important. Advocates for the disability community have spent more than a decade working on this issue, resulting in the Achieving a Better Life Experience (ABLE) Act being signed into law by the federal government at the end of 2014, allowing states to set up ABLE programs.

In 2015, the Tennessee General Assembly unanimously passed legislation sponsored by Senator Becky Massey of Knoxville and Representatives Steve McManus of Cordova and Kevin Brooks of Cleveland to establish an ABLE program for Tennesseans. Governor Haslam signed the Tennessee ABLE Act into law, giving State Treasurer David H. Lillard, Jr. the authority to create and offer easy-to-open and easy-to-use savings vehicles for individuals with disabilities.

The Tennessee Treasury Department is working hard to fully implement ABLE TN. Families should be able to open new ABLE TN Accounts by this summer.

ABLE TN will encourage and help families to save money for a variety of expenses related to an individual's disability. Caring

for loved ones with disabilities can be very expensive for a family, despite the current assistance available. ABLE accounts will give families the ability to supplement – but not replace – benefits provided by other sources.

Earnings in the accounts grow tax-free and can be used to cover a variety of expenses such as education, housing, transportation, employment training and support, assistive technology, and health and wellness.

"Treasury management oversees the investment options available to families in TNStars®," Treasurer Lillard said. "We are excited to soon offer a similar program to help individuals with disabilities and their families save more by taking advantage of the power of compounding interest and tax-free earnings for qualifying expenses."

The Tennessee Treasury Department has developed a website, www.AbleTN.gov, to provide more details and resources, and people are encouraged to sign up on the "Stay Informed" tab to receive additional updates and information on the ABLE TN program. Treasury is currently working on the administrative implementation of the program, and individuals with disabilities and their families can expect to be able to open accounts by July 2016.

Pre-Employment Transition Services: *Providing Transition Supports through Local Collaboration*

by Sarah E. Harvey, Pre-Employment Transition Services Director,
Division of Rehabilitation Services, Department of Human Services

One of the most important transition periods in life is finishing high school and moving towards adulthood. For many students with disabilities and their families, this can be a time that presents new challenges and requires navigation of complex adult service systems. Early planning and learning all about possible services and supports, while accessing currently available resources, is helpful in order to ensure a seamless transition. Even savvy students and families may need more guidance than what has been available in the recent past, as this responsibility has mainly fallen on educators who already have an abundance of tasks in their roles.

Tennessee's Vocational Rehabilitation Program (VR) has identified the implementation of Pre-Employment Transition Services as an opportunity to support students and their families to collaborate with educators in intentional and meaningful ways that produce successful outcomes for students. Recent federal legislation called the Workforce Innovation and Opportunity Act (WIOA) provides the means for students age 14 to 22 with a disability to receive Pre-Employment Transition Services through the VR Program. This legislation introduces VR's involvement at the beginning of transition conversations with the student, family and local education agencies (LEAs). Pre-Employment Transition Services provides five essential career-focused services. These services may include Job Exploration, Work-Based Learning, Workplace Readiness, Self-Advocacy and Post-Secondary Counseling, and Enrollment Assistance. Students with disabilities, (such as those with an Individualized Education Plan or 504 plan) are eligible to receive these services. These students may also be deemed eligible to access adult VR services as they transition out of high school. A student who receives Pre-Employment Transition Services may or may not meet the eligibility criteria for adult VR services.

To determine how to best provide these services across Tennessee, a three-phase approach to statewide implementation of Pre-Employment Transition Services was developed. This included piloting Pre-Employment Transition Services beginning in October 2015. The pilot was established through a collaborative effort with the Tennessee Department of

Education and Jackson-Madison County School System (JMCSS). A local consortium committed to supporting youth during transition has been developed. Professionals serving transition-age youth and adult service system representatives have faithfully attended monthly meetings at which discussions are held that broaden and deepen their knowledge of services and available supports to coordinate for the individuals they all serve.

The Tennessee Youth Memorandum of Understanding (MOU) has been utilized to assist in guiding the work of the local consortium. The MOU is a document outlining the shared commitment of multiple Tennessee state agencies to work together to improve post-secondary training and integrated, competitive employment outcomes for youth with disabilities. Current local representation from the Tennessee Departments of Human Services, Education, Workforce Development and Labor, Mental Health and Substance Abuse Services, and Intellectual and Developmental Disabilities are involved in the local consortium along with JMCSS. Additional agencies and organizations are being added as the pilot moves forward.

We are currently still in the initial phase of the implementation of Pre-Employment Transition Services, as the date for receiving federal guidance on this legislation has been postponed to spring of 2016. That additional time has enabled the pilot and local consortium to identify how these services and VR can be used to spearhead a statewide initiative of increasing collaboration across state departments and agencies to benefit students and families. As we look towards the future for this effort, a statewide plan will be developed and implemented after the federal final guidance has been received. VR is preparing for the work ahead and taking the necessary steps to ensure predictors of successful adult outcomes are embedded throughout the plan and our work on this pilot project.



Erik Carter on

Ending Segregation of Persons with Disabilities

by Jan Rosemergy and Ned Andrew Solomon

Photo by Anne Rayner

Ending segregation for individuals with disabilities in education and beyond was the central message of Erik Carter's invited presentation to the President's Committee for People with Intellectual Disabilities (PCPID) when the Committee met in Washington, DC, November 9-10.

Carter, PhD, is professor of Special Education at Peabody College, Vanderbilt University. He is a Vanderbilt Kennedy Center (VKC) researcher and faculty member in the VKC University Center for Excellence in Developmental Disabilities.

The PCPID advises the President of the United States and the Secretary of Health and Human Services on a broad range of topics that impact people with intellectual disabilities (ID) and the field of ID. The goal of the Committee is to improve the quality of life that is experienced by people with ID by upholding their full citizenship rights, independence, self-determination, and life-long participation in their respective communities.

PCPID is led by a Chair (appointed by the President), and the Commissioner of the Administration on Disabilities (AOD), who also serves as the Committee's Designated Federal Official. Organizationally, AOD is located within the Administration for Community Living at the Department of Health and Human Services.

Carter's presentation was one of three invited reports, with related data and analysis, which the President's Committee will consider as the focus of their 2016 Annual Report to the President.

"We are stuck," Carter said. "We are in the midst of a prolonged period of drift and stagnation that needs to be broken. In virtually every area I reviewed, there has been little or no movement of individuals with ID away from segregated settings in the past decade."

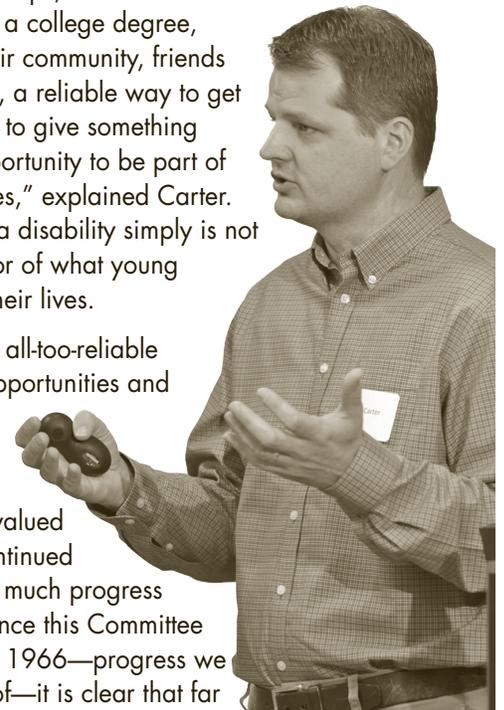
Carter shared national and state data demonstrating that inclusion of persons with ID has stalled. He cited evidence in education, postsecondary education, employment, congregations, housing and personal relationships.

He assured attendees that this conversation is not just about location. "Certainly, where people with disabilities spend their

day matters," said Carter. "After all, it is nearly impossible for others to encounter the gifts, talents, strengths and friendship of people with intellectual disabilities if they never spend time together, if they never cross paths in our schools, workplaces, congregations and communities. But ending segregation is just as much about fostering relationships. It is quite possible (and all-too-common) to be present in a place without having a presence in that place. To be in the community without being in community."

Carter asked committee members to consider their own lives, and what makes them full of rich experiences: the relationships we have, the places we freely go, the groups we are a part of, the activities we enjoy and the contributions we make. "People with ID want the very same things - a satisfying job, close relationships, a comfortable and safe place to live, a college degree, involvement in their community, friends they can count on, a reliable way to get around, a chance to give something back, and an opportunity to be part of caring communities," explained Carter. "The presence of a disability simply is not a reliable predictor of what young people want for their lives.

"But it remains an all-too-reliable predictor of the opportunities and supports people receive to access these important experiences and valued relationships," continued Carter. "Although much progress has been made since this Committee was constituted in 1966—progress we should be proud of—it is clear that far



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On Addressing the Professional Development of Artists with Disabilities

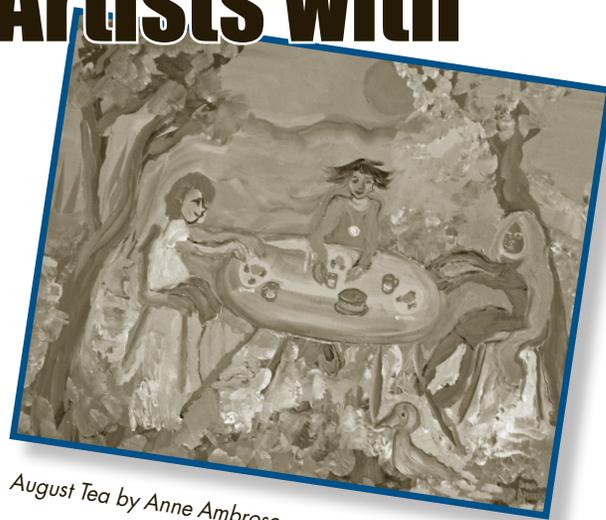
by Lain York

This should be an easy article to write as I have had this conversation at least five times a week with artists across the board for the past 30 years. As a gallery director and painter I am constantly asked, "How do I get a gallery show, find a job, make this endeavor sustainable, and gauge success in this industry?" Nothing is simple about breaking into the Nashville Creative Industry and, as in any good comedy, it's still all about the timing...

...and who you know, how developed your network is, and how you go about making a consistent effort. These are some of the issues I discussed with two Nashville-based painters with disabilities in a recent professional practices workshop through the Vanderbilt Kennedy Center exhibition program on Vanderbilt's campus. The prospect of making something fun and spiritually rewarding a sustainable activity is a tough one.

Preston Vienneau and Anne Ambrose are two of the many artists/writers/musicians I have had the pleasure of working with over the past 20 years through this program. Dedicated to what they are doing and having produced consistent, connected bodies of work, I know them to be professional artists. Being an "artist" is being a Creative Problem Solver. It is an operation of finding new ways to look at existing problems. In regard to sustainability in the current Visual Art Industry, we need to call on our best minds from many areas of experience, because there are a lot of problems.

To begin with, the Visual Art Industry (commercial galleries, universities, museums, state/city arts commissions, and artist-run initiatives) is currently in a wild transition. More artists than ever are competing for exhibitions, studio space, wall-space in patrons' homes, and industry support jobs to cover them between sales. Consider also that this is happening in a time when the role art/culture plays in contemporary society is very cloudy. The cost versus value issue generated by the upper



August Tea by Anne Ambrose

tiers of our industry is nothing new but it has taken on new meanings as that role is increasingly commodified. Referring to what artists do in terms of an "industry" is an alarming clue and creative-types are facing this situation around the globe. This is not just a "Nashville" issue and not just a disabilities issue.

Another topic taking on new meaning, particularly in Nashville in this post-information age, is "Community Building". Nashville, in its role as the "It" city, is being sold as a hub for Creative Industry. The job market should be rich here across the board for individuals looking to establish themselves as artists (the makers) and arts professionals (the managers) but it is young and undeveloped.

The key, I think, is for like-minded individuals to identify goals, manage available resources, and apply them to community-specific interests. In the case of Nashville's disability community, this means artists and arts professionals within this community working together in a localized circle, developing networks in other cities, and moving outward with an agenda. I see this focused community, like the new music or contemporary dance communities, distinguishing itself, and helping the Nashville arts community at large find its way forward.

Preston Vienneau saw his recent exhibition at the Kennedy Center on Vanderbilt campus as an opportunity to, "... build my résumé, gain new experiences with other artists, and make

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Artists with Disabilities

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some money on the side. But mostly I do it for fun and to be a voice for the next generation of artists." Anne Ambrose, a more established artist who is engaged with the upper tiers of her industry, looks for her practice to be more financially productive but remains realistic as to how sustaining being an artist is. It boils down to artists making work regardless of compensation.

Both of these individuals are like hundreds of artists (and thousands of Creatives) in Nashville. We can all agree that visual art, literature, film, music, fashion design, applied design, choreography/dance, etc. provide intrinsic value to any community. A big part of the task at hand is to articulate these benefits to the outside world. The conversation of what they do must be further articulated by writers, curators, educators, and retailers that are directly invested in their community.

I would like to see more individuals from the disability community step forward to curate, hang shows, write about them, and provide "engaged support" for their community of artists. This is exactly what we see in more progressive creative communities that are beginning to assert themselves in Nashville. In this way they develop professional skills that help both themselves and their artist-colleagues take a more prominent and sustainable place at the industry table at large and cross over into other communities.

I believe the most important of these "rallying points" are physical ones; venues for people to come together socially. The Kennedy Center art exhibitions (as are exhibitions anywhere) are opportunities for the most elemental type of community building - places for a particular group to share resources, interests/concerns, and develop networks vital for thriving. We have seen this work in Nashville but rarely is it sustained. If the initiatives sustaining these vital activities are indeed an "industry" - a term that views art as a commodity - it also implies more personal and fulfilling objectives closely related to what Anne and Preston are doing in the first place.



Cellosis by Preston Vienneau

It is my opinion that the disability community as a whole, with multi-faceted and diversified capabilities, can best address the topic of professional development of its artists. I feel the Nashville community at large has not effectively dealt with the issues of sustaining diversified and effective outlets for its Creatives and that the disability community may be able to tread where others have not.

Lain York has been active as an artist since the 1990s. As current director of the Zeitgeist Gallery, he is a vital member of the Nashville art scene.

Ending Segregation

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too many people with ID still live at the margins of their communities. Our national commitment to promoting inclusive community experiences has simply not penetrated practice in widespread ways. And segregated lives remain the rule rather than the exception."

He spoke passionately to the PCPID citizen and ex-officio government members about how individuals with ID flourish best in community. He made an equally strong case for why our communities benefit from the inclusion of people with intellectual disabilities.

"Our failure to end segregation also prevents our communities from thriving," Carter said. "Our schools, workplaces, neighborhoods, congregations, and communities are incomplete without the presence and participation of people with disabilities."

Carter urged the PCPID to use its influence to make "a clear, compelling, and collective call that pushes us toward the end of segregation" of persons with ID, saying, "We now know how to support inclusion well, we just don't do it."

In conclusion, Carter said, "Certainly we should end segregation because it is devastating and devaluing for people with ID. It denies basic civil rights. It dramatically restricts the choices and decisions people can make for themselves. And it leaves people disconnected from the relationships that contribute to real flourishing."

A Better Life in COMMUNITY

by Frank Meeuwis, Director of Quality Improvement and Systems Change, The Arc Tennessee

I am a person with a disability. I live in my own home with my family. I am fortunate, blessed, lucky and proud to be who and where I am today. I feel it is my mission to help others achieve similar freedom, self-determination and integration. So, what a superb fit that I now work for a long-standing organization advocating on behalf of and supporting people with disabilities. Our work at The Arc Tennessee gives people the opportunity to live full, satisfying and self-determined lives as valued and contributing members of their communities. Over the past 63 years, we have seen some victories and a few setbacks, but there is still much work to do!

Recently, one of our employees crossed paths with a mother whose son had lived in an institution for 25 years, but now, was out and in his community. For me, her story below justifies and “makes real” how our work at The Arc Tennessee is important, and how we impact, in no uncertain terms, the real lives of people that could just as well be our children, our brothers, or our sisters.

These are her words:

“My son went into Arlington Developmental Center in 1985 when he was 18. As his parents, we were told that he would be able to spend the rest of his life at Arlington. We got to know and trust the management and staff very well at Arlington. We became convinced that he was at the best place available. He seemed happy and content at the Center. We got to know all the other parents and became a very close group of people.

In 1997, rumors started that Arlington would be closing within a few years. All of the parents became involved in a lawsuit to try and stop this from happening. We were very frightened about what was going to happen to our loved ones and worked hard to avoid the closure. In 2010, my son was one of the first four men to be moved

from Arlington into a residential home in the community. As parents, we were all terrified about what was going to be the result of this move that we had been unable to prevent. Fortunately, my son and one of the men that my son had been with since 1985 were placed in the same residential home.

There was a transition period which actually went well. As we got to know the staff, and became familiar

with new arrangements and schedules, we began to realize that our son was in a much better place now. He has been in this home for five years and we are very pleased with the way everything has turned out for him. He still loves to look at his ‘Golden Books’. He enjoys going to the flea market, and he likes going to church twice a month. Possibly, his most favorite thing is to go for rides. Destination is unimportant—all his life he has loved to ride!

While he was at Arlington, we tried to bring him home almost every weekend. After picking him up from Arlington, he would pretend to be asleep until we reached a street close to home, then he would sit up, alert and he was ready to get home! An especially important change from his time at Arlington is the increase in time that he gets out in the community. There are many more parties at the residential home which he always enjoys! My son’s quality of life is much better at his new home than in the institution. As parents, we can tell a difference and know that he is very much happier after moving from Arlington to a residential home in our community. We had fought the change and worried continually—right up until the day the move happened... but now we know that it was all for the best.”

Transitions can be scary because there are some things that you can’t know or plan for ahead of time. This mother sharing her story will hopefully inspire, or at least encourage, individuals and families to take those first uncertain steps to increase the quality of real and inclusive life for their loved ones.

For more information or encouragement, contact The Arc Tennessee at 800.835.7077.

TN SPOTLIGHT



Diane Grover, a Mid-South mom with a daughter with Down syndrome, wanted to give people with diverse abilities a chance to work, so she founded a business using coffee to create jobs. Last summer, Grover launched **Dreamers Merchants**, a website that helps people living with disabilities such as Down syndrome or autism run their own online business.

While merchants can sell other items, the unifying product line is **Dreamers Coffee**, an exclusive brew developed by **J. Brooks Coffee of Memphis**. The site dreamersmerchants.com currently has several "business owners," including **Youth Leadership Forum** (YLF) graduate and current Partners participant, **John T. Farley**, and YLF graduate **Amanda Cash**.



John T. Farley

A new **Youth Advisory Council** is being formed for the **Tennessee Department of Health**. The hope is that youth members (ages 14-26) who are interested in a leadership role will be able to provide personal expertise and feedback on the way the State serves children and youth with special healthcare needs. Participating Council members will meet with other youth and young adults with special healthcare needs and disabilities; provide input based on their own healthcare-related experiences; and gain knowledge about policies that currently affect children and youth with special healthcare needs and disabilities. For more information, contact **Belinda Hotchkiss**, director of **Family Voices of TN** at belinda_h@tndisability.org or 615.383.9442.

Laurie Hobson, another YLF graduate who also graduated from the Partners training, is in her second year serving as the West Tennessee representative for the **board of directors of The Arc Tennessee**.



Laurie Hobson

Next Steps at Vanderbilt, a post-secondary program for college students with intellectual disabilities, will be able to expand its offerings thanks to a 5-year, \$1.93 million federal grant to **Peabody College** awarded by the **Office of Postsecondary Education, U.S. Department of Education**. Vanderbilt was one of 25 colleges and universities across the country awarded funding as a **Model Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities** (TPSID). Other Tennessee recipients of TPSID awards were **Lipscomb University** for its **IDEAL Program**, and the **University of Memphis** for its **TigerLIFE Program**. Although each post-secondary program operates independently, expanded offerings may include developing inclusive residential options; increasing the range of student experiences and supports; and promoting the growth of new inclusive higher education programs in Tennessee.

ACCEPTING APPLICATIONS FOR THE 2016-17 PARTNERS IN POLICYMAKING CLASS



WHAT IS PARTNERS?

The Partners in Policymaking Leadership Institute™ is a leadership, advocacy and self-advocacy training program for adults with disabilities and family members of persons with disabilities from across the state, sponsored by the Tennessee Council on Developmental Disabilities.

WHAT WILL THE SELECTED PARTNERS PARTICIPANTS DO?

Attend information sessions by local and national experts in the disability field on a variety of disability-related topics, including employment, building inclusive communities and classrooms, the state and federal legislative processes, supported and independent living, assistive technology, strategies for advocates and conducting effective meetings.

Partners will also:

- complete and report on homework assignments
- compose and present testimony for or against a legislative bill
- tour the State Capitol, and meet with a legislator
- have numerous opportunities to network with other individuals with disabilities and family members
- attend the Partners Annual Reunion Conference with representatives from 20+ years of Partners in Policymaking in Tennessee

WHEN WILL THE PARTNERS TRAINING TAKE PLACE?

September, October and November, and January, February, March and April. Most Partners training weekends begin at 12 p.m. on Friday, and continue until 3 p.m. on Saturday. Accepted Partners must agree to attend all seven sessions.

WHERE WILL IT TAKE PLACE?

At a hotel in Middle Tennessee.

WHAT DOES IT COST?

There is no cost for the training, sleeping rooms or meals on-site during the Partners weekend sessions. Partners will be reimbursed for mileage to and from the Partners session approximately two weeks after each weekend training.

WHO CAN ATTEND?

Adults with disabilities and family members of persons with disabilities. Although each case is reviewed individually, it is not typical for a family member of a person with a disability to participate in the same Partners training year as the family member who has the disability.

HOW MANY PARTNERS PARTICIPANTS WILL BE SELECTED?

Thirty. An effort will be made to select a diverse group, based on type of disability, ethnicity, gender, age of person with a disability or family member, and geographical location of the applicants.

HOW DOES ONE APPLY?

Complete the two-page application, which can be accessed on the Tennessee Council on Developmental Disabilities website at www.tn.gov/cdd or by contacting Partners Director Ned Andrew Solomon at 615.532.6556 or ned.solomon@tn.gov.

WHAT IS THE DEADLINE FOR APPLYING?

All applications must be postmarked by May 2, 2016.

For any other information about Partners, please contact Ned Andrew Solomon at 615.532.6556, or by email at ned.solomon@tn.gov.

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Return service requested

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