

# ABCD NEWS

Issue 24

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## Direct Support Professional (DSP) Career Path Moves Forward

The New Jersey Council on Developmental Disabilities approved a grant proposal from the NJ Direct Support Professionals (DSP) Work Force Development Coalition that will move forward the project to develop competencies and incentives for DSPs. ABCD is pleased that this project will receive funding and continues the process that ABCD started more than five years ago to advocate for competency-based training that is linked to salary increases for DSPs.

The pilot project is a career path process (career lattice) to build the competencies and incentives for DSPs to promote recruitment and retention. The funding from the Council on Developmental Disabilities will purchase the College of Direct Support for a pilot of its use for staff of agencies serving 1,000 individuals with developmental disabilities in a variety of program and community-based settings. The project will also support the administration and evaluation of the pilot. The Elizabeth M. Boggs Center for Developmental Disabilities is the grantee, on behalf of the NJ DSP Work Force Development Coalition. In addition, as part of the grant, a coordinator will be hired to develop

**ABCD is a statewide organization that provides policy analysis and education related to people with developmental disabilities. ABCD represents member agencies that provide an array of community-based services to more than 10,000 people with multiple physical and developmental disabilities and their families.**

**Contact Information:**  
**127 Routes 206**  
**Suite 18**  
**Hamilton, NJ 08610**  
**[www.abcdnj.org](http://www.abcdnj.org)**

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and strengthen a DSP Association in New Jersey to the quality of human service support by strengthening the direct support workforce, including incentives for education and access to career pathways.

ABCD is pleased that out of the 9 agencies that have agreed to be in this pilot, 3 are ABCD agencies (Bancroft NeuroHealth, Matheny Medical and Education Center, and UCP of Hudson County). In addition, Cerebral Palsy of North Jersey decided earlier in the year to buy the College of Direct Support themselves and to begin to create the administrative infrastructure within their organization.

The agencies selected to be part of the pilot project committed to including a proportion of their DSPs in the career path; providing non-federal funding for the match to be used to support mentors and provide salary increases for DSPs; recruiting mentors for participating DSPs and

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## Update on Olmstead

ABCD is pleased that there is movement on Olmstead planning at the Division of Developmental Disabilities and the Department of Human Services. ABCD joined with the Arc of New Jersey to draft legislation (P.L. 2006, c. 61) which required the Division to develop a plan to move people out of the State's Developmental Centers.

The Division's final plan, submitted to the Governor and to the Legislature in May 2007, included many of the comments and suggestions for changes of ABCD and others. ABCD looks forward to continuing to work with the Division and other stakeholders on implementation of the Plan.

The Division of Developmental Disabilities has created an Olmstead Advisory Council Steering Committee comprised of all stakeholders including consumers, family members, providers, and advocacy organizations. Lowell Arye, as the Executive Director of ABCD is a member of the Steering Committee, as is Alan Mucatel, Executive Director of Cerebral Palsy of North Jersey and ABCD's Board President.

The structure of the Steering Committee will comprise work groups, which will include other stakeholders in the process of further developing the Plan. The Work Groups are:

**1) Clinical Decision Making Process** – How we make decisions about an individual's services

Priorities include: Admissions, Continuing Stay and Discharge Criteria, Education and Information Plan and Third Party Review Process for Admissions and Education and Information Plan; Third Party Review process was proposed in the Olmstead plan and refers to disputes that may arise regarding recommendations for community placement and continuing stay at DC.; the need for a Clinical Professional Advisory Board will be evaluated as we progress.

**2) System Redesign**

Priorities include: Rate Setting/Provider Changes Needed Due to Individual Budgets; Case/Care Management Coordination; Information/Access to Resources and Services; Inter-agency Issues and Waiver Issues. Lowell Arye from ABCD has been asked to Co-Chair this workgroup.

**3) Service Delivery**

Priorities include: Network Adequacy, including infrastructure needed to provide services to address needs across the systems; Services to People in Need of Behavioral Support ; Crisis Capacity Response System; Case Management and Service Delivery, Health, Medical, Physical and Aging Issues. Alan Mucatel from Cerebral Palsy of North Jersey has been asked to Co-Chair this workgroup.

**4) Quality Improvement**

Priorities include: Data review and Development of Mission and Goals including current Division activities.

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## Olmstead (Cont'd from p.2)

### 5) Self Advocacy and Family Partnership

Priorities include: Increasing Participation in Individual Planning, System Design, Implementation, Monitoring and Evaluation

In addition to the Division's work on the Plan, the New Jersey Protection and Advocacy's (NJ P&A) litigation on Olmstead is moving forward. NJ P&A is still in the negotiation and discovery stages of litigation, but will be asking for a summary judgment in the future on specific legal questions that underpin the case. NJP&A is focusing on community supports that will be in place as individuals move out of the Developmental Centers as well as the number of individuals covered by the Plan. (ABCD along with NJ P&A and others have raised concerns that the plan only details a strategy to move 1,850 individuals even though the Division's own data shows that more than 2,300 individuals can move into integrated community settings).

ABCD and others have requested that NJ P&A also focus on the need to reinvest all federal funds into DDD community services; adequate supports for funding for providers, and an adequate infrastructure for medical and behavioral needs. ABCD will continue to focus on these and other issues that impact people with multiple physical and developmental disabilities ♦



### Update on Burden of Proof in Special Education in New Jersey

On August 7<sup>th</sup>, ABCD participated in a conference call with several organizations in the Special Education advocacy community. The purpose of the conference call was to develop an advocacy strategy to push for a vote on the Burden of Proof bills, A4076 and S2064, which are currently stalled in the legislative process. The Burden of Proof bills, when passed, will return New Jersey to its previous practice of requiring school districts to prove in a due process hearing that a student's individual education plan (IEP) is meeting the child's needs, when parents challenge that plan.

In 1989, the New Jersey Supreme Court ruled in the *Lascari* decision that the burden of proof at due process hearings should be borne by school districts, since school districts have better access to information and to the expertise needed to sustain the appropriateness of its educational plans. However, in 2005, the United States Supreme Court ruling in *Schaffer v. Weast* declared that in the absence of state legislation to the contrary, the burden of proof lies with the party seeking to modify the education services. Unfortunately, because New Jersey's burden of proof policy was not codified into law, this Supreme Court ruling changed the state's policy, thereby transferring the burden of proof to parents.

ABCD believes that this new practice places low and moderate income families at a great disadvantage because more often than not, such families lack the resources to hire attorneys to

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## ABCD Publishes Annual Accomplishments Report for 2006-07 Fiscal Year!

On August 20, 2007, ABCD celebrated the release of our first annual publication entitled "ABCD Accomplishments" to the public. The piece is a detailed report of all of the policy and advocacy-related accomplishments and initiatives that ABCD has led and/or contributed to within the developmental disabilities community in New Jersey. Major accomplishments for the recent year include ABCD's budget advocacy, which was featured in the New York Times, incorporated the removal of Medicaid Co-Pays from the 2007-08 State Budget, and resulted in a 3% provider increase which will begin in January of 2008.

The Accomplishments also features ABCD's next steps for the new 2007-08 Fiscal Year on critical health and human service initiatives for the developmental disabilities community, including:

- the **Cost of Providing Care Coalition**, which will continue to focus on securing a more accurate and fair cost of providing care increase for agencies in 2008;
- the **Coalition for a Moral Budget**, which will continue to center its efforts on preventing the implementation of Medicaid Co-Pays; and
- the **New Jersey DSP Workforce Development Coalition**, which is currently developing competency-based training and career paths for Direct Support Professionals in order to increase recruitment and retention among agency staff, and ensure the best care for people with disabilities.

The ABCD Accomplishments report can be found on both the Publications and Accomplishments pages of ABCD's website, at: <http://www.abcdnj.org/pubs.html> or <http://www.abcdnj.org/accomplishments.html> ♦

### Direct support (Cont'd from p. 1)

sending each mentor to training and providing them with salary increases; providing salary increases to participating DSPs upon completion of each designated career path level and the level's requirements.

The College of Direct Support (CDS) is an online interactive learning program for people in direct support roles and for frontline supervisors and managers. It is based on nationally validated competency sets and is customizable to each state. The CDS also has a set of Human Resources tools designed to help manage trainings as well as recruitment and retention issues.

As part of the project funded by the NJ Council on Developmental Disabilities, there will be an evaluation component on outcome measurements as well as changes in recruitment and retention for provider agencies ♦

## **IMMEDIATE ACTION REQUIRED!**

**Contact Us with Your Special Education Story!**

### **The Issue:**

**The burden of proof at due process hearings must be placed on school districts!**

Parents of students with disabilities have the right to a hearing if they believe that their child is not receiving an appropriate education. A4076 and S2064 are bills that make it the school district's responsibility, if challenged, to prove that the education they are providing appropriately meets a Special Education student's unique needs.

**Unfortunately, A4076 and S2064 are stalled in the legislature and we need your help!**

**We are looking for stories** from families seeking to obtain a free appropriate public education for their family member. We want you to send your stories to ABCD **before September 21st**, with information regarding struggles to obtain a free appropriate public education. This will not take much time and will be extremely helpful in our advocacy efforts.

**Please send your stories to:**

**Abigail Odoi at ABCD**

**Fax: 609-581-8512**

**email: [abigail@abcdnj.org](mailto:abigail@abcdnj.org)**

### **More about the issue...**

The New Jersey Supreme Court ruled in the 1989 *Lascari* decision that the burden of proof at these hearings should be borne by school districts because the school district had access to the information and to the experts needed to show the appropriateness of its educational decisions.

In 2005, the United States Supreme Court ruled in *Schaffer v. Weast* that, absent state legislation to the contrary, the burden of proof lies with the party seeking to change the educational services – most frequently the parents. Since 2005, the burden of proof has fallen on parents, making winning at hearings exceedingly difficult -- especially for poor parents who cannot afford lawyers. Both the State Assembly and Senate have introduced legislation – A4076 and S2604 -- that will return the burden of proof to school districts, as had been the law in New Jersey from 1989 until 2005, and the Assembly Education Committee voted unanimously to support A4076.

**PLEASE HELP STUDENTS WITH DISABILITIES  
RECEIVE A FREE AND APPROPRIATE PUBLIC EDUCATION**

## Special Education Update

(Cont'd from p. 3)

to represent their interests, and are often unable to navigate the legal system on their own.

Moving forward, ABCD and members of the Special Education advocacy community are actively working to have A4076 and S2064 passed before the end of this legislative session, which draws to a close in December of 2007. ABCD has put out an action alert to members of its Special Education committee, requesting stories from parents, guardians, and family members regarding the obstacles they face in challenging school districts' educational plans for their disabled children. These stories will be used as testimony to the serious disadvantages placed on parents who are required them to bear the burden of proof.

For more information on the action alert and how you can support ABCD's efforts in getting these bills passed, please visit our website at [abcdnj.org/action.html](http://abcdnj.org/action.html) ♦

### Important Dates

#### September

**19: Emergency Preparedness Teleconference for the NJ Disability Community. 8pm**

**For further information, please contact Betty McLaughlin at [bmclaughlin@sbatsr.org](mailto:bmclaughlin@sbatsr.org) or 856.825.0838.**

**27: Council on Developmental Disabilities Public Meeting.** For more information contact: [njddc@njddc.org](mailto:njddc@njddc.org)

**27: Social Security Alliance Conference**

#### Hold These Dates!

Fall 2007 DDD Free Lecture Series:  
October 12 Woodbridge, NJ  
October 19 Woodbridge, NJ  
October 30 Mt. Laurel, NJ

For Additional information, visit the website at: <http://rwjms.umdni.edu/boggscenter>

## Spotlight on an ABCD Member Agency Cerebral Palsy of North Jersey

This month, ABCD recognizes Cerebral Palsy of North Jersey (CPNJ) for their enduring commitment to providing outstanding specialized services to individuals with cerebral palsy and other disabilities in northern New Jersey.

Founded in 1953, CPNJ is dedicated to enhancing the lives of people with disabilities and other special needs by supporting personal growth, independence and participation in the community. CPNJ programmatic areas include: the Building Blocks Early Intervention Program for children under the age of 3 who have developmental delays or disabilities and their families, and the Horizon Schools, which serve over 150 students ages 3-21 with multiple disabilities.

In addition, CPNJ offers community therapy, adult training, and residential services as part of their comprehensive programming for individuals with disabilities and their families.

CPNJ is a founding member of ABCD and Alan Mucatel, CPNJ's executive director is ABCD's Board President.

**For more information about Cerebral Palsy of North Jersey, please visit them on the web at: [www.cpnj.org](http://www.cpnj.org).**

**ABCD NEWS** is published periodically and provides an update on the activities of ABCD and on major issues facing people with multiple and physical developmental disabilities in New Jersey. For an electronic subscription, send your e-mail address to [abigail@abcdnj.org](mailto:abigail@abcdnj.org)