



Our Children's Voice

Retarded Children Can Be Helped

VOL. XXXIII NO. 1

NEW YORK STATE ASSOCIATION FOR RETARDED CHILDREN, INC.

JANUARY 1981



State President Eleanor Pattison, wearing a, "We Love You Jerry" ribbon appears with Executive Director, Joseph T. Weingold and incoming Executive Director, John Bertrand.

Bertrand named new Executive Director



JOHN W. BERTRAND

John W. Bertrand, who has served as the Assistant to the Executive Director of the New York State Association for Retarded Children for the past 17 years, has been selected by the organization's Board as its new Executive Director, effective December 1, 1980. He succeeds Joseph T. Weingold, who had served in the Executive Director's position since March, 1950. Bertrand was chosen from a field of over 100 candidates for the position by a search committee consisting of the Association's officers and past presidents and his selection was unanimously ratified by the full Board at the Annual Convention of the Organization on November 9. A review of Mr. Weingold's services, are reported elsewhere in this issue.

Bertrand brings over twenty-three years experience to the position. He entered the field of mental retardation in 1957, with the St. Louis County Welfare (Social Service) Department in Duluth, Minnesota. He served there for 3 years as a Caseworker I and II. As a part of his caseload, he worked with the Champion Childrens Home, a private care facility for 40 retarded youngsters. During this time he assisted in beginning volunteer programs within the

home, obtaining entrance into public school for some residents and assisting those in need with entrance into the State Institutions.

He then spent three years in the dual role of Executive Director of the Duluth Association for Retarded Children and Field Representative for the Minnesota Association for Retarded Children. In the latter capacity, he worked with a 32 County area, encompassing somewhat more than half the State organizing fund raising campaigns, starting new local Chapters of the Association and developing services in existing chapters. Under his direction, the Duluth Association began operating year-round recreational programs and opened one of the first State supported day activity centers in Minnesota.

From March through December of 1963, he was Executive Director of the Raritan Valley Unit, New Jersey Association for Retarded Children.

Mr. Bertrand has been a member of the American Association on Mental Deficiency since 1960. He served as a member of Governor Rockefeller's Task Force on Rights of Institutional Residents in 1973.

A member of the Lutheran Commission on Mental Retardation in the Northeastern United States since its inception in 1964, he has most recently been asked to serve as the representative of the New Jersey - N.E. Pennsylvania Conference of the American Lutheran Church on a Task Force of Lutheran Social Services of New Jersey on "The Year of the Disabled".

Active in community affairs, Mr. Bertrand has been elected to three three year terms on the Metuchen Borough Council. He has served as the council's President for the past six years. He has also been a member of the Metuchen Little League, Jr. Baseball League and Pop Warner Football Organization. He was secretary of the latter group for 3 years, President for one year and President of the

Convention adopts Legislative Program

Resolutions aim at institutions

The Annual Convention of the State Association was held at the Fallsview Hotel, Ellenville, New York, November 9-12. A somewhat smaller than usual, but no less enthusiastic, crowd participated in a full range of workshops and other activities.

New York City Chapter provided a showing of the award winning film "Best Boy". On two occasions, representatives of the Labor Department were present to discuss some wage and hour information and Suffolk County Chapter provided sessions on the Blissymbolics methods of communication.

Five Workshops were presented: Community Residences, Institutions, Public Information, Educational and Vocational Rehabilitation.

A highlight of the Convention was the gift presentation to retiring Executive Director Joseph T. Weingold. A special four page issue of Our Children's Voice was distributed. This special edition is included in this issue of OCV.

President Eleanor Pattison also announced the creation of the Jonathan Weingold Scholarship. This is a \$1,000 Scholarship, to be made available to A.R.C. employees who wish to further their education in the field.

The delegates adopted this 1981 Legislative Program and series of resolutions:

A. STATE INSTITUTIONS AND SERVICES

1. It is recommended that a bill be introduced to give the Commissioner of OMR-DD, in consultation with an independent body, the authority to make decisions on admissions and discharges to and from developmental centers.

B. COMMUNITY MENTAL RETARDATION SERVICES 100 PERCENT FUNDING

1. Provision that funding of community services for the non-institutionalized mentally retarded be on a basis of parity with the funding of such services for those de-institutionalized — 100 percent funding by the state.

Interest on Loans

2. Provision that interest on loans necessarily obtained by voluntary agencies because of failure of the state to make payments on time be reimbursable items included in budget costs.

Continued on Page 10

INSIDE
SEE THE
COMPLETE
SPECIAL EDITION
HONORING
JOSEPH T. WEINGOLD

A parent's tribute to Jerry

He said (and see how long ago it was) . . . "Now with the Kennedys, it's become fashionable to have a retarded child, something, in a way, to be proud of. Well, it isn't. It's neither that nor something to be ashamed of. It's a problem of life . . . bigger than most, smaller than some. But simply that. A problem."

I thought, then, after endless hours of comparing notes with other parents whose children seemed exactly like my son but who weren't, of listening, at the end of a long exhausting day, to a psychologist who had all the answers about toilet training and consistent discipline but didn't . . . "this man has something to say, something terribly important. And, who is he?"

After his talk, delivered with reality and honesty tempered with sensitivity and deep caring, I asked about him and learned he was Jerry Weingold, the State Association's Executive Director. Then, a patient explanation of what that meant because who, but a handful of extraordinary people, is prepared to learn about all that unless he or she is catapulted into it because of this sudden, unforeseen and unprepared for "problem".

Since that evening, I have had the opportunity of working with Jerry and learning to know him a little. Because that's how much you can know this complex, intense, man . . . a little. He does not speak of "special gifts" or maudlin acceptance. He simply works tirelessly to make a better life for the mentally retarded. He struggles mightily to create a world for them where they and their families can hold their heads high, where they can be truly themselves.

He has wept publicly and unashamedly at a touching performance by a group from a state developmental center; he has exploded in anger because "human beings don't know how to love their brothers and

sisters"; he has disarmed the mighty in the state capitol; he has laughed at those who accused him of being stubborn and intractable. His tears reminded everyone of the depth of feeling he has for those to whom he has given so completely of his brilliance; his energy, his life. His anger has accomplished miracles for the retarded, not only in this state, but throughout the world. His charm has won over those who have the power to make the fundamental changes. His wit and humor have made his difficult work and the difficult lives it touches, bearable.

We are all, to some extent, inspired by our children. This man has been inspired to unthinkable heights by his beautiful son, Jonathan. To have had the privilege of seeing the love and grace of that relationship is an experience never to be forgotten. It speaks of a family, one mother and one father, spurred by the then bleak and hopeless future for one young son, who had the courage many years ago, to make a decision that has, but its very making given light and hope to thousands of mothers and fathers and children.

Once, at the beginning, he charged the fledgling group of parents surrounding him not to attempt to change their children for the world's sake but to work to change the world for their children's sake. He carried that same message to Minneapolis and the First National Convention of Parents of Mentally Retarded Children in 1950. Today, as the primary mover of these changes, he can truly look back and say what few of us can ever say, "My life has a purpose. My son's life has a purpose."

There is much, much more to be done. No one knows that better than he, even as he leaves the task to those who will follow. But we, who have seen the golden doors of opportunity open for our children in small ways and large, can say today to the keeper of those doors for so many long and short, exhilarating and painful, heartbreaking and joyous years . . .

"Thank you, Jerry."

Hostel named for Jessie Conklin

A hostel located at 310 67th St. in Brooklyn was named for Jessie Conklin, the late wife of former State Senator William T. Conklin. It is officially known as "The Jessie F. Conklin Residence."

The concept of hostels, or homes for the retarded that cater to small numbers of individuals in residential communities, was strongly supported by Mrs. Conklin, whose Senator husband was instrumental in converting the concept into a reality.

The hostel is operated by The Guild for Exceptional Children, known in the greater Bay Ridge area for its efforts in support of the retarded.

Former Senator Conklin was among those who were instrumental in the creation of the Guild, and was primarily responsible for New York State's hostel program.

Today there are 400 hostels throughout the state, including two that are operational by the Guild. The hostel named for Mrs. Conklin is one of the earliest established.

The chairwoman for the ceremony, Mrs. Florence Staderman, said it was "most fitting that a hostel bearing the name of Jessie Conklin thrive right here in this community. Her work, and of course that of Senator Conklin, has long since come to be synonymous with assistance to the retarded."

In a brief statement, former Senator Conklin said:

"I know I speak for the entire Conklin family when I express appreciation to all those who have deemed to name this hostel for Jessie. We all feel proud for Jessie, and very, very honored."

Tournaments raise \$12,000 for ARC

Approximately \$12,000 was raised in the fourth annual Association for Retarded Citizens Golf and Tennis Tournaments at Stafford Country Club in Batavia.

The event featured golfers and tennis players from throughout western New York. A highlight of the day was a hole-in-one on No. 8 by Johnny Antonelli of Rochester. He donated \$200 to the ARC after his achievement.

Don Luce and Don Edwards of the Buffalo Sabres and Joe DeLamielleure of the Buffalo Bills joined the festivities which included an awards dinner. Max Robinson, Batavia Downs publicity director, was master of ceremonies.

Mr. Antonelli had 73 to take low gross honors while Patsy Grasso and Sam Compobello, both of Batavia, had net scores of 63 and 64 respectively.

In tennis, Bill Williams of Batavia won the A flight with Dr. John Woodworth of Oakfield second, and Harry Palatiere of Batavia won the B flight with Dr. Bruce Baker of LeRoy second.

Judge Charles Graney of Batavia and Rochesterians Richard Messa and John Collins tied for first in the Blind Bogey golf event.

Philip Pastore, owner of Sunny's Restaurant, won the grand prize — a trip to Las Vegas — while Stan Moscicki of Batavia won a color television.

PRESIDENT'S MESSAGE

by Ellie Pattison



These words are being written after a full, productive and fatiguing annual Convention. I always return from those jam-packed intense days filled with new knowledge, new enthusiasm and new dedication.

Members of the 'Old guard' die

The Association notes with deep sorrow, the death of Julian Banner of New York City and John J. McManus of Greenwood Lake.

Julian Banner was one of the original members of the Board of Governors and Directors of the New York City Chapter of the State Association, long time Chairman and architect of the Insurance Program of the Association as well as, at one time, Chairman of the Ways and Means Committee of the National Association. In this capacity, he brought in Jack Benny to talk for the National Association and created an atmosphere of acceptance which carried on for many years. He leaves behind his widow, Dora and daughter, Susan.

For those who were able to arrange their busy days so they also could be at the Fallsview, there was a plethora of excellent workshops, information sharing, useful publications, as well as necessary, but nevertheless sometimes boring, meetings that shape the future of our organization.

If a person could pinpoint any one mood that prevailed during the Convention, it would have to be that of anticipation of the future. The "changing of the guard" has happened, and a new era begins.

I welcome John Bertrand to his new position as Executive Director, and I thank the Association for having expressed confidence in me by electing me for another term. Together, and with you, we look forward to a challenging and productive year.

"Individual commitment to a group effort — that is what makes a team work, a company work, a society work — a civilization work!"

(Vince Lombardi)

He was a personal friend of your editor, Jerry Weingold, and was extremely instrumental in bringing him into the Association as Executive Director in March, 1950.

John McManus died on June 8, 1980 as a retired agent for the F.B.I., and a former Greenwood Lake Justice. He was Director and Past-President of the Association for the Help of Retarded Children in Orange County and a long time member of the Board of Governors.

He is survived by his wife, three sons, two daughters and eleven grandchildren.

These men have left a mark for all to follow.

Our Children's Voice

Retarded Children Can Be Helped

NEW YORK STATE ASSOCIATION FOR RETARDED CHILDREN, INC.

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Quality of care

Carey designates new advocacy agency ARC questions legality

The Board of Governors of the New York State Association for Retarded Children, at its meeting in Ellenville, N.Y. on November 9th and 10th, questioned the legality of Governor Carey's designation of the State Commission on the Quality of Care for the Mentally Disabled as the state's Protection and Advocacy System for the Developmentally Disabled under the Federal Developmental Disabilities Assistance and Bill of Rights Act.

From the inception of the program, the Protection and Advocacy System for the Developmentally Disabled, Inc., and the Appellate Division Corporation, has been the designated agency.

It is the position of the ARC that the Commission on the Quality of Care for the Mentally Disabled is not qualified to act in this capacity on a number of grounds:

1) The Agency does not have the power for legal action under the bill creating this Agency. It is attempting to obtain this legal power by contract with other legal entities. By not having the power under the law, it is the contention of the Association that it cannot contract for these programs.

2) An important element in the advocacy portion of the federal act is the idea that no agency that delivers services shall be appointed advocate as this may be a conflict of interest. The Commission does deliver services in that it has to examine programs all over the state, make reports and recommendations. If, in fact, it does not do so, it would be liable to a law suit by

itself as advocate, which is a conflict of interest.

It is impossible, at this point, to learn from the Governor's office why the Protection and Advocacy System for the Developmentally Disabled, Inc., created by the Appellate Division has not been redesignated.

3) The law requires that the advocate be an advocate for the developmentally disabled only. The law that creates the Commission requires them to be an advocate for all the mentally disabled including the mentally ill, alcoholics, and substance abusers.

The Commission has issued a report that there are more than 265 separate agencies providing advocacy services for the developmentally disabled in New York State. There are at least four such agencies in every county in the state, the Commission reports. Efforts to find their names, where they are located and what they are doing up to now, have been fruitless.

The Association is voicing its opposition to this designation to the Governor and to the Secretary of Health and Human Resources in Washington where the proposed plan has been submitted.

In the meantime, since October 1st, there is no Advocacy Agency in this state, designated by the Governor, as required by law to serve the mentally retarded and other developmentally disabled.

Padavan attacks Carey

Still smarting from his mental hygiene budget battles with the Legislature, Governor Carey has sought to get even at the expense of the health and safety of mentally disabled patients at the state's psychiatric hospitals and developmental centers, State Senator Frank Padavan charged today.

An "incident reporting" bill that established patient care and safety teams to investigate and report incidents involving accidents, violent behavior, injuries or physical abuse of the hospitalized mentally ill and retarded was vetoed by Governor Carey for alleged fiscal reasons, citing the cost of computers for its implementation.

"Yet no computers are necessary," Padavan claimed, saying that the measure merely required the Department of Mental Hygiene to establish uniform guidelines to govern the compilation, distribution and analysis of data on patient incidents.

"The bill was an essential management tool to be used by the Commissioners, facility directors and the State Commission on Quality of Care in assessing the trends in care on different wards and in different state facilities.

"I personally received memoranda in support of the legislation from both the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities, and not once was a cost factor even mentioned," Padavan said.

Why did the Governor veto a cost-free bill for fiscal reasons when it had the support of his own Mental Hygiene Department, as well as the NYS Bar Association, the Mental Health Information Service and Countless mental hygiene advocacy groups?

Carey is still angry over our recom-

mendation last winter that \$1.27 million be deleted from his budget ear-marked for patient information services under the auspices of the Inter-Office Coordinating Council of the Department of Mental Hygiene," Padavan charged. "I guess he feels that if we can't do things his way, we won't be allowed to do them at all."

But the relation between the Council's information services budget request and the incident reporting bill is spurious. "We denied the money without prejudice pending a July 1 report from the Council. Well, it's out now and there is not a single reference to this sort of incident reporting mechanism.

"That means we're back to square one, without anything on the books at all to deal with concern over patient safety and quality care aroused by Senate Mental Hygiene Investigations and parent advocacy groups in recent years," Padavan concluded.

'Right to be born well'

available from office

Proceedings of the state-wide Symposium on Prevention of Mental Retardation and Developmental Disabilities, "The Right To Be Born Well" is now available from the State Office.

Copies have been sent to the presidents and the executive directors of the Association, but the supply was too limited for the general membership.

Those who wish individual copies, please write to the office, attention of Geraldine Sherwood. As long as the supply lasts, each copy will be free of charge.

When the supply runs out, there will be a charge of \$2.50 per copy.



Mental Retardation Sabbath and Sabbath included a special Sunday service at Salamanca's United Church of Christ. Janie Sum, teenage daughter of Dr. and Mrs. Paul Sum and member of a special education class at Salamanca High School, joyfully participates as she prepares to lead the Lord's Prayer. The emphasis was on the right of all mentally retarded persons to learn and grow and be contributing members of their communities.

Special Sabbath observed

Mental Retardation Sabbath-Sunday Weekend was observed across the state Nov. 14-16.

As part of its weekend services, clergy and congregations discussed issues concerning the integration of mentally retarded and developmentally disabled individuals into community and congregational life.

In the Troy area, a committee was formed some months ago with a basic goal to facilitate the ministry of Troy area congregations to retarded citizens. Members worked with other groups in the area informing churches, synagogues, parents and other groups of the weekend and the need of facilitating ministry to the retarded.

United Urban Ministry has been catalyst in the formation of the local group, according to Rev. Donald Pangburn, director of UUM and member of the committee.

The planning committee was formed in response to needs expressed by some parents of retarded and some staff persons of Rensselaer County Chapter, Association for the Retarded.

The committee is independent of the association, but it works in close cooperation with the Association for the Retarded and other agencies and individuals.

The projected goals of the planning committee include:

— ASSIST congregations to reach and welcome retarded persons into their life and work.

— SET UP strategically located ecumenical religious education programs for retarded adults and children, with an aim towards "mainstreaming" for worship and parish life.

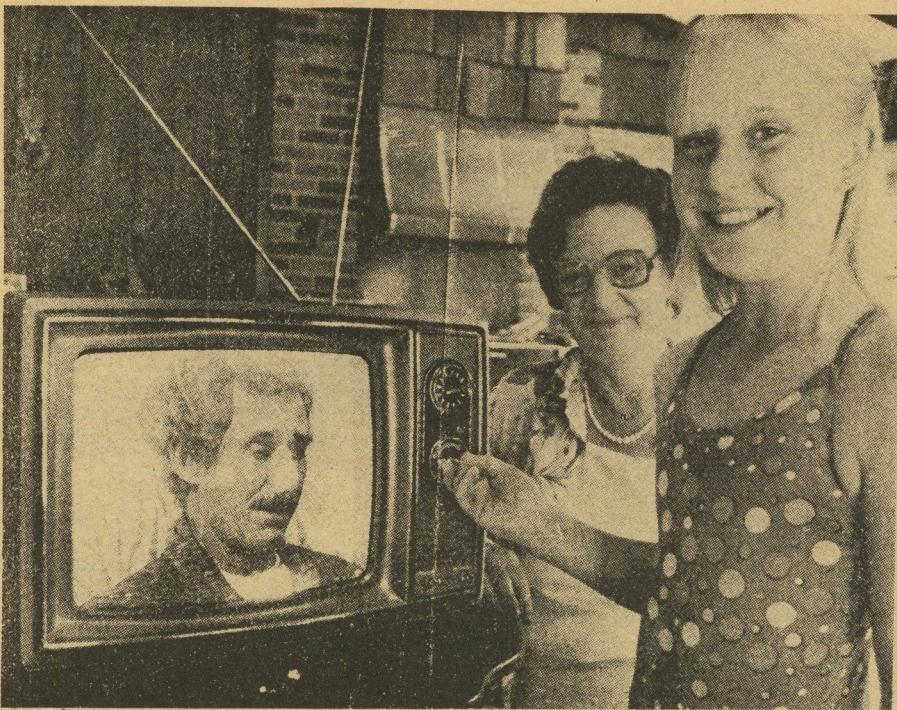
— SET UP seminars to train clergy and laity to minister to parents of retarded children, especially those who have recently discovered this challenge to their faith and family relationship.

— ESTABLISH camping programs for retarded children and adults, with a religious education component.

— ESTABLISH congregational sensitivity to justice issues, such as what support might be given by the church when group homes for retarded adults are established within neighborhoods.

— PROVIDE more meaningful ministry and accessibility to facilities for all handicapped persons within our neighborhoods.

Awareness programs such as the weekend are just one step toward including those upon whom doors have often been consciously or unconsciously closed.



Swimathon nets \$16,000 for Niagara

The Niagara County Association for Retarded Children held its first annual "swimathon" recently at Lockport Senior High School and at Harry Abate School, Niagara Falls, raising \$16,000 in pledges. Proceeds will be used to benefit programs for the developmentally disabled of Niagara County. The participating swimmers solicited pledges from friends, neighbors, and family and swam their laps on their assigned day. Refreshments and volunteer help were provided by the Lockport Mothers of Twins Club. Donated prizes were awarded to the swimmers who brought in the most money in collected pledges. Susan Newton, 365 Prospect St., Lockport, collected \$264 in pledges and won the first prize, a color television set. Second prize, a 10-speed bike, went to Michelle Baptiste, who collected \$261 in pledge monies.

Home wins court battle

Hempstead Town and several civic organizations, which for more than a year have opposed a hostel for mentally retarded adults in Elmont, lost part of their battle when a court ruled that the state could spend money to improve the home.

State Supreme Court Justice Vincent Ballesta denied a request by the town that the state's Office of Mental Retardation and Developmental Disabilities be prevented from spending about \$160,000 to improve the building at 1 Greenway Blvd. The hostel houses eight male adults.

The town had argued that the money should not be spent until a decision is made by the Appellate Division of State Supreme Court on Hempstead's suit to close the hostel.

In his ruling, Ballesta said, "The placing of hostels for the mentally retarded in local communities is a response to a long

standing problem and an effort by the state to bring into the lives of the retarded a degree of stability and a sense of community and family which can be accomplished through the program formulated by the state so as to make it possible for the mentally retarded to lead a happy and productive life."

The decision angered and disappointed town and civic officials. Several said in interviews they were not opposed to having a hostel for the mentally retarded in Elmont, but were upset because the state had not consulted with them in choosing a location. They said the hostel is too close to the Southern State Parkway, which they feel is a potential hazard to its retarded residents.

"They picked a spot without questioning the community," said Rich McCabe, who heads an umbrella organization of 15 civic groups. "They just went around and did it like the community was nothing."

Maroun is president, Visitors Conference

The annual statewide conference for Boards of visitors, sponsored by the Association of Boards of Visitors of the Mental Hygiene Facilities of New York State, held at the Ramada Inn in Binghamton, October 23-26, unanimously elected Ellen N. Maroun as President.

Ellen, as we all know, is a member of the Board of Visitors of Sunmount Developmental Center as well as regional vice-

president of the northeast region of the ARC.

Boards of Visitors are independent, seven-member, citizen bodies appointed by the Governor to oversee the care and treatment offered to patients and residents of the 31 State Psychiatric Centers and 20 State Development Centers. Appointees to the Boards are confirmed by the Senate and serve four-year terms. They are unsalaried.

Support your Local Chapter

Teamsters lose election

U. W ousts St. Lawrence

Our readers will recall that the efforts of the Teamsters Union to unionize the employees of our St. Lawrence County Chapter failed.

Bruised by defeat, the Teamsters went to the United Way and threatened to have union contributions to the charitable fund drive withheld unless ARC is expelled. Regrettably, the Central Trades and Labor Council, the umbrella group for AFL-CIO affiliates in St. Lawrence County, endorsed the move.

An editorial in the Watertown Daily Times calls this a "naked power play" and "despicable".

It continues "And the apparent willingness of the United Way Board of Directors to be extorted without a murmur is pathetic and disturbing".

"... The United Way collects from a wide spectrum of society, not just unions. Contributors must be assured the money they give is allocated on the basis of merit, not on the basis of intimidation from special interest groups."

"Second, where will it end? If the United Way board buckles to this demand, who will the Teamsters take on next year? The Boy Scouts?"

The St. Lawrence Co. Chapter of the ARC intends to raise its own funds in the wake of a \$20,000 funding request for 1981.

The United Way official public attitude

Parents want son to join swim team

The parents of a retarded 17-year-old New Hartford High School student have asked the State Education Commissioner to force the school to place their son in the school's regular swimming program.

The boy has won swimming medals in Special Olympics competitions and swims with non-handicapped students at Utica College and Mohawk Valley Community College, his mother said.

State and federal laws require that, whenever possible, school districts should "mainstream" handicapped children; that is, place them in classes with regular children.

The mother asked for a hearing to discuss mainstreaming but was refused a hearing, so she is taking her case to the state.

Dr. James Meyer, New Hartford superintendent of Schools, said "Our Committee on the Handicapped felt that transporting this student to a regular swimming class would disrupt the BOCES program and fragment the curriculum."

He said the child was placed in the BOCES Trainable Mentally Retarded program and at the time of the placement the parents had no objection.

"His swimming is very good," Meyer said, "but if we place him in a regular class, we've got to do it for all our kids at BOCES."

Meyer said the parents' request for a hearing was denied because the parents did not object to the original classification and placement.

William Koslosky, president of the local chapter of Parent Advocates for the Retarded, said the case is comparable to segregation of blacks in all-black school.

"The law specifically stressed mainstreaming whenever possible and this child is clearly a very capable swimmer," he said.

Support your local chapter

is that the pressure of the Teamsters union had nothing to do with their rejection of the ARC for 1981. They claim (after these many years) that they did not get the financial information requested from the Chapter.

All we can say is beware the unions; beware United Way.

Test fairness challenged

A court decision is pending on the constitutionality of the state law requiring competency tests.

The Long Island school district of Northport claims that using the tests as a diploma criterion is unfair on several counts to mentally retarded students.

The district also presented evidence during its recent trial on the law that the competency tests used in 1979 and 1980 may have been unfair to non-handicapped students as well.

Among the issues raised by the Northport district:

— The old Basic Competency Tests were not structured with the retarded in mind, were never pilot-tested with them and were not designed to determine a student's level of academic achievement. Thus, their use in 1979 and 1980 may have discriminated against the non-handicapped as well as the handicapped;

— Although the state allows districts to modify the way they administer the normally pen-and-paper test to deaf, blind and other handicapped students, it makes no such provision for the retarded;

— The state provides no curriculum for handicapped students such as it provides for the non-handicapped; and

— The certificate of attendance or achievement granted to students who fail the tests, but pass other school graduation requirements, marks its bearer as a second-rate student.

A decision on the case is expected as this issue goes to press.

Homes for under 4 subject to Site Selection

In a strange decision, Mr. Justice Rubin of the Supreme Court in Richmond County, has ruled that a community residence of any kind, even less than four, is subject to the Site Selection Law with the forty-days notice and all it entails.

In a class action seeking to enjoin the respondents (Shannon v. Introne), brought by a group, from establishing a certain community residence facility for the retarded, the court granted judgment to the petitioners, and declared the lease for the facility null and void. It concluded that the Office of Mental Retardation and Developmental Disabilities has not complied with the Mental Hygiene Law section 41.34 in that it had failed to notify petitioner community board of its intention to select the site for a residential facility.

The court rejected respondent's contention that no such notice was required where the residence was for less than four mentally disabled persons. It held, that while the statute did not provide for notice of intention to set upon a home for less than four, implicit in the section was the requirement that notice be given for the establishment of any such facility.

The judgment is being appealed and if the law, as written by the Legislature, means anything, it should be reversed. The consequences of this law standing are, in effect, to have an interminable proceeding for anything even one person living in an apartment by him or herself.

International Year of Disabled Persons-1981

What is it? What is New York State doing?

The United Nations Proclamation

In 1967 the United Nations proclaimed that 1981 would be the International Year of Disabled Persons. The UN challenged each nation to establish goals and programs to improve the lives of its citizens with disabilities. It set "full participation and quality" as the theme for the year.

The UN General Assembly's resolution set these objectives for member nations:

1) Promote all national and international efforts to provide disabled persons with proper assistance, training, care and guidance, to make available opportunities for suitable employment and to ensure their full integration in society;

2) Encourage study and research projects designed to facilitate the practical participation of disabled persons in daily life;

3) Educate and inform the public of the rights of disabled persons to participate in and contribute to various aspects of economic, social and political life;

4) Promote effective measures for the prevention of disability and for the rehabilitation of disabled persons; and

5) Help disabled persons in their physical and psychological adjustment to society.

A 23-member advisory committee to oversee the UN program was established with representation from: Algeria, Argentina, Bangladesh, Barbados, Belgium, Byelorussian Soviet Socialist Republic, India, Kenya, Libyan Arab Jamahiriya, Morocco, Nigeria, Oman, Panama, Philippines, Sweden, United Kingdom and Northern Ireland, United States of America, Uruguay, Vietnam, Yugoslavia and Zaire.

Frank Bowe, executive director of the American Coalition of Citizens with Disabilities (ACCD), was selected by the State Department to be the U.S. representative to this committee. He is a

New York resident and the ACCD has a New York City office.

NEW YORK STATE ACTIVITIES

The Office of Advocate for the Disabled has taken the lead in initiating planning for IYDP. Meetings have been held in N.Y.C. to launch a New York City council. This group is composed of interested consumers and providers. Its structure includes an executive committee as well as committees on media, short-range projects and long-range projects.

This summer the agency will stimulate the formation of councils in other regions of the state. In all areas, the State Advocate will serve as the catalyst for local groups — helping them organize and providing technical assistance as they plan and conduct their activities.

In a very few counties and towns of the state — primarily in the New York metropolitan area — local offices for the disabled have been established. In most of the state, however, there is no existing mechanism to bring together consumers, parents of disabled children, providers, representatives from government, business and the general community to address issues of concern to people with disabilities. The ITDP effort can provide the thrust needed to organize local communities.

Through the creation of a council for IYDP, each region will have the opportunity to decide for itself what activities will be most meaningful and productive for its area.

At the end of the international year, it is hoped that a network of local or regional advisory councils will be in place so that future planning and coordination will be possible.

For additional information, contact Roxane Brody, Deputy Advocate for Community Relations, or our toll free number: 800-522-4369.

Kellermann named NYC Commissioner

A 42-year-old Bronx woman was named to head the City's Department of Mental Health, Mental Retardation and Alcoholism Services.

Appointed department commissioner by Mayor Koch was Dr. Sara L. Kellermann who, since December 1979, has served as acting commissioner of the agency.

Dr. Kellermann, a Riverdale resident, joined the old Department of Mental Health seven years ago on a fellowship for social and community psychiatry. She subsequently served in the department as special assistant, director of program standards and review, consulting psychiatrist and deputy commissioner.

In announcing the appointment to the \$52,000-a-year position, Koch said Dr. Kellermann "has distinguished herself in a broad range of assignments both within the department and in the community of mental health professionals."

"I'm sure Dr. Kellermann will continue to advance the high standards and excellent reputation of the department," he added.

Dr. Kellermann, who succeeds Dr. June Christmas as official head of the agency, has worked as a chief psychiatrist and administrator in the acute care and outpatient setting in the Bronx Municipal Hospital Center; at Bronx Psychiatric Center, and has published papers on related topics.

She has taught in the Departments of Psychiatry at the Albert Einstein College of Medicine - Bronx Municipal Hospital Center and in Pathology at the University of Michigan Medical School, Ann Arbor, Michigan.

Her husband, Dr. David Andrews Follet, is an attending radiologist at Lenox Hill Hospital.

Football to benefit Onondaga

The fund-raising efforts of the Onondaga Association for Retarded Citizens (OARC) will receive a major boost on August 29, 1981 when the New England Patriots and Philadelphia Eagles play an exhibition game at Syracuse University's Carrier Dome. Proceeds from the National Football League (NFL) will go to the OARC.

J. Stanley Coyne, a prominent Syracuse industrialist and long-time supporter of Syracuse University athletics, played a key role in scheduling the game and in arranging for it to be played as a benefit for the OARC. At a March 11, 1980 press conference, Mr. Coyne said he was happy to have played a part in bringing the first professional game to the new stadium, and to have assisted the Onondaga Association for Retarded Citizens.

The Coyne Foundation is sponsoring the NFL exhibition contest.



ELEANOR PATTISON, President, NYS Assoc. for Retarded Children with Earldene Taylor, President, Empire State Enterprises For the Handicapped.

PHOTO CREDIT: New York State Office of General Services, Promotion and Public Affairs, Tower Building, Empire State Plaza, Albany, N.Y.

Hand to Hand Shop opens

Albany, N.Y. — Featuring gift items for sale made in sheltered workshops and by other handicapped persons, a "Hand to Hand" shop opened recently in a 700 square foot area along a corridor off the Concourse in the Governor Nelson A. Rockefeller Empire State Plaza.

Among items on the shelves were wire trees, salad bowls, wood cannister sets, ceramics, placemats, table cloths, woven rugs, jewelry, hand etched glassware, wall accessories, baby clothes, stuffed animals and other gift items.

Hand to Hand is operated by Empire State Enterprises for the Handicapped Inc., a non-profit corporation established to meet the particular manufacturing need of handicapped persons primarily at sheltered workshops in New York State, although merchandise is welcomed from handicapped people who live in other parts of the United States. The project is funded by the New York State Offices of General Services, Vocational Rehabilitation, Mental Retardation and Developmental Disabilities. The Albany store hopes to become self-sustaining after three years.

Earldene Taylor, general manager of the J. C. Penney Co., is president of Empire State Enterprises for the Handicapped. Mr. Taylor had this to say of the organization:

"Increasingly there is no single institution in society, be it government, non profit organization or business, which has the information, knowledge and resources to assist individuals who are handicapped to attain their rightful place as full fledged citizens of our society. No agency can go it alone."

"That is one reason why we are so proud of the Enterprises. It is truly a model of interagency cooperation. We are most grateful to those public spirited community and government leaders who were sensitive to a particular need, formed a team and applied their expertise to the

development of this fine corporation.

"The Enterprises provides another significant and viable solution to the marketing needs of artisans who are handicapped."

John C. Dee, Coordinator of Rehabilitation Services with O.D. Heck Developmental Center in Hiskayuna, is executive director of the Enterprises corporation. Other officers include Jay DeBolt, manager of the Penney Store at Glens Falls, vice president; attorney B.J. Costello, secretary; and Judith Safford, manager of Key Bank's Empire State Plaza branch, treasurer.

Others on the Board of Directors include William J. Halpin, president of Halpin Williams Associates advertising agency; Assemblyman Michael Hoblock, Senator Howard Nolan; Edward Smida, manager of the Penney store in Albany; William Deschenes, State Office of Vocational Rehabilitation director of facilities division; Rudyard Propst, State Office of Mental Health; Edward Cleinman, executive director, State Association of Rehabilitation Facilities; Victor Colway, executive assistant to the commissioner, State Office of General Services; Eugene McGrath, special assistant to the director, State Commission for Blind and Visually Handicapped.

Also, James O'Connor, Advocate for the Handicapped rehabilitation counselor; Les Rivkin, executive director Albany County Association for Retarded Children; Fames Flanigan, executive director, Rensselaer County Association for Retarded children; Gerald Fitzgerald, executive director, United Cerebral Palsy, Albany; Regina Morse, United Cerebral Palsy of New York State; Barbara Hawes, director of program services, State Office of Mental Retardation and Developmental Disabilities; and David Caplan, a State Commerce Department ombudsman.

Town-Gown resource sharing

ARC children's services at Geneseo

ARC Children's Services at the Holcomb Learning Center on the campus of the State University College at Geneseo is building a strong bridge of cooperation between the college and the local communities.

The special program began in 1977 as an Infant Stimulation Program with two staff persons. Over the past three years, it has proven to be a real example of how a college and community can trade resources to the mutual benefit of all.

Children's Services, a division of the Livingston - Wyoming Chapter of the N.Y.S. Association for Retarded Children, provides a program for children whose development is lagging behind expected rates while drawing on the talents of Geneseo students and faculty.

Children's Services is one of four divisions of the Livingston - Wyoming Chapter of ARC. The others are Hilltop Industries in Mount Morris and Warsaw and the Community Residences Program which runs homes in Geneseo and Warsaw.

Three members of the Geneseo faculty are on the board of directors of the Livingston - Wyoming Chapter. Lyle Lehman, chairman of the special education department, Howard Sanford, III, assistant professor of educational studies and Robert Owens, assistant professor of speech pathology and audiology, serve on the controlling body.

The Hilltop programs and the community residences serve disabled adults while the Children's Services division serves a pre-school population with two school-based programs.

Geneseo students help with the residency programs by acting as advocates for the people living in Geneseo and Warsaw. The students aid in setting up a household and bank accounts and serve as models for the residents while assisting them in therapy and community interaction.

The Infant Stimulation Program, for ages birth to 3, is held on Wednesday mornings and brings into play talents of a special education teacher, speech therapist, occupational therapist and, if necessary, a physical therapist and a feeding therapist. The parents participate in the program as home therapists and work with each professional in half-hour segments. Techniques are shown the parents which they can use at home with the children during the following week.

An average of 50 special education students (graduate and undergraduate) work during a given week on the program. Some use their work toward course requirements and clinical practica, while others serve on a voluntary basis.

A third program is the family support service program run by a child family specialist and assisted by a social worker and a special education teacher. This segment of Children's Services assists family units by providing counseling, home instruction, referral to other services, bi-weekly parent group meetings and consumer advocacy services.

Ron White, Director of Children's Services, has high praise for the Holcomb facilities, which are provided to Children's Services rent-free in exchange for the cooperation with the faculty and student participation in ARC Children's Services.

Funding for ARC Children's Services is split between the state and the children's county of origin. Local school districts are not required by law to educate children until they are five years old. There is no charge to parents.

Charles Ruffino, the Regional Associate for the N.Y.S. Dept. of Education, gives ARC Children's Services high marks.

"Ron White appears to have a highly effective program that is ideally staffed," said Ruffino. "It is obvious that the business of education is going on there with a group of teachers who are highly motivated. As a pre-school program it is serving a real need. The children are being given a chance to learn skills which will make them more adaptable to the regular school programs."

Besides White, the staff includes outreach workers, a secretary, a director of education, special education teachers and teachers' aides. A physical therapist is also available half-time.

Chigee Cloninger, assistant professor of educational studies at Geneseo, is the educational coordinator of the program and is provided to ARC on a contractual basis.

A staff speech pathologist, assisted by SUNY graduate students, provides speech and language services. Graduate psychology students conduct psychological evaluations under the supervision of Raymond Wolfe, professor of psychology.

Since its inception in October, 1977, the Infant Stimulation Program has been faithfully supported by a variety of professional therapists provided by the Craig District Office under a Shared Resources Agreement.

County agencies, physicians and hospitals in the Buffalo and Rochester areas work very closely with the programs, as do the Livingston - Steuben - Wyoming Counties BOCES and the school districts in which the children reside.



SOME OF THE PARTICIPANTS IN THE INFANT PROGRAM.

Poster contest winners announced

High School students and Junior grades across New York state tackled the challenge of mental retardation themes in the Art Poster Contest sponsored by our association in 1979-80. Posters submitted after chapter eliminations (from 30 chapters) demonstrated clearly that concerns about acceptance of the mentally retarded into our communities can be highlighted effectively by our future citizens.

Winners were announced to the chapters in September. A display of many of the posters was enjoyed by membership at Fallsview during convention.

The themes which the art work dealt with were: Retarded People — Out of Darkness; Retarded People Make Good Neighbors; We Drew a Circle that Took Them In.

Students who captured the first three prizes of \$100, \$50 and \$25 were Naomi Rivers, Mohawk Central School, Mohawk, N.Y. (Herkimer Chapter), Linda Sagendorf, Berlin Central School, Grafton, N.Y. (Rensselaer Chapter) and Laurie Cerone, Bishop Kearny High School,

Brooklyn, N.Y. (New York City Chapter).

Judges of the Art Poster Contest included Diane Brandt, Vice-President Williamhouse Agency, Arthur Gasman, former Chairman Public Information Committee, Emily Orbach who represented One-To-One Corporation and Charles Steiner, Director Metropolitan Museum of Art. Adjudication was completed in May. Honorable Mention Category included: Tim Blazewski, Allegany Central School, Allegany, N.Y. (Cattaraugus Chapter) Joan Crockett, East Rockaway High School, East Rockaway, N.Y. (New York City Chapter) Mark Militano, T.P. Proctor High School, Utica, N.Y. (Oneida Chapter) Roman Valdes, Freeport High School, Freeport, N.Y. (Nassau Chapter) Rebecca Golda, Lackawanna Senior High School, Lackawanna, N.Y. (Seneca Developmental Center Chapter) and Joanne Ott, Bishop Kearny High School, Brooklyn, N.Y. (New York City Chapter).

Feedback from chapters to the Public Information Committee which promoted endorsement of the association for the Art

Poster Contest indicated that those who took active part in the promotion found the task rewarding.

As a break from approaching school districts on legal matters (Committee on the Handicapped) and financial matters (budgeting for special instruction of the mentally retarded) this societal enterprise was appealing to a different but important faction of the public within the school system — future citizens.

Poster contests abound in schools all during the school year. The students who took the time to think about our mental retardation themes responded with commendable insights.

Assistant Commissioner of Education Louis Grumet introduced the Art Poster Contest with an explanatory letter to all school districts.

YOUTH ARC assisted in the display arrangement at convention.

Local chapters followed up by arranging acclaim for the winners and students who received Honorable Mention status. Emphasis was on recognition from the winner's peer group.

2,000 Institution workers retrained

State and union officials announced a \$93,086 grant to retain therapy aides whose jobs are jeopardized by the transfer from institutions of mentally retarded and developmentally disabled patients.

About 2,000 of 17,825 mental hygiene therapy aides in the Mental Retardation Office will undergo retraining to prepare them to care for patients transferred to community-based programs and intermediate care facilities.

The grant, from the Continuity of Employment Sub-committee, was made public by Employee Relations Director Meyer Frucher, Civil Service Employees Association (CSEA) President William

McGowan and Mental Retardation Commissioner James Intron. CSEA represents the therapy aides who work at 30 developmental centers.

Retraining for 180 workers has started, and additional training workshops are planned around the state, including at Albany and Ballston Spa.

The project developed from a labor-management panel dealing with long-range employment problems in state service. It is a result of a Carey administration policy of moving retarded and developmentally disabled residents from large institutions into community

treatment programs and small residences.

By April, the agency will have 2,400 more "care providers" in community-based jobs than a year earlier.

Intron said the retraining program is expected to reduce the turnover rate for employees, boost staff morale and improve client services.

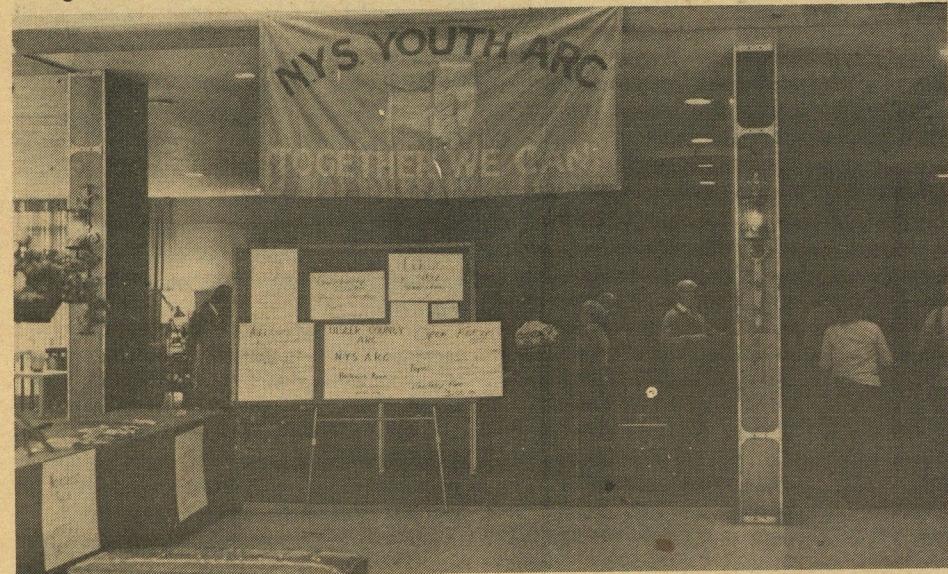
The Continuity of Employment Sub-committee, headed by Rodney Dennis, has been in operation as a joint labor-management panel since 1976. It is under the year-old committee on the Work Environment and Productivity, run by CSEA and the state.



The Chemung County Display area, begins to wind down after doing a brisk business throughout the Convention.



Master of Ceremonies, Lewis Kirschner, addresses the assembled delegates at the Tuesday night wrap-up.

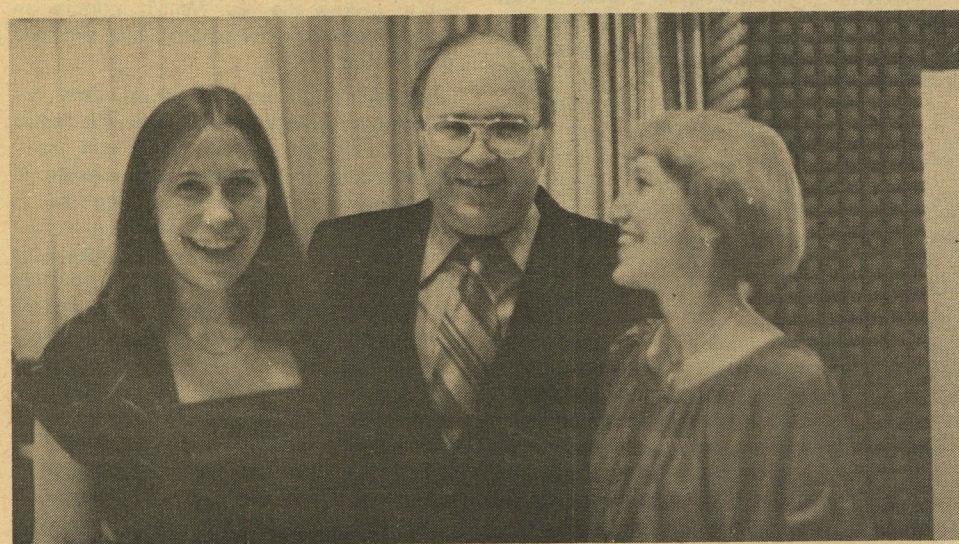


With the YOUTH Banner waving overhead, our Executive Director is having a conversation with either a very thin person or a past.

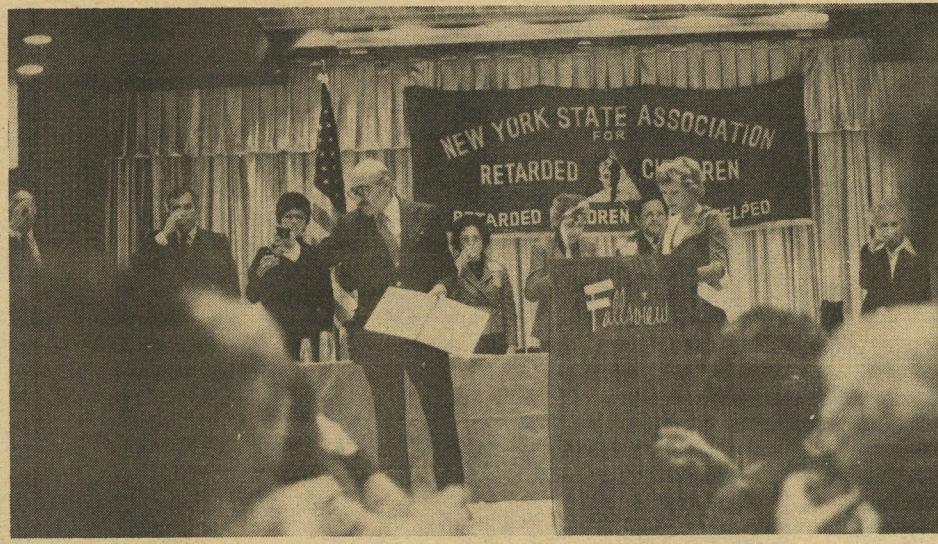


President Ellie Pattison prepares to present the Jonathan Weingold Scholarship Award to Joseph T. Weingold.

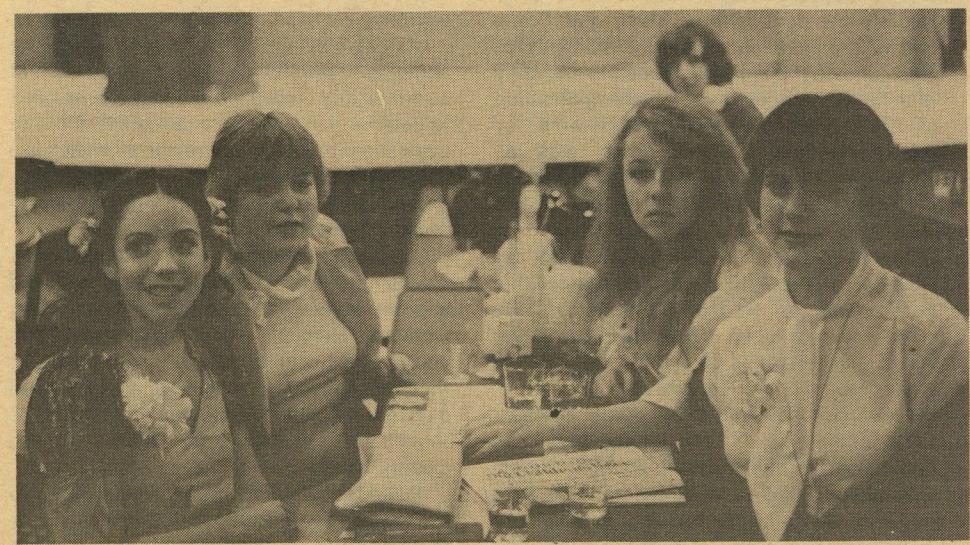
SEEN AT THE 1980 STATE CONVENTION



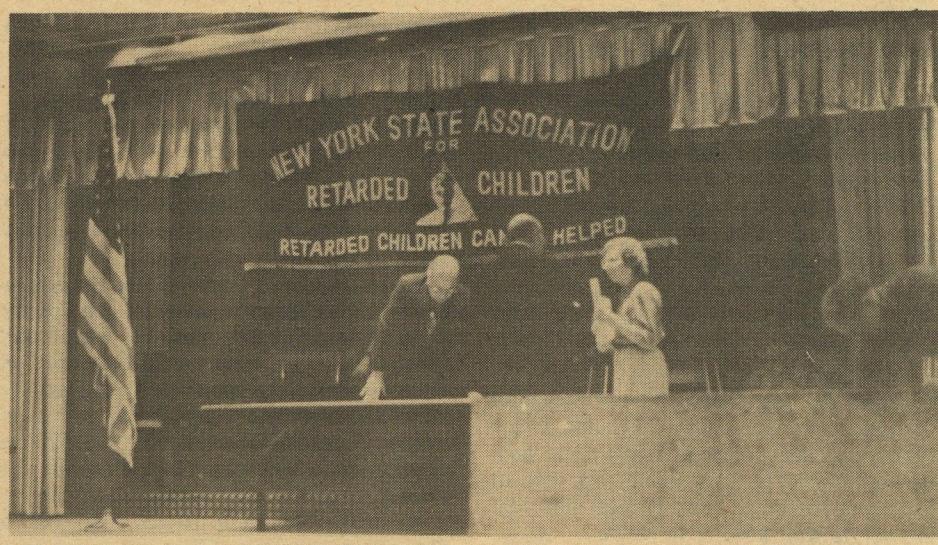
Our newly minted Executive Director, John Bertrand finally smiles, flanked by daughter, Sue (left) and wife, Carol.



An award in one hand, J. T. Weingold raises his glass in a salute to the membership that is joining in a "Good Health" toast to him.



By Tuesday evening, it had been a long haul, as evidenced by some of the eyelids of our YOUTH representatives. Advisor, Kathy Baker mother-hens the group in the background.



Some things never change! While Ruth Bennett tries to convince J. T. Weingold that we should have 25 year pins for Board Members, John Bertrand prepares to clamber up on a table and rescue our banner before the workmen get it.

CHAPTER NEWS

Our newest Chapter will lead off this issue of Chapter News, as we share with the J. N. ADAM DEVELOPMENTAL CENTER Chapter pleasure in knowing the facility will not close in April 1981, as had been originally announced but will remain open to serve the residents there...

We are delighted to see that SCHENECTADY County Chapter has materials available in the Hand-To-Hand Shop in the Empire State Plaza. Most recently they have added plants from their Pine Ridge Green House...

NASSAU County Chapter drew about 10,000 people to its seventh Annual AHRC Horse Show, another of the many fine events sponsored by our largest chapter. They also recently opened another beautiful Community Residence in Merrick...

Congratulations to the youngsters in the Education Satelites of our ERIE County Chapter. This year, they raised \$713 for the March of Dimes in a mini walk. This was the fifth consecutive year the youngsters have participated...

HERKIMER County Chapter had a good time this past summer, sponsoring a seminar on the handicapped featuring Dorothy and Robert Debolt. The Debols are nationally famous for having 14 adopted children, most of them with physical or emotional handicap. In a good fund raiser, the Chapter recently held a fund raising Polka Party. Over 200 people danced while ARC members cooked and sold Kielbasa and Sauerkraut and added a fifty-fifty raffle for fun and excitement. A good way to spend a Sunday...

SARATOGA County Chapter has just recently approved the leasing of a 12 thousand square foot building to house their day treatment program. Glad to know that programs are expanding in SARATOGA...

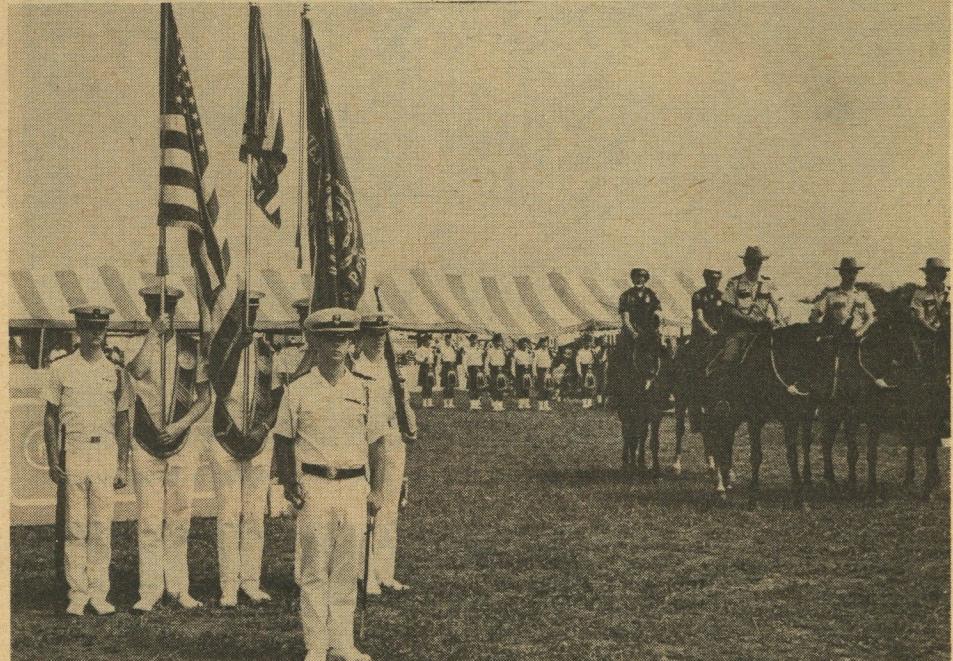
Music Jamboree sponsored by Donna Lynn, a local musician. Over \$525 was raised to help the chapter at this event. We certainly thank Miss Lynn for her efforts...

Congratulations to WELFARE LEAGUE - LETCHWORTH VILLAGE Chapter on the occasion of its 41st Annual Luncheon held at the New York Hilton Hotel on November 15. They also held a Flea Market on October 5, at which they expected over 100 vendors.

ONEIDA County writes to say that the Community Residence has opened its first supervised apartment, and expects that three more will be opened by the end of 1980, and three more by the end of 1981. The Ladies Auxiliary has opened a Thrift Store in the chapter's building offering a wide variety of clothing and household goods at reduced prices, and finally, that their fantastic glass recycling operation continues to expand and is now averaging 30 tons per week of recycled glass...

ULSTER County ARC, wonderful hosts at our recent State Convention were very pleased to know that their Educational Program is going to be moved to the Marble Town Elementary School for 1981. This will move the children in ULSTER County's Education Program into the most outstanding building that they have had. We are delighted with the progress in ULSTER County, and cannot close without thanking Blanches Dance Studio of Kingston that gave a recital on behalf of the chapter which earned \$1,000 for them...

Speaking of raising \$1,000 we send thanks to 16 members of the McQuaid High School cross county team in MONROE County who ran a 25 hour relay from 5 p.m. one day till 6 p.m. the next at Brighton High School raising more than a \$1,000 for MONROE County Chapter. There was a wonderful write up about their 22nd Annual Dinner Meeting attended by about 300



The Color Guard from the United States Maritime Academy, together with the Nassau County Mounted Patrol, were part of the stirring opening ceremony for this year's Grand Prix at the Great AHRC Horse Show. The ten-thousand dollar event was sponsored by the Nassau Downs OTB and was part of a forty-five thousand dollar purse which attracted some of America's best known champion horses and riders as well as members of the American Equestrian Team and Olympic medalists.

pool for summer recreation. We look forward to its' opening in late 1980 or early 1981 to serve these special children."

SCHOHARIE County Chapter writes to say: After many years of planning and program development, the Schoharie Chapter is moving forward under the Directorship of Ira Gelinson, who was formerly the Assistant Executive Director of the Sullivan County Chapter.

On August 4, 1980 the Chapter opened its Day Treatment Program and as of the date of this publication, has a client population of 40. During the first week of September the Chapter completed the renovations of its West Main Street Community Residence in Cobleskill and developed 4 Supervised Apartments to Supportive Apartments.

The month of September was a big one for the Workshop as well. Renovations began on the main Workshop and Administration building plus the new construction of an additional 5,400 square feet. This space is dearly needed as there has been a recent increase in client population and the acquiring of some large, long term contracts.

Last but not least, on October 6, 1980, the Workshop moved to a recently renovated Grand Union building under OMR-DD's leased space program. This recent move allows for the appropriate development of both the Day Treatment and Workshop Programs. Schoharie Chapter is on the move...

SULLIVAN County Chapter has had a very busy Fall season thus far. A "Polka Dance Benefit" was held and all who attended are now Jimmy Sturr and Polka enthusiasts! The first annual Blood Drive was run with very positive results and they also hosted a Special one evening showing of "Best Boy", at a local theatre for members and friends, which was an educational gathering and a great social event, as a result of the pre-show champagne hour!..

LIVINGSTON + WYOMING County Chapter of the A.R.C. has announced the relocation of Hilltop Industries, its sheltered workshop from Warsaw to Mt. Morris, where it is being housed with its Livingston County counterpart.

Since fire destroyed the South Warsaw facility in January 1980, Hilltop had been operating in the former ACME Supermarket building in Warsaw, renting on a monthly basis while looking for a more suitable location. According to the Executive Director, James Wadsworth, the recent move was precipitated by the

landlord of the ACME building having found a tenant able to sign a long-term lease. "The search for an alternative location is still continuing," said Wadsworth, "but in the interim, Wyoming County clients are receiving services at the Mt. Morris facility."

The move was completed on September 5th, at which time a normal work schedule was resumed. The relocation has caused some temporary setbacks according to Al Schneider, Director of Workshop Services, but it will also afford the Wyoming County clients with new work training experiences in light assembly and packaging work, while giving the Mt. Morris clients an opportunity to learn graphic arts and food processing.

Longer distance and travel time for Wyoming County clients are hardships caused by the move. These, in turn, commented Wadsworth, will result in increased transportation costs to Wyoming County...

This writer remembers when he paid his first visit to Columbia County to help organize a chapter. Hard to believe that in September they had their 15th anniversary dinner. A really great milestone. Also celebrating an anniversary of sorts was Executive Director, Carol Anderson, who commented in their Fall newsletter that she was marking her 2nd anniversary with the Chapter...

BROOME - TIOGA County Chapter indicates that they have 166 people actively involved in their program as of September 1980, a far cry from the days when we all fit in one or two classrooms!..

CORTLAND County Chapter is enjoying some good publicity over their 14th annual summer day camp, which also seems hard to believe, and their first supportive living apartments. Since starting with the community residence a few years back, Cortland is certainly beginning an expansion move...

CLINTON County delighted that the mayor of the city of Plattsburgh was kind enough to issue a proclamation naming October "Hire the Handicap Month". This county has certainly put the mayor's thoughts into action because we have had outstanding nominees in our "Employer of the Year" competition from Clinton County every year...

ALBANY County Chapter is delighted to be taking over additional floors in their present building at 155 Washington Avenue in Albany to assist an additional 50 clients in that community...



Chuck Valder, home service aide, gives instruction on basic self care techniques such as tying shoe laces, in Ontario County's Program.

MADISON County Members smiling ear to ear as they too have just received the go ahead to enter a new facility to better serve their clients...

ST. LAWRENCE County ARC starting out in all kinds of new fund raising directions after having been rejected by the ST. LAWRENCE United Fund. It was difficult to believe the editorial in one local paper that suggested that, even though the United Fund had cavalierly tossed our Chapter out, we should be very careful with our fund raising so it wouldn't hurt the United Way efforts. I think the gentlemen in charge of American forces at Bastogne in World War II had the best answer to that kind of thinking...

YATES County Chapter had more than 200 people attending a special County

people who honored Mr. Joseph T. Weingold, outgoing Executive Director of the New York State ARC. We have to love MONROE County Chapter for putting a copy of the ARC Christmas Card brochure in each of their October News letters, bless you...

From FULTON County Chapter comes the following message: The Fulton County Chapter is in the process of completing renovations on a home that will be used as a residential Intermediate Care Facility for three multiply disabled children who are from the community and from Wilton Developmental Center. These children will attend area special education schools.

According to Paul Nigra, FULTON's Executive Director, "This residence is a ranch type home, totally wheelchair accessible with its own inground swimming

.... What our Chapters are doing for our children and adults



William F. May (2nd from left), Board Chairman of American Can Company, is presented with the 1980 Distinguished Service Award of the New York City Chapter by Irene Platt, AHRC president, and Richard R. Shinn, Board Chairman of Metropolitan Life Insurance Company, who served as dinner chairman, as Michael Goldfarb, (right) AHRC executive director, looks on during testimonial dinner honoring Mr. May held at the Waldorf - Astoria Hotel.

ESSEX County Chapter is hoping to build a new residence for geriatrics. Their previous facility burned in April of this year. It looks like a difficult road, but Essex has always been up to a challenge...

LEWIS County Chapter is pleased to welcome new executive director, Gary Wolcott...

CHENANGO County Chapter's workshop has been expanding their programs by the addition of college students working with the clients. It seems to have worked very well for everyone...

Hats off to the Board of the NIAGARA County Chapter who in a review by the President, were credited with helping the following:

1. A successful Swim-A-Thon, due to the work of the Fundraising Chairman (Vivian Loughrey) and staff.
2. An agreement of cooperation was signed with CVRC.
3. Open House at both the Workshop and Day Treatment buildings.
4. The Community Residence program was re-certified.
5. We saw the cafeteria open and that means hot lunches for our clients.
6. Plans are formulated for an educational conference in the fall.
7. We now have seven Community Residences, four in Lockport (one semi-independent apartments) and three in Niagara Falls.
8. A beautification project approved to improve sites at Cambria, 1555 3rd and 1755 3rd Avenue.
9. Board approved five year plan as recommended by staff:
 - a. Early intervention - pre natal
 - b. Satellite in Lockport
 - c. Vocational Evaluation Program expansion
 - d. Grants - mini computers for agency
 - e. Clinic Program
10. Celebrated our 25th Anniversary at the Annual Dinner.
11. Board approved paving a turn around for NFA buses in front of the workshop building...

GREENE County Chapter to be congratulated on their newsletter format, an excellent name for it, "The Greene Tree"...

RENSSELAER County Chapter reports a great deal of interest and activity as the result of the formation of a religious involvement committee. This Committee was originally organized to help plan for the Sabbath-Sunday Observances. In addition to activities related to this

Statewide event, the Committee has been working in two major areas: development of religious education programs for retarded children, adolescents and adults and increasing awareness among people of various denominations regarding community acceptance for mentally retarded people. Two members of the Rensselaer ARC Board of Directors, who happen also to be ministers, Reverend Donald



Rensselaer ARC trainees Margaret Roarke and Roberta Duke and staff member Ed Martin working on production line of new apple processing contract.

Pangburn and Reverend Robert Mursch, are heading the group. Other members of the religious involvement committee include representatives of most major religious denominations in the Troy area as well as two Staff members from the Rensselaer ARC.

Among the newer contract areas to be developed by our Sheltered Workshops is an apple processing contract, which will be performed by the Rensselaer ARC. Under this contract trainees of the ARC's Riverside Enterprises will use elaborate mechanical equipment to peel, core and slice apples, which will then be packed and distributed to State facilities throughout the Capital District, Hudson Valley and Mohawk Valley areas. This contract was developed by Rensselaer Contract

Procurement Specialist Craig Fawcett. The initial implementation of the program was a big success and Fawcett reports that the ARC is now looking for expanded business with local bakeries, hospitals, food distributorships, etc...

PUTNAM County Chapter up to having fun, sponsored by their 8th Annual Golf Outing this summer; we hope it was fantastically successful...

We join WAYNE County Chapter in thanking Mr. Ronald Fillmore, investigator for the Wayne County Sheriff's Department, who has secured many items at the chapter's educational center through his own generosity or for spreading the word of "need" to others. Among the items he acquired were chairs for the director's office, a jacuzzi whirlpool apparatus to be used for therapy purposes, toys and rocking chairs and he was part of a group who jointly purchased a child-sized wheelchair. As the chapter newsletter says, "Ronald Fillmore is a fine friend to have!"...

WEST SENECA Developmental Center Chapter sponsors a summer picnic in honor of some of their state senators and assemblymen, with the Board of Visitors of West Seneca D.C. picking up the tab for the affair. It was a really grand idea and produced a bevy of politicians at West Seneca...

Congratulations to Jean and Jerry Black of Middletown who were presented with the Middletown Lions Club's "Humanitarian of the Year Award" for their work over many years with the ORANGE County Chapter of the Association...

Every year the ALLEGANY County Chapter is the lucky beneficiary of the Allegany County Sports Dinner sponsored by old time board member, Charles Shine. This year their banquet guests were Buffalo Jill's Cheerleaders and based on the pictures in the newspaper, I would guess they should have had the best turn out ever...

One of the fastest growing programs of the ONTARIO County Chapter is the Home Service Program. This is a free service provided to the developmentally disabled and their families living in the County.

Regularly scheduled visits are often set up for a family with one of the Home Service Aides. These Aides do a variety of activities with the clients from providing babysitting services to instruction in budgeting, meal planning and preparation, personal hygiene, telephone skills, shopping skills and community awareness.

Training for Home Service Aides is constantly being reviewed so that Aides are aware of the newest techniques and methods for dealing with the special problems of our clientele. A portion of this training is done using the resources available through other agencies such as United Cerebral Palsy.

The Ontario County Chapter is looking forward to its rapid expansion and to serving more persons in our area in the future.

Finally, almost at the end of our chapter alphabet, last in this current column of chapter news but first in our hearts, WESTCHESTER County Chapter writes to say that Bano Warriors, a basketball team composed of trainees at Westchester ARC had a thrill when, in October, they played an exhibition game against the ABC-TV Eyewitness News All Stars. With more than 300 spectators crowding the gym in Greenburgh, N.Y., the teams played to a tie score and after a five minute overtime, tied again for a final score of 46-46. The game against the All Stars was sponsored by the Northern Westchester, Mid-Hudson, Yonkers and Port Chester leagues and YOUTH ARC and raised over \$1700 to benefit agency programs.

Tuna Club raises

\$3,000 for Suffolk

Over \$3,000 was raised for the Suffolk Chapter of the Association for the Help of Retarded Children (AHRC) at the 1980 Babylon Invitational Tournament sponsored by the Babylon Tuna Club recently. As in previous years, all fish caught became the property of the tournament and was auctioned off at the Babylon Town Dock.

Tina Salvo, President of the Babylon Auxiliary was on hand to collect the money as customers paid reasonable prices for fresh tuna, shark and bluefish.

The Tournament captured the flavor of a waterfront festival, complete with music by the Long Island Banjo Society and a skydiving show. Tasty refreshments were also served.

This year's event included a Saturday night sit-down clambake under tents on the dock, attended by 600 people.

Eighty-three boats of five men each went after tuna, shark and marlin. The largest fish caught was a 537-pound shark. The largest tuna weighed 210 pounds. Among the fish caught were two macos, one dolphin fish, a king mackerel and a bonita.

The event has attracted more and more fish customers over the years and this year additional fish were donated by fisheries in Rhode Island and Long Island.

Frank Rodrigues of Lynbrook and Harry Bowman, Jr. of Copiague generously contributed their time and skill on both days, cleaning and cutting the fish into fillets and steaks.

Marine scientist, Chuck Stillman and his assistant Nancy Kohler of the Oceanic Gamefish Task of the National Marine Fishery Service, came from Narragansett, Rhode Island to collect and study the stomachs of the giant fish caught. They patiently explained their work to adults and children as they expanded the fish stomachs to capacity with water and measured them. Their data and specimens are used to study the food habits of shark, tuna, bill fish and swordfish.

"Suffolk AHRC is grateful to the Babylon Tuna Club for their continued support and to Tournament Chairman Jack O'Loughlin, Fish Auction Chairman Jim Parker and all the other volunteers who made this an outstanding community event," said Robert Sansone, Executive Director of Suffolk AHRC.

Wilton groundbreaking

Saratoga County Chapter broke ground recently for the construction of a new home to house the ARC's Day Treatment Program in Wilton.

Located on Route 9, about three miles north of the Saratoga Springs city line, it will become home of the program presently housed at 288 Milton Ave., Ballston Spa. The new building will be a structure of 25,000 square feet.

The ARC staff have identified nearly 90 developmentally disabled individuals who are in need of health care intervention services, but who are not so severely disabled as to require institutionalization. The Day Treatment Program is aimed at fulfilling those needs.

Funding for the program will come from Title XIX of the Federal Social Security Act, as administered by various state and county agencies. It is a Medicaid program with the added consideration that there is no local share in terms of county tax dollars. The program currently serves 34 people at the Ballston Spa location and will be expanded to serve nearly 90 at the new location. Opening the center will create approximately 20 new jobs in the area.

The ARC will continue to operate its Sheltered Workshop at the Ballston Spa location, according to Karl Klein of the ARC staff.

ARC Legislative Program, from Page 1

Interest On Mortgage Loans

3. Provision that interest on mortgage loans made by voluntary agencies for acquisition, construction or remodelling of facilities be a reimbursable item even when state has made 1-3rd contribution for construction.

Construction Aid

4. Provision that state funding of construction or acquisition of facilities for the mentally retarded by voluntary agencies be on the basis of $\frac{1}{2}$ of the cost, instead of the present 1-3rd, or on parity with facilities for the de-institutionalized, whichever is greater.

C. EDUCATION

1. Children — Instruction for handicapped children from the age of 3. We heartily endorse the position of the Board of Regents requiring Boards of Education to provide instruction for handicapped children from the age of 3 and even on a 12 month basis.

We have some caveats, however. We feel that the jurisdiction of the family courts should not be entirely removed until there has been at least a 5-year trial period to see what the local school districts will be doing with this law. We have seen many laws passed without proper implementation and fear this might be the case since the cost will run high. We suggest, therefore, that there be concurrent jurisdiction over the education and other services for handicapped children from 3 to 5 by the family court for a period of 5-years. Of course, the jurisdiction of the family courts must be retained for those under 3.

Transportation over 21

2. Provision that school districts be permitted to transport persons over 21 years of age to and from rehabilitation facilities.

Composition of COH's

3. That the number of members of Committees on the Handicapped shall not be less than 7 nor more than 9, of whom no fewer than 3 shall be parents of children with handicapping conditions, one of whom is parent of a child not placed within the local school district classes.

Arbitration of Disputes

4. That if the parents of a handicapped child and the Committee on the Handicapped cannot agree on the program for the child, the disagreement shall be resolved by an impartial arbitrator who shall be chosen by the parents and the school administrator; if they cannot agree on the choice of the arbitrator, each shall choose one arbitrator and the two so chosen shall choose a third; in this process of choice, the parents shall have access to the qualifications of the proposed arbitrators.

School Districts

5. Mandate that all school districts have Local COH's in every school building in the district having programs for the handicapped.

D. VOCATIONAL REHABILITATION

Vocational Rehabilitation out of Education

1. Provision that the Office of Vocational Rehabilitation be transferred from the Department of Education to the Executive Department.

Committee on Vocational Rehabilitation — Regents

2. That the Board of Regents shall establish a Committee on Vocational Rehabilitation - Regents.

SEP Funds

3. All Vocational Rehabilitation programs, including SEP, be funded on a "Fee-For-Service Basis".

E. OTHER MATTERS

Life Insurance

1. Provision that life insurance companies may not refuse to insure the lives of mentally retarded persons on the sole ground of mental retardation.

Repeal of Site Selection Law

2. Repeal all site selection laws except that part that prohibits restrictive zoning.

3. Question the Legislative leadership on recodification of the Mental Retardation Law, mandated in 1977.

RESOLUTIONS:

Resolved That the New York State Association for Retarded Children, Inc. assembled in convention at the Fallsview Hotel, Ellenville, New York, November 9-12, 1980, express its appreciation to the Ulster County Chapter of the Association, its Officers, Directors and Committees, for their excellent arrangements, organization and generous hospitality.

Resolved Whereas the Legal and Legislative Committee is in the process of submitting proposed legislation to the Legislator for action; therefore, be it resolved that this Association actively supports the legislative program adopted at this Convention, and urges its members to communicate this support to their Representatives in the New York State Legislative and to the Governor.

Resolved That an immediate moratorium be placed on admissions to Bronx Developmental Center until such time as all safety hazards have been corrected and staff ratios are at a level to assure quality care provided by trained staff consistent with client needs.

That there be restoration of all budgetary lines relating to workers who have served community clients at the levels of April 1975.

That there be community access to Bronx Developmental Services programs and clinics, with transportation provided.

That there be a continuation of community use of the Bronx Developmental Center facility by all programs that are currently housed there and have been in the past and that every effort be made to increase community use of the building.

That a task force representative of consumers and professionals be established to monitor the implementation of the above four resolutions.

Resolved That in order to establish the equitable and uniform treatment of all institutionalized persons, whether in correctional facilities, facilities for the mentally ill or facilities for the mentally retarded with regard to Social Security, Supplemental Security Income or personal funds; either, all institutionalized persons should be charged maintenance or all institutionalized persons should have the above funds available for their personal use while residents of an institution or upon their movement into the community.

Resolved That the New York State Association for Retarded Children advise Federal Judge Bartels of our support for a two-year extension of the Willowbrook Consent Decree, subject to reconstitution of the Panel so that it is comprised of representatives from New York State and subject to evaluation of current Willowbrook residents, by an independent authority, to determine appropriate community placement.

Resolved That the New York State Association for Retarded Children strongly disapproves the establishment of the Division for Youth Secure Facility at Harlem Valley until all retarded residents have been relocated in appropriate settings and the Westchester Developmental Center at Wingdale has been completely phased out.

Whereas the United Nations has proclaimed 1981 as International Year of Disabled Persons, and

Whereas the United States Council has been formed to promote, through community commitment, "full participation and equality" for persons who are disabled, and

Whereas the formulation of action-oriented programs and the development of partnerships within the community between persons with and without disabilities, should facilitate the integration of persons with disabilities in our society, and

Whereas the effects of the observance of International Year of Disabled Persons should benefit persons who are mentally retarded, therefore be it

Resolved That the New York State Association for Retarded Children, Inc. supports the world-wide objective of the United Nations to establish goals and programs that will enrich the lives of people who are disabled, and supports the aims of the United States Council both to fully integrate such people into community life, and to sharpen public awareness of the problems and needs of persons with disabilities and be it further

Resolved That the New York State Association For Retarded Children foster the United States Council concept of partnership-building at state and local levels by formulating projects designed to achieve promoting participation by all of its chapters throughout the state.

Resolved That the Association record with deep sorrow the passing of:

Julian Banner, former member, Board of Governors, New York City Chapter,
Jack Hoadley, former member, Board of Governors, Cayuga County.

E. Allen Mapes, former member, Board of Governors, Alleghany County,
John McManus, former member, Board of Governors, Orange County.

Their many years of devoted services to the causes of mental retardation was greatly appreciated and will always be remembered.

Resolved That the Association adjourn this meeting in memory of all those so named, and that the Secretary send a copy of this Resolution to the respective families.

Program for Jewish retarded

Every Friday evening just before sunset, a small group of mentally retarded adults are ushered into the 92nd Street Y for their weekly HAVURAH (Jewish friendship group).

Led by Michael Gorelick, the Havurah observes the Sabbath with the traditional candlelighting, Kiddush and meal.

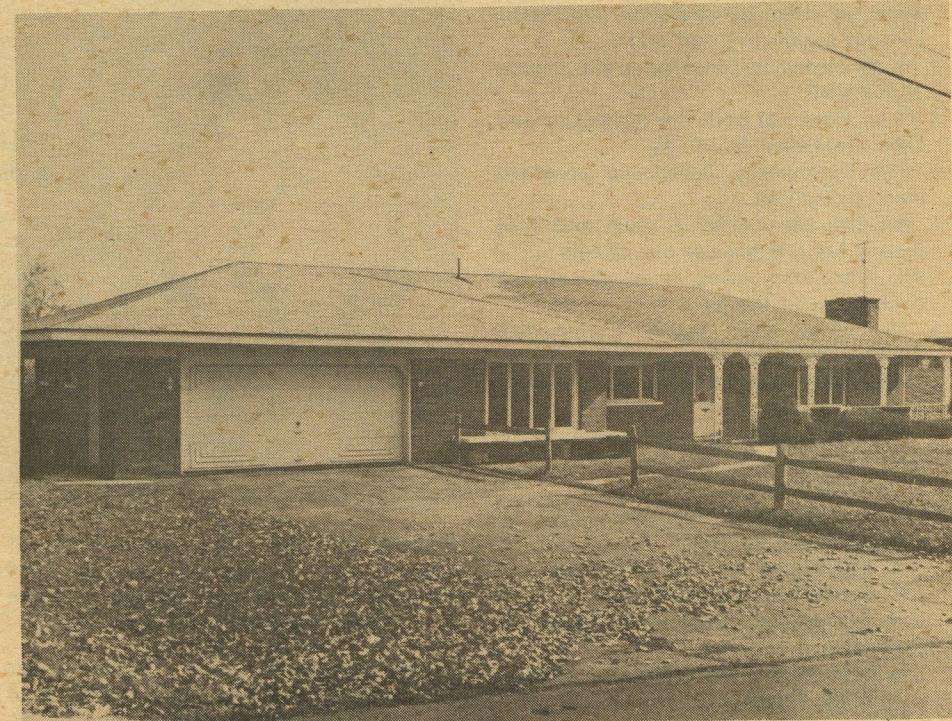
This program for severely retarded adults is designed to promote socialization skills, daily living skills, such as eating, dressing, conversation, and emotional experience of Judaism. This group is run as part of the Jewish Education Program for Children and Adults with Special Needs, which is made possible in part by a special grant from the Federation of Jewish Philanthropies.

Led by special Jewish education teacher Judith Fagin, the goal of this program is to provide educable mentally retarded adults with an opportunity to learn the history, traditions and values of Jewish life and share in the identity and activities of the Jewish community at a pace appropriate to their capabilities.

The Jewish Education Program for Children with Learning Disabilities is designed to provide the learning disabled children with an introduction to Judaism by studying the holidays, traditions, symbols, songs, history, culture and folklore of the Jewish people. A variety of tools such as music, dance, art and stories will be used as vehicles for learning.

An interview is required of all prospective participants. Call for an appointment with the Director of Jewish Education Programs for children and Adults with Special Needs at 212-427-6000, ext. 179.

Scholarship assistance is available for all programs since the goal of the 92nd Street Y, 1395 Lexington Avenue New York 10028. It is possible to arrange for transportation for participants in the two programs for mentally retarded adults.



Lexington Center's new Children's Residence, Johnstown, N.Y. This special residential Intermediate Care Facility will house three multiply disabled children in late 1980 or early 1981.

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Special Olympics are Albany teacher's triumph

Dorothy B. Phillips began her teaching career in 1930 when a teacher in her field of education was told to keep her pupils quiet and out of the way of the rest of the school.

Mrs. Phillips was one of the first teachers to enter the fledgling field of special education - teaching mentally disabled children — and in the 1930s society's attitude toward mentally disabled children was to keep them isolated and separated from their "normal" peers. Time helped change that attitude. So has Dorothy B. Phillips.

This year Mrs. Phillips celebrates 50 years of work with mentally disabled children — as a teacher for about 30 years, then as an administrator of special education programs with the state Department of Education.

But there's another milestone that is more important to Mrs. Phillips. This is the tenth anniversary of the New York Special Olympics, the volunteer organization which she founded and has presided over since its beginning. And it's the Special Olympics that Mrs. Phillips says has done so much to change people's attitudes toward the mentally disabled.

"Public attitudes have changed because of the visibility of programs like the Special Olympics," she says. "Laws have changed and there's more research being done. Before the games, there was no adequate physical and recreational training for the handicapped. Now the games are the culmination of a year-long program of training. People never thought the mentally handicapped could learn to do the things they do."

Mrs. Phillips, an Albany resident, will be honored October 4 as the state's Special Olympics volunteer of the year, at the organization's fall workshop in Cortland. She has won numerous other awards for her work with the group.

Mrs. Phillips' involvement with the games the mentally disabled participate in began in the spring of 1969 when she returned to her Education Department office from a field trip. She found a notice on her desk announcing that the first regional Special Olympic Games were to be held in Boston. There had been only one such sporting event before, a track and field meet for mentally disabled children organized by Eunice Kennedy Shriver and held in Chicago the year before.

New York had not sent anybody to the Chicago games. But when Mrs. Phillips read about the games, she decided New York should become involved. Three months and hundreds of phone calls to volunteers and teachers of the disabled later, 80 children boarded buses for Boston to take part in the games.

The following year the New York Special Olympics was incorporated as a non-profit, volunteer organization, and found the sponsors to support it and elected Dorothy Phillips as its president. The program has grown every year and is now the largest Special Olympics chapter in the United States and has the backing of some of the biggest corporations in the country.

The state Education Department has been a sponsor of the organization since its beginnings and two years ago the Special Olympics became a unit of the department. Mrs. Phillips, with the title of Associate in Education of the Handicapped and Coordinator of the Special Olympics Unit, works both as a state employee and as a volunteer for the Olympics organization.

"Actually, there are moments when I'm astonished and amazed at the growth of the program and the appeal it has had in this state," Mrs. Phillips says. "The progress has been just phenomenal. Wherever I go now, all people talk about is the Olympics. Ten years ago this just wasn't true."

The Special Olympics structure consists of local training programs, area games, state games and, every four years, international games. Participants compete in such events as Frisbee throwing, floor hockey and wheelchair events, as well as the more traditional sports such as swimming, gymnastics and track and field.

So what are the benefits for mentally disabled people of all this exertion?

"It opens up a whole new world to handicapped people," Mrs. Phillips says, "They're exposed to a new world of transportation by traveling to the games. They learn about the area they're going to. It opens up a lot of new avenues for their teachers to explore with them before they even set off. And when they arrive, they mix and make friends."

There are the obvious benefits of physical fitness, too. Mrs. Phillips says the training programs have been beneficial in controlling obesity usually found in children with Down's Syndrome. She says she was always aware of the need for physical recreation and education for the handicapped from the time she graduated from Geneseo State University to enter the world of the old attitudes toward education of the mentally handicapped.

Mrs. Phillips became interested in special education with the school's dean addressed the assembly one day and told the students about the "new field that was opening up", Mrs. Phillips recalls. "I always wanted to be something more than a regular school teacher, so I decided right then that special education was what I wanted to do. It was exciting for us to feel that we could be part of it."

Mrs. Phillips spent her teaching career in Hornell and Kingston before coming to Albany to join the Education Department. While a teacher, she was also active in the Campfire Girls and the Girl Scouts, encouraging mentally disturbed children to join the groups.

But regardless of the changing attitudes toward the disabled, Mrs. Phillips says some of the old feelings still linger. "It's difficult for some people still to fully appreciate the worth of a handicapped individual," she says. "Some still have the feeling, a vestige of old societal attitudes, of why we are spending so much money and so much time on these children. When I was teaching, I always felt handicapped children had the ability or I wouldn't have been there teaching them. I always felt they could do more. That's what the Special Olympics says to them. It says, 'You can!'"

Cortlandt goes to court

A state Supreme Court justice has issued a temporary restraining order barring a state agency from making any attempt to acquire a proposed group home site, a move Cortlandt has gone to court to block, according to town attorney Frank Ryan.

Justice Vincent Guraian issued a temporary restraining order barring the state Office of Mental Retardation and Developmental Disabilities from taking any steps to purchase, rent or lease the house at 106 Watch Hill Road which the OMRD has proposed for use as a group home for mentally retarded adults, Ryan said.

Guraian also ordered a representative of the state to appear in court to show cause why the restraining order should not be made permanent, Ryan said.

Cortlandt filed suit in the state Supreme Court last week, challenging the decision by OMRD Commissioner James Introne to override Cortlandt's objections to the site.

Ryan said that he was pleased with the decision, adding, "It's very rare for a restraining order to be issued against the state."

Suffolk gala



MARY JO IOVINO, SUFFOLK ARC FINANCIAL SECRETARY AND JOSEPH T. WEINGOLD HONORING SANSONE.

Chapter honors Sansone

In June, 1952, Robert M. Sansone accepted his first position working with the mentally retarded in Staten Island. This is a position that led to a lifetime of dedicated service to the handicapped.

Twenty-five years later, on July 12th, more than 200 friends gathered at Bohemia, in Suffolk County, to celebrate that silver anniversary to honor Bob Sansone, Executive Director of the Suffolk County Chapter.

Accompanied by his wife, Susan, Sansone was momentarily stunned by the unexpected tribute, and by the size of the gathering — "Our gathering tonight is to acknowledge the impact you have had on so many lives — children, parents, teachers, administrators, legislators," Mary Jo Iovino, AHRC's Financial Secretary of Suffolk, explained to Sansone as he made his entrance.

Sansone began his career at Willowbrook State School where he organized and instructed programs in occupational therapy for educable young adults; taught young trainable children, and developed offset photography printing programs for educable young adults. Some of these former students now attend the

workshop programs at Suffolk AHRC.

In 1960, he was appointed director of the occupational day center at the N.Y.C. Chapter. He and a colleague, Arnold Cortozzo, are credited with developing a comprehensive travel training program, which became one of the most fruitful aspects of the day program.

Two years later, he joined the staff of the Education Center of the Nassau AHRC, under Helen Kaplan, as a certified school principal, directing the AHRC school programs on a county-wide basis.

Prior to accepting his position with AHRC in 1971, he was Associate Program Analyst for the N.Y.S. Dept. of Mental Hygiene.

At Suffolk, he developed one of the first Early Intervention Programs in the state and under his leadership, the Chapter has grown into one of the largest, providing the most comprehensive services.

In addressing his guests, Sansone thanked everyone; acknowledging the many people he said contributed to his career. He especially recognized Helen Kaplan, Jerry Weingold and Harriet Zeigler, who he said were most influential in shaping his career.

SS representative payee rights reaffirmed

Some of our readers may recall the dispute between the Federal and State Government as to how much of the benefits received by a person in an institution may be used for institutional care and how much may be retained by the resident.

It was the contention of HHS and the Federal Government that all but \$28.50 - both of SSI and Social Security — must go to the institution.

The State, through OMR-DD and the

ARC, however, contended that this did not apply to Social Security and that the Representative Payee or the client may retain what is necessary for visiting, clothes, vacations, etc. . .

We are happy to report, from a letter by Jim Introne, this issue has been resolved in favor of the contention of OMR-DD and this Association.

Those clients receiving Social Security (not SSI) are not subject to the rule that all but \$28.50 must go to the state.

University of Buffalo study

State moved residents to community homes too fast

A study of the state's residence program for the mentally retarded says poor planning resulted in arrangements that often fail to meet the needs of the retarded, despite providing generally good care.

In the study, Dr. Barry S. Willer, assistant professor of psychology at the State University of New York at Buffalo, says the state proceeded too fast in moving the retarded from institutions into the community, a process known as deinstitutionalization.

He says that resulted in programs that vary in quality and are deficient in "training new skills or assisting in the behavioral adjustment of residents."

Dr. Willer said that one of the most damaging results of the state's program was that a large "unheard-of" number of retarded were returned to their families, where they receive almost no help or training from the state.

"That population of retarded children has been hurt by deinstitutionalization," he said. "I see those families suffering a great deal of stress."

Although his study is critical of what he calls "poor planning" for the community residences, Dr. Willer generally gives them good marks for resident care and supervision.

There is no "evidence of individuals being allowed to wander aimlessly or to be abused or forgotten... the quality of care provided in nursing homes, community residences and family care was good." The retarded residents were "most laudatory of its outcomes," Dr. Willer says.

But he says that before the state moved the retarded into the community, it should have assessed individuals' needs and placed them in programs to meet those needs.

"This didn't happen and could not happen because deinstitutionalization was expected to occur at too fast a pace," Dr. Willer writes.

Dr. Willer said his study funded by a \$200,000 grant from HEW, took four years to complete. He said they came from six institutions: West Seneca; J.N. Adam; Syracuse; Rome; Letchworth; and Wassaic.

The two most common alternatives to institutions are family care, where retarded live with a family; and community residences, where a small number of retarded share a home supervised by staff.

In examining those alternatives, Dr. Willer writes: "Little or no evaluation has been done to assess which alternatives suit which types of residents."

He said there is "no discernable difference" between residents placed in the two types of facilities "even though there are major differences in the level of funding and the type of care provided."

He also said the expansion of family care and community residences has been "unsystematic."

Dr. Willer says one reason for the rapid placement of the retarded in the community has been "pressure placed on the state by the Department of Health, Education and Welfare (HEW)."

The rate of deinstitutionalization is responsible, to a large extent, for the extreme variation in the quality of care, and the unplanned nature of the... services."

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According to Dr. Willer, HEW "must assume some of the responsibility for the inappropriate rate at which residents were moved into the community."

Despite his criticisms, Dr. Willer cautions that "it cannot be said that New York State has 'dumped' the mentally retarded into the community... the vast majority of the mentally retarded persons released from institutions in this state have been placed in reasonably comfortable residential settings where they are provided with 24-hour supervision."

He said 90-percent of those persons are in full-time day programs, such as sheltered employment, vocational rehabilitation or school.

Dr. Willer identifies a trend in New York State to serve "older, more mildly handicapped persons." He warns that the state may be pressured by parents of younger, more severely handicapped persons to provide services.

He says "although this population has not been studied, there is every indication that there is a high need for services and the need for services will be compounded as the individuals get older."

He recommends that the state "should be prepared to develop the necessary services to support these families and to prevent the need for residential care in the future."

In other recommendations, Dr. Willer says: The state must define more clearly the purpose of each residence "so that decisions regarding who should be placed where can be made rationally."

The state should renegotiate with HEW to allow more time for deinstitutionalization.

High priority should be given for training and certification of those who care for the retarded.

The state should seek better qualified individuals to provide family care and give them mandatory training if possible; increased supervision; and increased funding.

Dr. Willer said he hopes the report will spark improvements in the state programs, although he said that unfortunately "most of these studies end up doing relatively little."

High crime area is State's choice for group residence

A community residence for the mentally retarded is scheduled to open soon in an area that last year had the highest rate of murder, rape, armed robberies, shootings and stabbings in the city.

This is to be the newly - renovated residence on Fillmore Avenue in Buffalo as the "home" for 11 residents drawn from the West Seneca Developmental Center and the neighboring community.

The facility will fall in the area served by the Genesee Precinct, termed by police as one of the most violent in the city.

"It's flying in the face of good sense and reason to think of putting these very vulnerable people in that location", said Toni Parisi, President of the Board of Visitors of the West Seneca Developmental Center.

"When people are taken out of an institution, they are supposed to be placed in the least restrictive setting — something that's better than the setting they're in."

Minnie Gillette, a county legislator and

A reply to Sunmount Audit

This letter was written to Joseph T. Weingold to counteract the Sunmount Audit Report article in the last edition of OCV. The letter from William S. Bankert, Senior Pharmacist of the Sunmount Developmental Center, is printed here in its entirety.

Dear Mr. Weingold:

In reference to the article "Sunmount Audit Critical" which appeared in the June 1980 edition of Our Children's Voice, I would like to take this opportunity to set the record straight.

First, I would like to point out that the statement "the locking of the pharmacy which, on several occasions, field auditors found unlocked and unattended" is not true.

Second, the allegation that "eight substances including Valium, Traxene and Phenobarital were identified as a six month supply" while true, is very misleading. Let me point out that the consumption rate of a drug does not always remain constant. This was the case with Traxene which was being used at a considerably greater rate for a number of years prior to the audit and purchases were based on past consumption. If they had taken the trouble to look they would have found that no purchases of this drug had been made in the past six months and that inventories were being depleted. They would also have found that the last purchase was for one thousand capsules — the minimum amount which could be purchased at the best available price.

Anyone who is at all familiar with the treatment of the mentally retarded also knows that seizure patients comprise a large percentage of the population of these treatment centers. They would also know that Phenobarital is one of the major drugs used in their treatment. Furthermore, it should be pointed out that when a pharmacist initiates a drug purchase, consideration is given to the unit cost of the drug he is purchasing or the dollar amount which is being tied up in inventory. Phenobarital is a comparatively inexpensive drug. The dollar amount of Phenobarital which was tied up in inventory at the time of the audit was \$124.61 out of a total annual drug budget of approximately \$50,000 or 0.25 percent of annual expenditures.

In regards to Valium, the statement is further misleading in that it fails to indicate that on Nov. 14, 1978 we received a shipment of 10,000 Valium 5mg. tablets in unit dose packaging. This was just fifteen

days prior to the date of the audit. The inventory on the date they were received stood at 2,000 with an annual consumption rate of over 20,000. It should be pointed out that unit dose Valium was, at that time and continues to be, contracted for in lots of 5,000. It should also be pointed out that no other strength of Valium was purchased at that time since inventory levels were adequate. Let me also state that the total dollar value of the three drugs in question was \$1,008.48 or 2.02 percent of a \$50,000 budget — \$390.00 worth of which had been received just fifteen days prior.

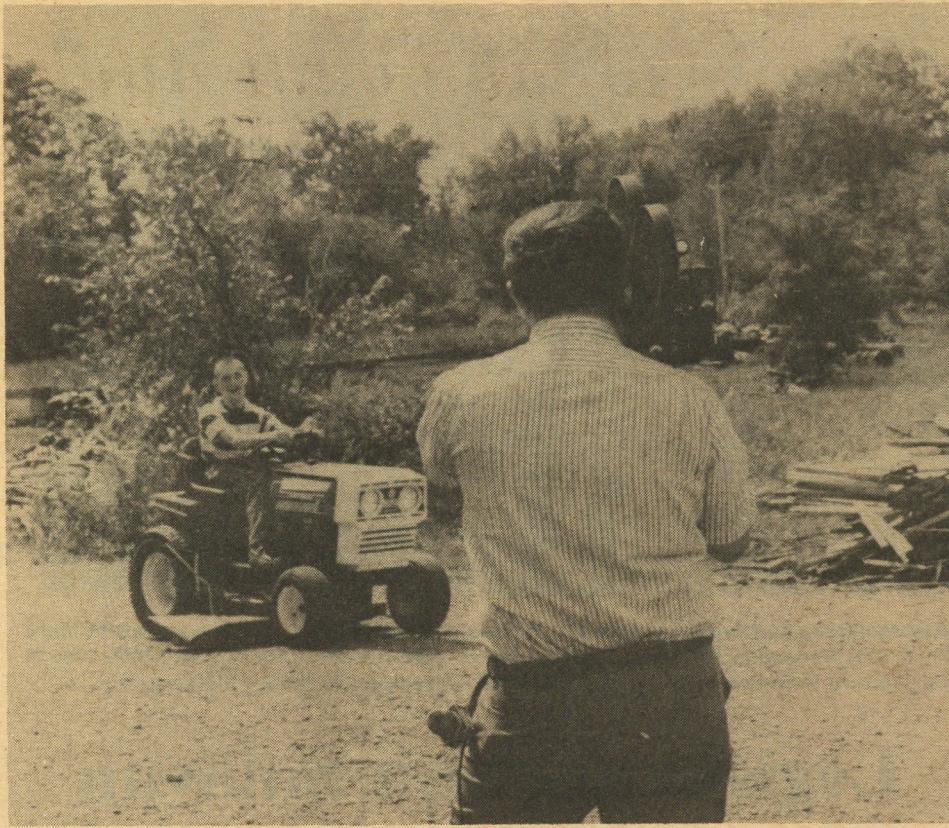
To further emphasize the point that the audit figures presented in the report and the information released to the public press presents a completely unfair and, in fact, libellous distortion of the truth, allow me to present some of the positive aspects of the pharmacy audit.

First: The three drugs mentioned comprise only eight different dosage forms and/or strengths of a total of thirty-two controlled substances all of which were inventoried. The perpetual inventory was found to be completely accurate for all thirty-two drugs. Even the manner in which this part of the audit was conducted could be considered harassing. An auditor was sent to the pharmacy and asked to inventory five or six controlled substances, the choice was left to him, and the counts were shown to be correct. Approximately one week later the senior auditor, apparently not satisfied with having found no discrepancies, came to the pharmacy and asked to audit all controlled substances. In each instance we gave them our full cooperation and again inventories of all thirty-two substances were found to be completely accurate.

Second: The auditors selected one hundred drug purchase orders at random from the business office, covering an approximate three year period, and asked us to show receipt of these drugs into the pharmacy and entry on our inventory. These records were produced and found to be completely accurate without exception.

Third: Having taken up my duties at Sunmount in December 1976 I soon realized that the pharmacy work area could be more efficient if an existing partition were removed. On March 23, 1977, I submitted a request to have this work done. The partition was eventually removed in December 1979, approximately eight months after the "findings" appeared in the Adirondack Daily Enterprise. I bring this to the attention of your readers to point out that it is conceivable that an auditor passing thru the corridor may not have seen anyone in the pharmacy with just a passing glance into the doorway because of the existing partition. However, I do not believe that this could have occurred on "several occasions" and if on any occasion they had made an effort to do so, they would have found that one or more members of the pharmacy staff were present in the pharmacy. Why they chose not to make this effort I cannot say. Could it be that they chose, in their zeal to please their superiors within the bureaucracy, to ignore this possibility? In brief, no pharmacy in my charge has ever been left unattended. Furthermore, it is my understanding that an exit interview is conducted at the close of an audit. Why then was I not given the opportunity to respond to these allegations which reflect upon my professional competence rather than to have to read them in the public press? I cannot find words strong enough to convey my displeasure at the injustice that I feel has been done to me.

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WAYNE NEIBEL BEING FILMED FOR CHANNEL 7 NEWS IN ROCHESTER.

Wayne Neibel proves experts can be wrong

(Reprinted with permission of Batavia Daily News, Sept. 18, 1980)

By Maureen Maas

Wayne Neibel is proving the experts wrong.

The "highly motivated" 30-year-old has Genesee County Association for Retarded Citizens officials concerned that their vision may be nearsighted.

Wayne was "misdiagnosed" as a child as a victim of mental retardation. Cerebral palsy had left him severely handicapped, limiting most of his motor movements.

Excluded from attending public schools, he has lived at home in Byron all his life. He has been an ARC client-employee for three years.

Wheelchair bound Wayne has been employed at one of ARC's sheltered workshops doing line work, described by officials as requiring little skill.

For "a long time," counselors said, Wayne has been telling them he could drive and maneuver a garden tractor. What seems a fairly simple act to most people would seem as a "landmark" in Wayne's case.

His claims were largely ignored.

With the onset this summer of a new landscaping program at the ARC, Wayne's protestations grew "more insistent," counselor Michele Frungillo stated.

In late summer Wayne was given his chance.

Situated next to the garden tractor he was able to transfer himself from his wheelchair to the tractor, turn the key to start it up, change gears, control speeds and steer the machine.

Wayne's face lit with pride in a demonstration run as he got on a tractor and proceeded to guide the vehicle with dexterity in figure-eights around two large drums and other maneuvers at the ARC property on Walnut Street.

"The accomplishment is all Wayne's," exclaimed his counselor. She reported Wayne taught himself to ride a tractor at home. She said his mother, Nancy, is a "strong influence" and Wayne is able to move around his house with no use of his wheelchair.

"Staff vision is a problem," commented ARC Executive Director George H. Smith.

"Many experts in the mental retardation field are unable to see how far people can

go. We limit them by our desire to protect them from harming themselves." He said the protection reaction is "built into the profession."

Wayne is "supposedly moderately mentally retarded," according to Mr. Smith. "Now we have no idea how intelligent he is."

Traditional tests to determine intelligence involve physical dexterity — "things Wayne just can't do," Mr. Smith stated.

The ARC director commented he hopes to start Wayne in the janitorial and maintenance - landscaping program in the spring. Not only will Wayne make more money in the program but "it is tremendous reinforcement for him to be able to do this," he said.

In the meantime, Mr. Smith said, "I am as concerned about our vision as I am about Wayne's accomplishment." He said he and the staff will try to bring in more complex work to "challenge" the ARC clients.

"I am continually astounded by the intensity and amount of labor people can do," he added. "They can do as much as we ask of them."

Infant teaching in Jamestown

The Chautauqua County Chapter, New York State Association for Retarded Children, will continue to sponsor an Infant Stimulation Program for handicapped children between the ages of 0-3 years.

A home teacher visits the home and works with the child and the child's parents. These children can also receive the services of several support personnel, such as a psychologist, a speech pathologist, a physical therapist and an occupational therapist.

Parents who have a handicapped infant or who suspect that their infant is handicapped are encouraged to call Barbara Swackhamer at 664-3893 in the southern part of the county or Linda Farrell at 366-8404 in the northern part of the county.

Persons needing such assistance are encouraged to contact Pamela Murphy-Cleary at 664-3893.

Where can they turn?

Closing of Valhalla M.R. Institute resisted

Reports that the New York Medical College plans to close its comprehensive care-facility for the retarded and disabled in Valhalla, Westchester, brought angry response from parents, congressmen, County Executive DelBello, and many others.

The Medical College, which moved to Westchester County from New York City in the early '70's, issued a press release July 30th saying that it would transfer the "service responsibilities" of the Mental Retardation Institute, known as MRI, to Flower Hospital in Manhattan effective September 1st.

The College has said that it loses half a million dollars a year or more operating MRI, which has a total deficit of \$5.9-million, most of it in mortgage to the state.

NO SERVICES TO BE PROVIDED

Opponents say that the Archdiocese is seeking to acquire the MRI building at a bargain - basement price, without making any arrangements to provide services to the 6,000 mentally retarded and developmentally disabled adults and children served annually.

All this resulted in a hot meeting at the headquarters of the Westchester County Chapter, where representatives from Putnam and Rockland and four other counties in the Mid-Hudson region, being served by MRI, were present. As a result of this meeting, the New York Medical College promised to keep the Retardation Institute in Valhalla intact, at least for the near future.

The move is intended to give interested parents and the government officials time to study what should be done with the Institute's program or to fund them so that the College will not incur the deficits they are having annually.

MORE STATE FUNDS SUGGESTED

Among the suggestions made to resolve the Institute's financial problems were legislative action to provide more state funds for the Institute or increasing the amount of money that counties served by

the Institute contributed.

The clinic receives some forty-thousand visits a year and is deemed an essential part of the program to place retarded persons in group homes.

While the plan to keep the institute intact for the time being was applauded, the overall intent to disperse the institute's programs was not universally approved.

Dr. Jack Gootzeit, of St. Jude's Hospital in the Bronx, said the medical college "was trying to destroy a service that has a proven ability to serve the mentally handicapped."

EDITORIAL STATES RESPONSIBILITIES

In an editorial in the White Plains' Today Daily, the statement is clearly put concerning the responsibilities of OMR-DD which are not being met. "It's incredible that the state Office of Mental Retardation has no plans to replace medical, dental and psychological services for 6,000 retarded persons if the Mental Retardation Institute in Valhalla were to close completely at the end of this month".

"The institute, affiliated with New York Medical College, may have been less than forthright in letting people know about the terms of its decision to move the institute back to Manhattan because of financial difficulties. It understandably feared the wrath of local officials and parents of the retarded. In the process, of course, it succeeded in compounding that wrath and embarrassing some state officials. But it's inconceivable that the state, which took patients out of Willowbrook - like surroundings with great fanfare, should fail to keep in touch with conditions at facilities like the MRI, which play such a large role in the care of the formerly hospitalized patients."

The editorial concludes with "At issue is more than care for the unfortunate who still can be helped to achieve a standard of normal life. At issue also is the credibility of government and the confidence the citizens can repose in it for the solution of difficult social problems."

Pamper your volunteers

Volunteer administrators were reminded that the volunteer is their main responsibility, coming before an agency's administration, staff — and even its clients.

F.A. Mantica, director of volunteer administration for the New York State Office of Mental Retardation and Developmental Disabilities, spoke to a group of 60 volunteer administrators at a luncheon at the Erie County Society for the Prevention of Cruelty to Animals.

"Remember, you are matching up the destinies of two people," he said. "That is a beautiful and complex task." Volunteerism can be either a devastating or a great experience, he said, and the outcome often depends on the volunteer administrator.

Sponsored by the Volunteer Administration Association of Western New York, a newly formed group, the meeting drew participants from such diverse agencies as the J.N. Adams Developmental Center, the American Lung Association and the Buffalo Zoo.

Mr. Mantica, an adjunct faculty member of Russell Sage College, has written "The Volunteer Administrator." He also supervises volunteer administrators in the 20 developmental centers across the state.

He said he understands the pressure put on the volunteer administrator by supervisors, who expect them to get

volunteers; by staff, who don't want them; by clients; and by the volunteers themselves.

"First of all, you are responsible to the volunteer," he said. "You are hired to get them and to keep them. Nine times out of 10, it's your responsibility if the volunteer assignment doesn't work out."

A good match between the work the volunteer wants and the appropriate setting with staff and clients are the most important ingredients for a successful experience, Mr. Mantica said. He also told the audience they shouldn't be afraid to see they don't need volunteers, if that is the case.

He made a distinction between types of volunteers — and advised administrators to do the same during the initial interview — saying here are some who come to learn job skills, others for course credit, some for therapy and many out of kindness.

"We are working with the highest calling, with people whose only return is love," he said. His favorite volunteer is the advocate volunteer, one who can be a powerful force for change in the agency and the community. "You can't always make suggestions to an agency head, but a volunteer can," he said. "What can the director do? He can't fire a volunteer."

"If you want to have an effect on your community, organize advocate volunteers. You are in a strategic position to inspire them," he said.

Major findings reported in sheltered workshop study

Two volumes of a Workshop Survey by the Dept. of Labor, ordered by the Congress, show very interesting findings concerning the employees in sheltered workshops.

Volume I (1977) gathered data from more than three-fourths of all known sheltered workshops. A total of 2,530 workshop programs operating in 1,786 establishments, reported on operations, policies, and services.

Volume II (1979) studied the handicapped clients in sheltered workshops. Some of the major findings and recommendations of the study are:

— The average daily client attendance in sheltered workshops in 1976 was 145,016. This represents an increase of almost two-thirds since 1973. Nearly two-thirds of all were mentally retarded; physically handicapped persons constituted less than one-fifth of the total.

— The recommendation was made that the workshop system respond to the dramatic increase in the number of persons served and the general decrease in functioning levels.

— Client earnings increased very little during the period covered by the study, and did not keep pace with the 44-percent increase in the statutory minimum wage from \$1.60 to \$2.30 per hour.

— Earnings of work activities center clients increased from 34-cents to 43-cents an hour in three years; while regular client earnings rose from \$1.40 in 1973 to \$1.54 in 1976.

— The recommendation is made that there be a pilot demonstration project to explore the feasibility of providing wage supplements for those handicapped

workers who are unable to earn a minimum wage because of the severity of their disability.

— The size of the operating budget in many workshops, especially those serving mentally retarded clients, was inadequate to support the necessary programs because of the funding limitations. The existing facilities, therefore, were substantially underutilized. The recommendation was made that the federal government should financially assist long-range clients.

— Since subcontracting is the most common type of work in all workshops, and this seemed very difficult to obtain in sufficient quantity to make a meaningful work life for the clients, the Dept. of Labor proposed that the regulations be changed so that subcontracting to sheltered workshops can be considered a part of a company's affirmative action program.

— They further recommended that there be a nationally coordinated program to develop and expand industrial markets for the products and services of sheltered workshops through joint funding of the Dept. of HEW and Labor.

— Clients were moved from the workshop into competitive employment in the community at a rate of 12-percent of the total clients served annually. The rate of placement for work activities center clients was 7-percent.

— The recommendation was that the Department require companies, in their affirmative action programs, to include plans to seek out and hire the severely handicapped who can perform in private industry.

Bus costs questioned

Chautauqua County officials, who are looking into why it costs the county a lot of money to transport handicapped children to school, have discovered that the county is picking up the tab for more than just handicapped children.

In at least one case, the officials were told, the county is billed for the total cost of running a bus that carries more than 30 students. Because one of its passengers is handicapped.

Under a state mandate that requires the county to pay the cost of transporting handicapped students, the county paid \$8,600 this year to bus one pre-school handicapped student from Clymer Central School to the Ashville BOCES center and back home.

That one handicapped student rides, however, on a 61-passenger bus with other Clymer students who also attended BOCES, according to Clymer Superintendent Robert Reagle.

How many other school districts are charging the county the entire cost of the bus runs because a few handicapped students ride the buses will be the subject of further inquiries, according to Joseph Trusso, majority leader of the County Legislature.

Assistant County Attorney F. Gibbs Kerns said the revelation could lead to challenges to Family Court petitions that pass the transportation costs to the county.

Trusso, D-Jamestown, called the hearings by the Human Services Committee to see why annual county expenses to educate handicapped children have risen from \$70,000 to \$400,000 in seven years.

Reagle told the committee that his district's bill to the county for providing the transportation is based on state policy, because no county guidelines exist.

"The billing, as I knew it when we made it up, asked how much it would cost to

transport this child," he said. "Nothing was said about the cost shared."

"Then what you are doing is charging the county for the entire cost of putting your bus on the road?" Trusso asked.

"This is the method we felt would be most valid," Reagle said. The cost to bring that one student to BOCES and back home, according to a document submitted by Reagle, is 94 cents a mile, or \$53 a day.

"We felt that was high," Trusso said. "Yours is what really started the idea (for the hearings), really."

Reagle conceded that charging the county a prorated amount for only the handicapped child's share of the total bus run "could end up with a slight savings or a major savings" for the county.

Reagle also suggested that the county verify that handicapped students it pays for are actually riding the bus.

He said that billings sent to the county are not paid until months later, and in that time a student may move or no longer require the service.

Another superintendent, Samuel Restivo of Panama Central Schools, said the county should try to use CARTS vehicles to transport more handicapped children.

When asked about Clymer's billing procedure, Restivo said, "It seems reasonable that if you have one handicapped child riding with nine others, the cost of transporting the handicapped child will be 10 percent" of the total cost.

Pamela Murphy, director of children services for the Association of Retarded Children in Jamestown, told the committee that transportation "tends to be our biggest problem."

Like three mothers of handicapped children who complained about carriers Tuesday night, Miss Murphy said there are few choices open when it comes to transportation service.



Assemblyman Raymond Kisor (left) and Senator Charles Cook (right) review with Marc N. Brandt, Executive Director, Sullivan County ARC (center), the N.Y.S. ARC's 1980-81 Legislature Proposal at the Sullivan County ARC complex in South Fallsburg.

Legislators visit Sullivan

On August 7, 1980, the Sullivan County Chapter of the NYS ARC was visited by State Senator Charles Cook from the 48th Senatorial District and Assemblyman Raymond Kisor from the 98th Assembly District. Senator Cook and Assemblyman Kisor represent Sullivan County in the New York State Legislature. Both Legislators toured the Sullivan County ARC facilities in South Fallsburg and had an opportunity to discuss with the Executive Director, Mr. Marc N. Brandt, of the Sullivan County Chapter the New York State ARC's 1980-81 legislative proposals.

Both Legislators were most impressed with the Sullivan County ARC's Sheltered Workshop Program, Sullivan Industries, and their Day Treatment Clinic services. Assemblyman Kisor, after touring the program, commented "I didn't realize how impressive the ARC in Sullivan County is and I am most pleased to see the fine work being accomplished for the mentally retarded in Sullivan County by the ARC".

Mr. Brandt spent several hours with both Legislators and discussed with them

the Sullivan County ARC's plans to provide alternative residential placement for the Sullivan County residents living in the community as well as in the State Developmental Centers. Senator Charles Cook commented "I am proud to see today the work being accomplished by the Sullivan County ARC and its attempts to provide the quality programs to the mentally retarded in a community based setting".

Both Assemblyman Kisor and Senator Cook reviewed the ARC's goals in Sullivan County and discussion was carried out concerning new legislation which the State ARC is planning for when the Legislature reconvenes in Albany.

Support your
Local Chapter

Who will pay for residences?

(This editorial is reprinted from the Poughkeepsie Journal)

The concern expressed by County Executive Lucille Pattison over a new federal plan to upgrade services to the mentally retarded is justified. The scheme is indicative of how the costs of government escalate without the taxpayer even trying.

The idea is to expand what, for want of a better term, is known as community residences. They are home-like quarters to which the retarded have been transferred as the state proceeds to clear out its mental institutions.

There has been no serious criticism of the policy as such. The mentally ill or deficient do not deserve incarceration, and an opportunity to live in a setting closer to normal domestic life has been shown to be more psychologically beneficial than in the rigidly structured hospitals.

The process, however, has thrown an increased burden on the communities in which these residences are situated. Up to now, the burden has been more social than financial, but there now is a danger that local tax funds are going to be hit as well.

The cost of the operation of community residences for the retarded, of which there are 15 in Dutchess County, currently is being borne 90 percent by the state and 10 percent by the federal government. If the new plan materializes the funding would change to 50 percent by the federal

government, 25 percent by the state, and 25 percent by the county.

It is estimated that the current cost of maintaining each patient in a community residence is \$10,000 a year. This would be increased to \$30,000 if the federal plan takes effect.

County Executive Pattison has expressed fears that such a situation would seriously drain funds from the county's Department of Mental Hygiene, and it doesn't take a great deal of imagination to figure out who would have to make up the difference.

There are few taxpayers who could legitimately begrudge helping to pay for humanitarian care for their mentally retarded neighbors. But we have every right to insure that our tax dollars are not being squandered at the behest of some amorphous theory conjured up by government bureaucrats.

The burden of proof in this case is on the federal government. Are the community residences in Dutchess so deficient as to warrant the enormous added expense? Have they been inspected and judged on their individual merits? Isn't there a less expensive way to achieve whatever improvements are needed?

The taxpayers of Dutchess County, and indeed every county in the country, rate the answers to these questions before they roll over and acquiesce to yet another "mandate" from higher authority.

Criminal charges dismissed 'in furtherance of justice'

by Hy Clurfeld

Section 730.10 of the Criminal Procedure Law of the State of New York provides that a mentally retarded person who has been accused (not convicted) of a crime and who has been found to be an "incapacitated person" 1 "must" be committed "to the custody of the commissioner for care and treatment in an appropriate institution." 2 The statute provides for incarceration for successive periods totalling two-thirds of the maximum sentence which could have been imposed if the defendant had been convicted.³

When a court finds that a mentally retarded defendant is an "incapacitated person," i.e., incapable of standing trial, the defendant can never be convicted of the alleged crime unless he subsequently becomes capable of standing trial. The application of the statute results, therefore, in the incarceration of mentally retarded persons, who cannot become capable of standing trial, until they become capable of standing trial. If this does not seem logical, we must remember that logic should never interfere with the due administration of justice!

The United States Supreme Court, in *Jackson v. Indiana*,⁴ decided that a similar statute was unconstitutional in that it violated the "equal protection" and "due process" clauses of the Fourteenth Amendment to the U.S. Constitution. Subsequently, New York courts⁵ followed *Jackson v. Indiana*, but without declaring the New York statute to be unconstitutional. Those cases merely held that it was unconstitutional to retain the "incapacitated" defendants in custody or to commit them in the first instance based upon standards which were more lenient

than those mandated by the civil commitment process.

We were recently presented with an opportunity to test the constitutionality of Article 730 of the Criminal Procedure Law in a case⁶ involving a twenty year old mentally retarded defendant accused of arson, a Class E felony punishable by four years' imprisonment.

After examination by two psychiatrists appointed by the court and submission of their reports to the court, the defendant was found to be an "incapacitated person." There was nothing in either report that would suggest the possibility that incarceration in a facility operated by the Department of Mental Hygiene would enable the defendant to become capable of standing trial. Nevertheless, the statute mandated that the court "must" commit "the defendant to the custody of the commissioner."⁷

We moved to dismiss the charges on the ground that the statute violated the Constitutions of the United States and the State of New York in providing for incarceration of a person who had not been and could never be convicted of the crime charged. Although we would have preferred a decision declaring the statute unconstitutional as applied to the mentally retarded, we would have been remiss in our duty to the defendant if we did not move to dismiss on every ground available. Accordingly, we moved to dismiss, *inter alia*, in "furtherance of justice."⁸

Since motions to dismiss on constitutional grounds or in "furtherance of justice" are very rare, there was some confusion at the court house while several judges found compelling reason for about eight or nine adjournments (to dates on which another judge would be sitting).

Suit challenging Westbury group home dismissed

by Hy Clurfeld

On January 2, 1980, a suit was instituted by neighboring property owners (petitioners) to enjoin the Nassau County Chapter, New York State Association for Retarded Children, Inc. (NYSARC) from operating a community residence for the retarded in Westbury. A number of other respondents were named, including Commissioner Introne of the Office of Mental Retardation and Developmental Disabilities, and the Mayor and Board of Trustees of the Village of Westbury.

The petitioners challenged the constitutionality of that provision of the "Padavan" law which declares that, "A community residence established pursuant to this section... shall be deemed a family unit, for the purposes of local law and ordinances."¹

The NYSARC Board of Governors retained us, *pro bono publico*, to protect the interests of the Nassau County Chapter and, affirmatively, to challenge those sections of the "Padavan" law which require forty days' notice to a municipality of intention to establish a residential facility.² The Board of Governors also authorized the expenditure of up to \$25,000. for expenses incurred by us in the suit and for any loss that the Nassau County Chapter might sustain in the event the petitioners were successful.

Since Commissioner Introne was a respondent in the suit, we cross-claimed against him for a judgment declaring the notice provisions of the law unconstitutional. After numerous court hearings and an avalanche of motions, affidavits and memoranda of law, the legal issues were presented to Justice Young at the Supreme Court, Nassau County, on March 5, 1980.

After three months of deliberation, the Court dismissed the petition, thereby reaffirming the right to maintain group homes for the mentally retarded. However, the Court also held that the forty day notice requirement was constitutional, and the cross-claims against Commissioner Introne were dismissed.

We appealed directly to the Court of Appeals on the ground that the only issue involved on the appeal related to the constitutionality of the statute. The Court of Appeals refused to accept jurisdiction and, *sua sponte*, transferred the appeal to the Appellate Division. We are in the process of preparing the brief and record on appeal and we will report on the matter in subsequent issues.

FOOTNOTES

1. Mental Hygiene Law, . . . 41.34 (e).

Prior to the "Padavan" law the courts of New York had already ruled that group homes could not be prohibited by municipal zoning ordinances. See, e.g., *City of White Plains v. Ferraioli*, 34 N.Y., 2d 300 (1974); *Little Neck Community Ass'n v. Working Org. for Retarded Children*, 52 A.D. 2d 90 (1976), leave to app. den. 40 N.Y. 2d 803 (1976); *Incorporated Village of Freeport v. Ass'n for Help of Retarded Children*, n.o.r., N.Y.L.J., 4-1-77, p. 14, col. 6 aff'd. 60 A.D. 2d 644 (1977). In a case involving the same principles of zoning law, the United States Supreme Court, in *Moore v. City of East Cleveland*, 431 U.S. 494 (1976), cited the *White Plains* case with approval.

2. Mental Hygiene Law, . . . 41.34 (b) and (d).

Eventually, the court dismissed the charges in "furtherance of justice" on the following grounds:

"Inasmuch as the defendant is well adjusted and is functioning up to his capacity, this Court sees no purpose to institutionalize the defendant. Far from being rehabilitative, to place the defendant in an institution would, in the Court's opinion, cause irreparable harm to the defendant, be of great cost to the State and not be in the best interest of society or the defendant. The Court's dismissal of the charge would in no way undermine the confidence of the public in the criminal justice system. On the contrary, such a dismissal will tend to show the public that the criminal courts of this Country are here to dispense justice to every member of society, including mentally retarded individuals such as the defendant. This Court firmly believes that such a dismissal is in the furtherance of justice and is called for in the present case for the aforementioned reasons stated herein above."

Although the statute remains a continuing threat to the mentally retarded, the decision in *People v. P.H.* may constitute a precedent where the mentally retarded defendant "is well adjusted" and

institutionalization would "cause irreparable harm."

In order that our efforts will not have been in vain, if another similarly situated defendant can be found, let it be known that we have brief — will travel, *pro bono publico*.

FOOTNOTES

1. An "incapacitated person" is defined in Subdivision 1 of . . . 730.10 as "a defendant who as a result of mental disease or defect lacks capacity to understand the proceedings against him or to assist in his own defense."

2. Criminal Procedure Law, . . . 730.40, subd. 1, and 730.50, subd. 1.

3. Criminal Procedure Law, . . . 730.50, subd. 5.

4. 406 U.S. 715 (1972).

5. *People v. Lee*, 83 Misc. 2d 35, 371 N.Y.S. 2d 599 (1975); *Anonymous v. Waugh*, 76 Misc. 2d 879, 351 N.Y.S. 2d 594 (1974); *People v. Anonymous*, 7 Misc. 2d 884, 351 N.Y.S. 2d 869 (1974); and *In re Kesselbrenner*, 75 Misc. 2d 289, 347 N.Y.S. 2d 369 (1973).

6. *People v. P.H.*, District Court, Nassau County, October 20, 1980 (not officially reported as yet).

7. Criminal Procedure Law, . . . 730.40, subd. 1, and 730.50 subd. 1.

8. Criminal Procedure Law, . . . 170.40.

Some Nassau activities



Mickey Mouse (he's really an AHRC costumed volunteer), along with some characters from Sesame Street, greeted the children at the Nassau AHRC's Family Fun Days which were held on the finale weekend of the Great AHRC Horse Show. Several hundred AHRC volunteers manned game tables, sold crafts and plants and dispensed lots of food. There was free entertainment including a magician and live music.



A highpoint of Nassau County's AHRC summer day program was the annual picnic and carnival day given by the Nassau Police Benevolent Association on AHRC's Brookville campus. Dan Greenwald, PBA president (center), came with about thirty off duty police officers bearing gifts, games and food for several hundred boys and girls. The cops were joined by the 40 and 8 locomotive with a volunteer crew from the American Legion who gave rides to the children. And even a Nassau County Police horse dropped in to say hello.

Lest we forget

U.N. Declaration on the rights of mentally retarded persons

The following General Assembly Resolution 2856 was adopted December 20, 1971, declaring the rights of mentally retarded persons:

Mindful of the pledge of the States Members of the United Nations under the Charter to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development,

Reaffirming faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter,

Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, (Resolution 2200A (SSI)) the Declaration of the Rights of the Child (Resolution 1386 (XIV)) and the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Nations Children's Fund and of other organizations concerned,

Emphasizing that the Declaration on Social Progress and Development (Resolution 2542 (XXIV)) has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged,

Bearing in mind the necessity of assisting mentally retarded persons to develop their abilities in various fields of activities and of promoting their integration as far as possible in normal life,

Aware that certain countries, at their present stage of development, can devote only limited efforts to this end,

Proclaims the Declaration of the Rights of Mentally Retarded Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

The mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings.

The mentally retarded person has a right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential.

The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his capabilities.

Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life.

The mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interests.

The mentally retarded person has a right to protection from exploitation,

abuse and degrading treatment. If prosecuted for any offense, he shall have a right to due process of law with full recognition being given to his degree of mental responsibility.

Whenever mentally retarded persons are unable, because of the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse. This procedure must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities.

Special ed costs spiral

A group of Orange County legislators decided to stage a "constructive rebellion" recently to object to the county's skyrocketing share of special education program costs for handicapped preschool children.

The Legislature's Finance Committee balked at a request for \$500,000 to supplement the \$700,000 already appropriated for the program. The state Education Department will reimburse the county for half the total, but committee members tabled the matter until County Attorney James G. Sweeney gathers details on federal and other states' participation in the special education effort.

The county contracts with separate agencies to teach the youngsters. The Association for the Help of Retarded Children in Middletown, Valley School in New Windsor, and Orange County Cerebral Palsy Center in Goshen are the major agencies used in the county.

Besides seeing that preschoolers are taught, the county must pay summer school costs for school-age handicapped youngsters and any related transportation cost. School districts educate school-age handicapped children through the Board of Cooperative Educational Services program, except during summers.

A panel of doctors, psychologists, educators and parents reviews each child's need for assistance and Family Court is asked to order the county to provide the necessary education.

Last year the courts referred 307 youngsters to the special program.

The program's costs have spiraled in recent years, because of inflation and a greater number of parents seeking the special help for their children. In 1976 the county spent \$80,000 for 16 youngsters.

County Executive Louis Heimbach called the program "probably one of the worst programs administratively in the state," because the county has no control over where its money is spent.

"The guy who writes the checks should have accountability," Heimbach said. "There should be some scrutiny of this thing."

Legislator John J. Bonacic of Mount Hope, R-13, suggested that Sweeney check state and federal guidelines to see if New York communities are paying a disproportionate amount toward the program.

What about education?

Some answers to common questions

by Marilyn Wessels

What are some of the most frequently asked questions regarding the education of children with handicapping conditions? Here are a few.

— **Is physical education required for all children with handicapping conditions?**

Yes. Physical education must be provided to all children according to Section 135.4 of the State Education Commissioner's Regulations. Where necessary, adaptive physical education must be provided and must be included in the child's Individual Education Plan. To quote from a December, 1978 Information Bulletin No. 7 published by the N.Y.S. Education Dept., adaptive physical education is defined as "a diversified program of developmental activities, games, sports, and rhythms, suited to the interests, capacities, and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in the vigorous activities of the general physical education program. Adaptive programming can include corrective, therapeutic, remedial, or developmental activities."

PHYSICAL EDUCATION

Adaptive physical education or regular physical education should not be confused with physical therapy. Nor should it be the same as recess or other non-instructional physical activities.

For more in-depth information write to the State Education Dept., Division of Development Support Services, Bureau for Special Program Review, Albany, N.Y. 12234 or call (518) 474-8917 and ask for Information Bulletin No. 7 and Section 135.4 of the State Education Commissioner's Regulations.

Also, the EDU-Letter published by the State Association for Retarded Children, 175 Fifth Avenue, New York, New York 10010, Vol. 3, No. 3, provides a detailed description on the subject. This publication is free for the asking.

— **As a parent, do I have the right to see my child's school records?**

Yes. You not only have the right to review the records, but to have copies made at a reasonable cost. (Regulations drafted to implement New York State's Freedom of Information Law allow a maximum fee of \$.25 per page for copies of records). Parents should put their request in writing asking school personnel for an appointment at a mutually agreeable time. Parents have the right to ask that the school district explain and interpret the records. If the parents wish to bring someone outside the district to assist them it is allowable as long as the district receives written permission from the parent to allow that outsider to review the records. There may be more than one record folder on a child and parents have the right to request a list of the types and locations of the education records collected, maintained or used by the agency.

COMMITTEE ATTENDANCE

— **Must all four mandated members of a Committee on the Handicapped participate in committee meetings?**

Yes, with one exception. The Committee on the Handicapped is mandated by State education law to have at least the following: a teacher or an administrator of special education; a school psychologist; a school physician and a parent of a child with a handicapping condition who resides in the district and is not a paid employee of that district.

The district may appoint others to that

committee but, these four are required by law to attend committee meetings. According to a ruling of counsel of the State Education Dept., if one of these individuals is absent, no action may be taken.

AN EXCEPTION

The exception derives from new legislation passed this year. (Bill No. 10896-A) It says that "the school physician need not be in attendance at any meeting of the committee on the handicapped unless specifically requested in writing, at least 72 hours prior to such meeting by the parents or guardian of the child in question, the child or a member of the committee on the handicapped.

"The parents or guardian of the child in question shall receive proper written notice of their right to have the school physician attend the meetings of the Committee on the Handicapped or whenever such committee plans to modify or change the identification, evaluation or educational placement of the child."

Regulations to put this procedure into operation are being prepared by the State Education Dept., and will be explained in an upcoming issue of "Giant Steps" as soon as they are issued.

— **Isn't there a regulation stating that only children of certain ages can be grouped together in a classroom?**

Yes. However, the regulation differs for certain classifications of handicapping conditions.

For example, a child classified as trainable retarded can be placed with other children so-classified in a class having a four year age range (48 months). For children classified as educable mentally retarded, the allowable chronological age range is three years (36 months).

In a memorandum issued by Louis Grumet, assistant commissioner for the education of children with handicapping conditions in SED dated April 1979, it is stated that a three year age range must reflect the actual ages of the children, the youngest and the oldest, as of October 1st of the school year.

AGE SPAN

For simplification and clarity, 36 months between the youngest child and the oldest child will represent an accurate three year age range. A class for children who are educable retarded would not be in compliance with the Education Commissioner's regulations if the youngest child were seven years old and the oldest 10.1 years old.

Thirty-seven months are represented in this class instead of 36 months.

On the other hand, a class where the age range is 7.0 to 10.0 would be in compliance.

If a school district wished to exceed the 36 or the 48 months ranges they would have to seek a variance from the State Education Department.

Please feel free to address your questions to: Marilyn Wessels, Public Education, OMR-DD, 44 Holland Avenue, Albany, New York 12229 or call (518) 474-8920.

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Institution staffing may rise

Hiring freeze rescinded

The state's deinstitutionalization program for the mentally retarded, labeled a flop by some critics, just isn't moving fast enough, Gov. Carey says.

As an upshot of this, the governor said that the state must add almost 3,000 institutional workers at its 20 centers for the mentally retarded.

Carey said he would seek legislative approval for the creation of 1,355 institutional positions for the state's Office of Mental Retardation and Developmental Disabilities when the Legislature reconvenes.

This hiring would cost in excess of \$10-million annually, although state officials said they could not provide an immediate, accurate estimate.

In the meantime, Carey said, the agency will "reassign some positions budgeted for

community residences" in its drive to increase the staffing ratio at the state's 20 developmental centers.

Although some critics insist that Carey's plan is a confession that the deinstitutionalization program has failed, Carey insists that the new plan did not represent any shift away from support of deinstitutionalization.

Carey said that this plan should enable the agency to bring the staff-patient ratio to 1.78-to-1 in all 20 centers, as required by the Willowbrook decree in Willowbrook.

In effect, said a spokesman for the Association, this increase in staffing for the residential centers does not represent anything with regard to deinstitutionalization but an effort to bring in the quality of care minimally necessary for a decent program in the state institutions.

Mother wants son left at SDC

The mother of a 4-year-old mentally retarded boy at the Syracuse Developmental Center is defying the state-funded Seguin Community Service by prohibiting her son to leave the institution and live with a foster family in Oswego.

As a branch of the state-run SDC, Seguin takes clients from the facility for mentally and physically disabled and places them with families in Syracuse and surrounding areas. The state provides each of the 90 area families with \$265 a month, for each client.

For a year, Seguin has been trying to place James Pingarelli with a family in the community. But recently, the boy's 26-year-old mother has refused to authorize his release claiming "if he leaves SDC, he won't get adequate care."

She charges James' prospective foster family in Oswego would improperly care for him. And he would live too far from Syracuse for her to visit without a car, she added. Oswego is about a one-hour drive from Syracuse.

"I don't want him to leave SDC at all.

But if he was going to live with another family in Onondaga County, where I could see him, that would be great."

When asked why her son originally was sent to SDC in 1978, she replied, "I could not longer take proper care of him."

And Margaret Mahoney, Seguin's family care program manager, said James was sent to the institution for social reasons, more than physical ones. "There could be information available showing James was neglected at home," said Mahoney, who would not elaborate.

Jerry Petragnani, the social worker handling the case for child protection, called the case "confidential" and declined comment.

Onondaga County Mental Retardation and Developmental Disabilities Service could take as long as two months to hear arguments from both sides and finally rule on James' release from SDC.

Meanwhile, SDC Director Michael Dillon has requested suggestions about James' future from staffers familiar with the case.

Attorneys for five patients filed a class action suit in U.S. District Court.



I am a person: Me!

I am a person!

Just like you and everybody else I can see, feel, and hear. I have feelings, but in other ways I am different.

I am mongoloid (retarded) I am slower in some ways and faster in others.

I may not be able to go to a normal school but I go to a school that teaches me how to learn. I don't want people feeling sorry for me,

I am a person.

I hate when people laugh at me cause I don't have the same look as you and others.

I hate when people make fun of me because I talk different.

I hate when people get mad at me when I do something wrong.

I like it when people are my friends and when people love me and instead of laughing at me, help me.

I love it when I'm outside so I can smell fresh air.

So, if you ever see anybody like me, help them, love them, and care for them.

SDC charged with neglect

Syracuse Developmental Center was depicted in legal papers recently as a place where patients walk around aimlessly, are drugged needlessly and receive only custodial care.

Attorneys for five patients filed a class action suit in U.S. District Court.

The lawsuit has two goals: to force the state to improve conditions at the 560-bed facility for mentally retarded persons and to spur release of more patients by funding community services.

"These patients don't want to live in an institution, and the staff of SDC says they shouldn't be in an institution," commented Steven Taylor, assistant professor of special education at Syracuse University.

Taylor is also on the staff of the Center on Human Policy, which is coordinating the lawsuit for three Upstate New York legal rights groups.

Ironically, the same day Taylor was discussing the lawsuit, state officials

announced a three-month hiring freeze at SDC has been lifted.

SDC Assistant Personnel Director Chuck Leggett said he received information about the lifting of the freeze and hired personnel to begin work immediately. He said the center had more than 30 vacancies in the direct care staff alone.

As a result of the freeze, therapy workers often worked 16-hour days several times a week.

The SDC houses 500 patients. SDC also operates eight group homes in the community. Its budget is \$14 million a year.

The suit is brought by five patients and on behalf of at least 100 other patients who have been recommended for community placement by the SDC staff.

Taylor said lack of funding, lack of staff and bureaucratic red tape are the main problems.

In 1973, SDC housed only 250 persons. Today, it has 500 with about the same number of staff, Taylor said.

Parental retardation cannot sever parental relationship

In a recent decision, Judge Kevin C. Fogarty, of the Family Court in New York City held the Section of the law which permits the separation of children from parents for adoption because of the mental retardation of the parents (In re Gross, 425 NYS 2d, 220 — Family Court, New York City, 1980) unconstitutional as applied to the facts in that case.

In the Gross case, the petitioner, an authorized agency, filed proceedings to transfer custody and guardianship of two children, Judy Gross and Donald Gross, to the petitioner for the purpose of freeing the children for adoption. The petitioner was seeking to free the children for adoption based upon abandonment, permanent neglect, and mental illness or mental retardation.

In his decision, Judge Fogarty held that the petitioner had not satisfied its burden of showing either abandonment or permanent neglect.

"Entirely apart from the absence of the essential 'consent' from Judy, (14 years of age), this Court concludes that termination of parental rights because of mental illness or mental retardation is not warranted in the case of both children."

"Ordinarily, a trial court will avoid considering constitutional issues where

the issues can be determined on alternative grounds. Such a constitutional issue is however raised here and requires consideration".

"The loss of a child is clearly as onerous a penalty as the deprivation of the parents' freedom" said Judge Fogarty.

Is Medicaid automatic for SSI recipients?

This recent letter from Anastasia Lupo of our Niagara County Chapter raises the question about Medicaid eligibility for SSI recipients. Copies of this letter were sent to the New York State ARC offices:

"We are concerned about recent information received concerning SSI-Medicaid eligibility situation. According to Niagara County Department of Social Services, SSI recipients will no longer automatically receive Medicaid. All recipients will have to apply for Medicaid via county social service departments. Furthermore, all those SSI recipients now receiving Medicaid will have to go through redetermination of Medicaid eligibility.

While Medicaid states that this is basically a paper change and there will be no lag in services, we are concerned about possible eligibility variances that could render a client ineligible. Redetermination will be done in conjunction with regular SSI redeterminations. This is a blessing in sheeps clothing. While we do not have to face the possibility of sudden maximum withdrawal of funding, we will be facing a possible hidden caseload of ineligible clients. Therefore, planning becomes impossible to difficult at best. Most importantly, however, is the fact that clients who have met Day Treatment requirements for service needs may be denied continuance in the program.

We feel you and OMR-DD should be aware of a possible funding problem. Your attention and input is requested. Thank you for your cooperation in this matter."

We will keep all readers of OCV up to date on any developments affecting the SSI-Medicaid eligibility.

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A change

Open arms greet hostels

The total lack of opposition to plans to locate two homes for the retarded in Woodstock is in marked contrast to similar projects elsewhere.

Three years ago, when a home for nine retarded residents opened in a converted Victorian house on Ulster Avenue in Saugerties, some neighbors voiced strong objections.

"My family objects to ruining our neighborhood," one opponent said. "I've invested an enormous amount of money in my home, and I resent its being devalued."

Others complained the hostel was a boarding house in violation of the residentially zoned neighborhood.

But village officials found it acceptable under the zoning law's definition of a "family."

Hostility to hostels has been pronounced in other places, where people said they "feared" for their small children because retarded adults are "unpredictable."

The village of Freeport, L.I., the town of North Hempstead, Little Neck, Queens, and other municipalities have sued to block retarded community residences, but the hostels have always been upheld in court.

Residential wage, hour progress

Our readers by this time, and certainly the Chapters of the Association, are aware of the dispute going on between the operators of residential facilities for the mentally retarded and the Wage and Hour Division of the Dept. of Labor (Federal).

It is the contention of the Association that employees living on the premises of the residential facility are entitled to eight-hours sleep time and time off during the day which cannot be charged against wages.

In a letter from Herbert J. Cohen, Assistant Administrator of the Wage and Hour Division, apparently some of this is cleared up. For example, he states "Thus, as WH Publication 1326 highlights the Act's application to hospital and residential care establishments, the general statement that 'no off-duty time need be counted as hours of work. . . is correct'.

In addition, he states that where em-

ployees are residing on their employers' premises, sleep time as well as off-duty time, can be deducted from hours worked (even though the employee is not on duty for twenty-four hours or more) provided a certain criteria is worked out and these can be embodied in a reasonable agreement with the employee.

In addition, this may apply to an employee who resides on the employer's premises five days a week, since such employee may be considered residing on the employer's premises for extended periods of time.

Also, where less than 120-hours are spent residing on a premises, five consecutive days or nights would also qualify as residing on the premises for extended periods of time.

Although this does not clear up all the ambiguities between the Association providers and other providers of community residences and the Dept. of Labor, it goes a long way towards that.

moved to Buffalo Traditional School in the fall as part of the desegregation order he issued.

The suit also charges there are major inadequacies in both the program and physical facilities at School 31.

Mr. Reville, while he had not yet been served with court papers when contacted, said he assumes the complaints are similar to those made last year to the U.S. Office of Civil Rights.

Among other charges, the complaint asserts the School 31 neighborhood lacks a variety of stores, libraries, banks, police and fire stations, public transportation and recreational facilities.

"Real-life experiences in school and in the community are where learning takes place for TRM children," said Jo Ann Casel and Marilyn Miller, two special education teachers at the school who signed supporting depositions.

The court papers also charge the program lacks a sufficient number of teachers aides, in-service training for staff and adequate materials and supplies.

Parents sue Buffalo schools

Parents of three trainable mentally retarded children filed a \$4 million suit against the Buffalo Board of Education and Schools Superintendent Eugene T. Reville over alleged deficiencies in their children's education program.

The suit was filed in Federal District Court on behalf of some 65 trainable mentally retarded youngsters presently in the intermediate program at School 31 at 212 Stanton St. It asks the court to order the defendants to correct allegedly widespread program deficiencies and to award them \$1 million in compensatory damages and \$3 million in punitive damages.

The suit was lodged on behalf of three children, Sallyann Andres, 13; Gregory Nitkowski, 17, and Connie Cultrara, 15. It charges they and other trainable mentally retarded youngsters have been harmed by frequent changes in the site of their program.

In 1974 it was moved from School 24 to School 42 and last year from 42 to 31. Judge Curtin ordered the intermediate program

Woodstockers, apparently, have no reservations about welcoming local hostels.

"The retarded are often gentle, loving individuals, whose main need is patient teaching," one supporter said, "It's a waste of human potential to keep them isolated in institutions instead of allowing them to lead more normal lives in communities."

Adds his wife, "I don't think the retarded homes will have any affect on the value of other properties or the number of homes being offered for sale. The houses used are remodeled and improved and kept up beautifully by the staff and tenants."

But it is those Woodstockers who are themselves mothers of retarded children who seem to speak best for the town's supportive response to the hostels.

"Woodstock now has no facilities for the retarded," several of them said. "There are families here with retarded children who will need service in the short or long term."

"It's comforting for parents, who know they won't always be around to take care of their children, to know there'll be help for them after we're gone and they are adults on their own."



Great AHRC Horse Show

The Grand Prix winner of the 1980 Great AHRC Horse Show was Rodney Jenkins whose horse, Second Balcony, won by a crowd-thrilling two-tenths of a second for a time of 41 1/2 seconds. Presenting the trophies of the \$10,000 Nassau Downs OTB Grand Prix are (left to right) Mr. and Mrs. Harry Weinstein of Old Westbury, Dorothy Ganin of Great Neck, who served as chairman of the show, and the Hon. Joseph Margiotta of Old Westbury, who was honorary chairman. All together, \$45,000 in prizes were awarded during the show which benefited the Nassau Association for the help of retarded children and is one of seventeen stops in a \$382,000 Grand Prix National Tour sponsored by the American Grand Prix Association and carte blanche.

Alexander's, Darling are Employers of Year

Fourteen firms that hire the mentally retarded were entered as nominees in the 1980 Employer of the Year competition by twelve different Chapters of the Association. While annually a very close race, the 1980 competition set a new mark in that department when the members of the Scholarship and Awards Committee voted on the nominees and came out in a tie! Darling Ice Cream Company of Syracuse, submitted by Onondaga County Chapter, and Alexander's Department Stores, submitted by Westchester County Chapter, were named co-winners of the 1980 Employer of the Year Award.

Mr. Charles J. Scro, President of Darling Ice Cream was present to receive the award and spoke very forcefully about his excellent experiences with mentally retarded employees. Subsequently, he

Other nominees were:
County of Rockland
Sheraton Inn
Kingston — YMCA
Albany Public Market
Machelor Maintenance
Lombardi's Dug Out Restaurant
Contrexel Incom Corp. of America
P & C Market
Town Food Service Equip Company
Security Messenger Service
Sullivan County Steam Laundry
Regal Bag Corporation

wrote the following letter to State President, Eleanor Pattison:

"I would like to express my thanks and appreciation to you and the State Association for the honor bestowed upon my company in selecting us as 'Employer of the Year'.

The reception and many kind words I received at the convention in Ellenville were most heartwarming. Needless to say, all of our employees are also thrilled with the award.

Through the continued efforts of the State Association and all local chapters throughout New York, those labeled "Retarded" will gain the equality of status with other citizenry that rightfully belongs to them.

I look forward to that time."

Chapter
Rockland
Oneida
Ulster
Schenectady
Niagara
Putnam
Putnam
Clinton
N.Y.C.
N.Y.C.
Sullivan
Orange

A day of caring and sharing



Participants in the seventh annual Care and Share Festival entertain a resident of the Suffolk Developmental Center in Melville. From left are Social Worker Doris Wolffberg and Volunteers Heather Forest and Janice Buckner, both Huntington musicians. The festival, for mentally retarded and developmentally disabled children, featured food, entertainment and other activities provided by local residents, business and civic groups.

Fetal Alcohol Syndrome explained

Fetal Alcohol Syndrome (FAS) affected 386 babies born in New York in 1978, according to state estimates. Another 1,563 babies were born the same year with alcohol-related birth defects.

Those numbers represent only .008 percent of the total number of babies born that year, but those numbers make FAS the third leading cause of birth defects. The first two causes are Down's Syndrome and Spina Bifida, and one of the three, only FAS doesn't have to happen.

It is preventable, however, only if women are aware of the risk of drinking alcohol while pregnant. The state recently began an extensive public relations campaign, using radio and television ads, to alert more women and their doctors to the dangers of FAS.

"We're not saying to anyone, 'You can't drink,'" says Shirley Burris, coordinator of the FAS campaign. "We're saying, 'This is what we know about FAS, and the safest thing we can tell you is not to drink at all'."

Because FAS was only discovered by researchers in the early 1970's, Burris says doctors still are uncertain how much alcohol might have an effect on the unborn fetus.

According to a report issued last year by a state FAS task force, "parental drinking has been associated with a variety of mild to severe birth defects as well as poor pregnancy outcome. These include increased risk of spontaneous abortion, still birth, retarded intra-uterine growth, failure to thrive, heart abnormalities, joint defects, kidney defects and mental retardation."

Because researchers aren't certain how much alcohol consumption is too much, the state campaign will be aimed at getting women to stop drinking entirely while they are pregnant.

According to a brochure prepared for the FAS campaign, "women who take two drinks a day or more run a risk of losing the pregnancy. The baby may be born smaller and not develop as well. A gala celebration where great amounts of wine, beer or liquor are taken at one time, 'binge' drinking, during pregnancy, may be harmful to your unborn baby."

The state project, Burris adds quickly, is not trying to frighten women unnecessarily.

"We're not going to lay a guilt trip on American women," agrees Dr. Sheila Blume, director of the state's division of alcoholism and alcohol abuse, which is overseeing the FAS campaign. "We just want them to know we don't know where the threshold is."

Although some research indicates that the damage caused by alcohol primarily occurs during the first three months of pregnancy, Burris says the campaign also wants to tell women that it helps to stop drinking any time during the pregnancy.

"Some people can't stop drinking that easily," says Burris. "We want the women to know that whenever you stop, you're helping. We want to be very supportive."

Alcohol also had been shown to affect the size of the baby, and Burris cites research showing if a woman stops drinking later in the pregnancy, she decreases her chances of having a smaller-than-average baby.

The state's interest in FAS stems not only from concern for the parents of FAS children, but also the considerable amount of money required for educating and supporting FAS children during their lifetimes.

According to the state FAS task force report, the lifetime costs of caring for babies born with FAS or related birth defects are estimated at almost \$155 million per year. If the campaign can prevent even one-third of the birth defects, the task force report said the state could save at least \$50 million in lifetime savings for the babies born just in 1980.

The campaign, its supporters hope, also will help identify more women with drinking problems and help them as well as their children. Information about FAS and treatment programs was mailed to health professionals throughout the state, and Burris says she hopes a network will be formed to identify the women and refer them for help.

A survey of local alcohol treatment programs shows that the programs rarely see women who are pregnant.

"It is, in a sense, an oddity, in that if we see any pregnant women, we don't see them with any degree of regularity," says Ken Scallion, education director for the Alcoholism Center of Rensselaer County, Inc. "I'd be hard-pressed to even think of one person I've seen."

Scallion thinks it is important to also reach the women who may have a drinking problem and are thinking about getting pregnant.

"If you are considering pregnancy, from the time of conception, you should cut out your alcohol consumption," says Scallion.

Some women automatically reduce their consumption of alcohol during pregnancy and other alcoholic women are able to give it up completely while they are pregnant, studies have shown. Scallion and others say, however, that treatment programs should be seeing more pregnant women.

"The statistics would seem to say they're out there," says Scallion. "It's a question of when we're going to see them in the treatment picture."

According to health professionals, part of the problem in identifying pregnant women with drinking problems is that questions about drinking are often not included in forms a patient fills out when visiting a doctor.

"A great many doctors will say something like, 'You don't drink, do you?' Doctors have so much difficulty dealing with these people that in a sense they avoid discussing any potential problem," says Shirley Burris.

Dr. C. Banks Hinshaw, an assistant professor of biochemistry at Albany Medical College and a resident in the obstetrics program at Albany Medical Center, says the hospital plans to emphasize prevention of FAS in its clinics.

"The damage is usually done before the woman even knows she's pregnant," says Hinshaw, adding that the hospital hopes to aim its educational efforts at women who are pregnant as well as those planning pregnancies.

Hinshaw says more women are aware of the potential dangerous effects of drinking during pregnancy and most doctors are now altering their patients.

In the past, he points out, many obstetricians would recommend that women use small amounts of alcohol to help them relax during pregnancy. Today, most doctors are aware of the FAS studies and are recommending that their pregnant patients reduce their alcohol consumption or eliminate it.

"They may have never seen a clearcut case (of FAS)," says Hinshaw, "but the evidence is strong. It's hard to deny that kind of evidence."

The first study linking the use of alcohol with a distinct series of birth defects was done in France in the late 1960's, says Hinshaw, but Fetal Alcohol Syndrome was not widely publicized until 1973, when two researchers from the University of Washington School of Medicine reported children with similar defects. Their investigation revealed that all were born to mothers who were chronic alcoholics.

"Recent research," the state task force report noted, "has been able to separate the negative effects of alcohol on fetal development from the ill effects of poor diet, cigarette smoking and other drug use, often coexistent with heavy drinking."

"What we're saying (about alcohol use during pregnancy) is that this is a gray area, so why don't you hedge your bets and not drink? It's an element of choice, so why not choose not to?" says alcoholism educator Ken Scallion.

For some women, however drinking is no longer a matter of choice, and it is also these women the FAS program hopes to help.

"I just don't think they're going anywhere," says Carl J. Marczewski, executive director of the Alcoholism Council of Schenectady County, Inc. "I'm sure there are females out there who just aren't getting the help."

Task Force on Prevention

The Ellenville Symposium on Prevention of Mental Retardation and Developmental Disabilities was held in Ellenville, New York. It was sponsored by the New York State Association for Retarded Children, The New York State Department of Health, the HEW-RSA-Region II office and the Office of Mental Retardation and Developmental Disabilities.

The Western New York Task Force on Prevention of Mental Retardation and Developmental Disabilities has been formed. It is W.N.Y.'s contribution to help formulate an effective New York State Action Plan for Prevention of Mental Retardation and Developmental Disabilities. This Task Force is the beginning of a process to expand prevention efforts within New York State in a manner that should result in a measurable level of success. It will be aimed at coordinating the efforts of people in public and private agencies in the 8 Health System Agency — Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Orleans, Niagara and Wyoming — counties.

Some of the major objects of the Task Force are:

- a. Screening for lead poisoning and iron deficiency anemia.
- b. Fetal alcohol syndrome of the newborn.
- c. Health prevention curriculum for teenagers.
- d. Car restraints for protection of infants and children.
- e. Rh hemolytic disease of the newborn.

The Task Force will initiate and monitor programs concerning the objectives mentioned. It will be comprised of two people from each of the 8 counties; one a professional person and the other a consumer advocate. Subcommittees will be formed to deal with each of the specific issues.

The Office of Mental Retardation and Developmental Disabilities has issued some funds to get the project moving. We are hopeful for funding on a 3-5 year basis.

The Project Director is Dr. Robert Guthrie, Professor of Pediatrics and Microbiology. The coordinator of this Task Force and secretary are both mothers of mentally handicapped children, Erie County Chapter Board members and extremely dedicated.

It is hoped that this Task Force will help to develop sound operational and legislative strategies to accomplish the preliminary recommendation which evolve from this statewide symposium on prevention.

Sterilization approved in Washington State

In a split decision, the Washington State Supreme Court has ruled that Superior Court judges can order the medical sterilization of mentally retarded persons, but set forth strict standards under which the lower courts can issue such an order.

The decision was the result of a case in which a mother had sought court approval for the sterilization of her mentally retarded daughter.

The mother, Sharon Hayes, had petitioned the Grant County Superior Court for an order to authorize the sterilization of her daughter, Edith Melissa Maria Hayes.

Grant County Superior Court Judge Fred Van Sickle dismissed the petition on the ground that the court had no authority to issue such an order.

However, in the majority opinion for the Supreme Court, Justice Charles Horowitz said that the lower court does have authority, under the State Constitution "to entertain and act upon a request for an order authorizing sterilization," and that "in the absence of controlling legislation, the court may grant such a petition in the rare and unusual case that sterilization is in the best interest of the retarded person."

Horowitz said that Edith is 16 years old and that, while her physical development is commensurate with her age, "she functions at the level of a four to five-year-old." She is therefore capable. Horowitz said, "of conceiving and bearing children, while being unable at present to understand her own reproductive functions or exercise independent judgment in her relationship with males. Her mother and doctors believe she is sexually active and quite likely to become pregnant."

But in setting forth the standards that Superior Courts can use in deciding such cases, Horowitz noted that the Supreme Court's conclusion, acknowledging that the lower courts have the power to grant a petition for sterilization, "does not mean that power must be exercised." "Sterilization touches upon the individual's right of privacy and the fundamental right to procreate," Horowitz said. "It is an unalterable procedure . . . (which) should be undertaken only after careful consideration of all relevant factors."

The standards to be followed by the superior courts in issuing an order for sterilization include provisions that: The decision can only be made in proceedings in which the "incompetent" individual is represented by a disinterested guardian; the court has received independent advice based on a "comprehensive medical, psychological, and social evaluation of the individual"; and, to the greatest extent possible, "the court has elicited and taken into account the view of the incompetent individual." Also, Horowitz said, "there must be no alternatives to sterilization."

A dissenting opinion was submitted by Justice Hugh Rosellini who, along with Justices Charles Wright and Robert Brachtenbach, contends that the Horowitz decision exceeds constitutional limits.

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The first residence for the mentally retarded in the Bronx to be operated by the Association for the Help of Retarded Children was dedicated in ceremonies held Sept. 28. The facility, located at 3817 Bailey Ave., is named the Greenberg House in honor of Ann Greenberg (above, center), founder of AHRC, and in memory of her late son, Jerry. Shown with Mrs. Greenberg (l. to r.) are I. William Stone, AHRC Bronx vice president; Irene Platt, AHRC president; Bronx Borough President Stanley Simon and State Senator Abraham Bernstein.

Home named for Greenberg

A Bellerose woman, who three decades ago organized the Association for the Help of Retarded Children, has a community residence for the mentally retarded named in her honor.

Mrs. Ann Greenberg of Bellerose, who founded the organization with a handful of members 31 years ago, was present when the AHRC formally dedicated its first residence in the Bronx as the Greenberg House.

The three-story 15 room facility, located at 3817 Bailey Ave., is named in honor of Mrs. Greenberg and in memory of her late son, Jerry, who died in 1952 at the age of eight.

National, state and city officials as well as leaders in the field of mental retardation attended the ceremonies.

Ten mentally retarded men and women presently live at the facility. The residents are employed at AHRC sheltered workshops or in private industry.

The hostel, located in a former convent, has nine bedrooms in addition to a kitchen, living-dining room and laundry room on each of its three floors.

Thirty-one years ago Mrs. Greenberg inserted a two line newspaper classified advertisement directed at parents of mentally retarded children asking if they were interested in forming a cooperative nursery school for their children. Ten mothers responded and the group held their initial meeting in a living room.

Mrs. Greenberg, who is a staff member of AHRC and in charge of its mail room, still serves as a volunteer with the organization and is active with the Queens Div. of HRC.

Today the AHRC has more than 8,000 members, chapters in all five boroughs and operates community residences, sheltered workshops, educational facilities and day centers throughout the city as well as a summer camp for the retarded.

The AHRC which has its headquarters at 200 Park Ave., South, in Manhattan, operates educational facilities for the mentally retarded in Long Island City, Bayside, Flushing and Ridgewood. It also has a hostel in College Point, a sheltered workshop in Elmhurst and an adult day center in Far Rockaway.

Chapters need community education

Highlighting the need for continuing community education, Mary Kallet, retiring Co-Chairperson of the Public Information Committee, stressed the achievement of common goals by the use of available resources to bring understanding, support and cooperation of chapter communities to enlightened action.

"Our goals are simple," she said. "We want people who are mentally retarded to be accepted as people. We want them to receive all the rights they are entitled to. Public Information activity must contribute to a change in public attitudes.

Our Association's Public Information Committee can articulate state-wide community goals which NYSARC espouses. Each chapter will set its own priorities and procedures. Each chapter should determine its objectives based on an understanding of its own issues.

If a Chapter has a pre-school program with vacancies, the community education outreach has, as its goal, the filling of those vacancies.

Outreach to parents, clinics, hospitals, pediatricians, etc., is a high priority. If neighbors resist accepting a community residence, they are a target for community education service. Finding allies becomes a high priority in this case.

The community education effort of every member of the Association is to help citizens understand that people who are mentally retarded are part of their community, too. Each community is, in this sense, a family.

It all starts with board acceptance of the need for community education and an executive director's interest in parcelling out to staff, whether paid or volunteer, the various ways a chapter can keep its "family" informed about its needs.

Rockland Community Center

Education-recreation-socialization are the key words to the Association for Retarded Children's Adult Evening Program, said by its director to be the first of its kind in the state.

Operating out of the former Tappan Elementary School on Washington Street, Tappan, the program is an extension of the ARC Sheltered Workshops in New City. Since last fall, it has grown from 90 to 135 mentally handicapped adults taking evening adult education and recreation programs under the supervision of a staff of nine part-time instructors.

Coordinator Richard Daniels notes the program is patterned after the YMHA-YWCA concept, with adults enrolling in the programs of their choice, just as in any regular recreation program. Last fall's programs ranged from sports, drama, outdoor education, and community trips to job skills, cooking, money management, and personal hygiene.

He said the ARC program features a real "community center" emphasis, with programs offered after regular business hours to insure as normal a lifestyle as possible for participants, who previously found their evening hours idle.

"The mentally handicapped should be provided with a normalization program that offers a choice of activities for the changing recreational needs of its participants," he said.

Daniels stressed that the adult education and recreation program is not meant to duplicate services at other agencies but to offer a choice.

The Developmental Disabilities Service Organization (DDSO), part of the Office of Mental Retardation and Developmental Disabilities (OMRDD), assists ARC with transportation and staff support for the program, said Daniels.

He said the program would consider offering additional practical programs in the fall, such as travel training and vocational education skills for job upgrading, for those adults who were not living in proprietary homes and hostels and who worked in the community and could use support services to benefit their new independence.

Daniels was formerly administrator of the ARC Enterprises Sheltered Workshops, serving for five years as coordinator of ancillary services.

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