LOAN CLOSET HOURS
Monday through Friday
10am – 3pm* If these hours are not convenient, please call 331-0541 x 27 and other arrangements can be made.
* Please note the loan closet is not an emergency service.

Experiencing Low Vision? by Jaime Bunt

If you or someone you know is experiencing a change in their vision due to an accident, illness, or age; it can be a very difficult time; from deciphering the different terms “low vision, legally blind, and visual impairment” to finding the resources available and where to go for help. Do not fret! There is information available. On August 19, 2015 some of the RCAL staff attended a presentation, offered through Ulster County Office for the Aging, on low vision and the resources that are available. The facilitator was Cheryl Lawyer from The Northeastern Association of the Blind at Albany (NABA). She left us with valuable information. Here is some of what we learned:

According to VisionAware's website and notes taken at the presentation “low vision”, “legally blind” and “visual impairment” are described and defined as follows:

"Low Vision" is when a person has a visual acuity (a number that measures visual sharpness) of 20/70 or less on the Snellen Eye Chart, the most common eye test given by doctors. However, "low vision" is best defined in a functional way. A person with low vision has uncorrectable vision loss that interferes with daily tasks and can vary from person to person.

"Legal blindness" is a definition developed by the United States government to determine eligibility for vocational training, rehabilitation, schooling, disability benefits, low vision devices, and tax exemption programs. It's not a functional low vision definition and doesn't tell us very much at all about what a person can and cannot see. According to this definition a person that is legally blind has a visual acuity of 20/200 or less in their best eye with best correction from glasses or contacts. This means that the person can only see the big E on the Snellen Eye Chart. This definition also states that the person's visual field (the total area a person can see without moving their eye from side to side) is 20 degrees or less in their best eye. This is also known as tunnel vision.

"Visual impairment" is a general term that describes a wide range of visual function, from low vision through total blindness. Examples of the variations in the term "visual impairment" or "visually impaired" include moderate, severe and profound. Moderate Visual Impairment is having a visual acuity of 20/70 to 20/160. Severe Visual Impairment is having a visual acuity of 20/200 to 20/400 or a visual field of 20 degrees or less. Profound Visual Impairment is having a visual acuity of 20/500 to 20/1000 or a visual field of 10 degrees or less. Like the term "legal blindness," "visual impairment" is not a functional definition that tells us very much about what a person can and cannot see. It is a classification system, rather than a definition. These terms are used in helping doctors and professionals in the vision rehab field better understand what a person's vision is but it is not specific to all persons. Vision is a very individual concept and one person's vision is not the same as another's.

One resource that people who are legally blind can utilize is the New York State Commission for the Blind (NYSCB). They provide vocational rehabilitation and direct support services to residence of New York State that are legally blind. Their mission is “to enhance employability, to maximize independence and to assist in the development of the capacities and strengths of people who are legally blind.” Another resource that NYSCB works closely with is the Northeastern Association of the Blind at Albany (NABA). NABA is a non-profit that serves 15 counties in the Mid-Hudson Valley area. NABA’s mission is “to assist individuals who are blind or visually impaired achieve independence and growth. This is accomplished by each person's unique needs”. Both of these agencies serve people of all ages to assist in their independence in all aspects of life.

(Continued on page 2)
Courtney Frantz, joined **RCAL** January 2016, as a Medicaid Service Coordinator. She has been in the human services field for 8 years and has been a MSC for 3 ½ years. Courtney has a Bachelor’s Degree in Human Services for Counseling from Empire State College and attended UCCC for two years prior. A lifelong resident of the Hudson Valley, she enjoys spending time with her family and dogs, traveling, watching movies, and going line dancing.

Juliet Greenwood... “After two years of being a case manager for home delivered meals through the county Office for the Aging, I am delighted to have a new desk at **RCAL** where I am diving in to the work of Care Manager for Health Homes and Service Coordinator for the Nursing Home Transition & Diversion program. In both roles I provide support to folks who want to live independently in the community, yet need some help to do so.”

NYSCB and NABA services include low vision exams, vision rehab therapy, orientation and mobility, and social work. Low vision exams help determine the level of sight loss and prescribes special adaptive aids accordingly. Vision rehab therapists are teachers that work individually in the home, teaching new techniques for activities and daily living. They help people maintain independent lifestyles by teaching adaptive techniques and utilizing adaptive vision aids such as magnifiers, large print, and talking devices. They also teach skills to remain independent and to be safe around the home. Orientation and mobility specialists teach safe travel in and outdoors. They train people to use sighted guide (assistance for someone with vision loss by someone that is sighted) and proper white cane skills for getting around safely and independently. Social work has trained specialists and support groups for learning coping skills. All of these services help individuals and families gain the knowledge and skills to live with vision loss.

For more information about NYSCB and to locate an office near you call 1-866-871-3000. For more information about NABA call (518) 463-1211. Do not be discouraged by vision loss; there are many possibilities!
RCAL’s Chief Operating Officer Reflects on 2015

As 2016 begins, RCAL’s Chief Operating Officer, Anthony Mignone, reflects on the many exciting things that occurred during his first year as COO. RCAL welcomed Mignone as its Chief Operating Officer in January 2015. He succeeded Suzanne de Beaumont, who held the position for over 10 years before going to work at the New York Association on Independent Living.

Mignone, who lives in Port Ewen, has been an Ulster County resident and business owner for almost 30 years. He has also worked in the fields of Social Services and Education. Mignone’s educational background includes a Bachelor’s of Science Degree with a Concentration in Finance from Marist College and a Master’s of Education from the University of Scranton. Additionally, he holds a Benefits Advisor Certificate from Cornell University. Prior to becoming the Chief Operating Officer, Mignone was the Benefits Advisor at RCAL.

Some highlights during his first year as COO, Mignone: led RCAL in its celebration of the 25th Anniversary of the Americans with Disabilities Act (ADA) through organizing a community barbeque and open house, directed staff events and trainings, and managed staff and programming through continued growth at RCAL. Mignone also headed fundraising that allowed Systems Advocate, Keith Gurgui, to attend an annual conference in Washington, D.C. by the National Council on Independent Living, where Gurgui received recognition for the work he is doing in his field.

Mignone reflects that in 2015, “It has been exciting to be a part of how RCAL assists in the community, making sure that people have access to the services that are necessary.” Going forward, Mignone is excited to have the opportunity to work with such an amazing group of dedicated people. He states, “Here at RCAL we have a team that is unrivaled in its dedication to the community. RCAL has been serving persons with disabilities in the community for over 30 years and has grown rapidly over the last few. I look forward to being a part of its continued growth.”

Above: Jaime Bunt, Disability Awareness Instructor (with Jonas) and Keith Gurgui, Systems Advocate speak at an assembly at M. Clifford Miller Middle School in Kingston, New York.

On October 28th RCAL Staff helped Jonas, Seeing Eye Dog, celebrate his 7th Birthday!
On Wednesday, December 9th, RCAL held its annual Holiday Open House with close to 100 people in attendance throughout the afternoon.
The Office of Special Education in the U.S. Department of Education issued a letter to clarify and provide guidance that States, hearing officers, school districts, school staff, parents and other stakeholders may find useful in determining how to follow the Individuals with Disabilities Education Act (IDEA).

At times, informal attempts to resolve a difference on how to provide a student with a free appropriate public education (FAPE) are not successful. It has come to the Department’s attention that some public agencies may be filing due process complaints that is the subject of a State complaint process. This can delay the State complaint process and force parents to participate in, or ignore at considerable risk, due process complaints and hearings. The Department’s guidance indicates that this is not in the best interest of a student with a disability and their families.


The U.S. Education Department has, also, announced new guidance to help students with disabilities as Part of the 40th anniversary of IDEA (IDEA) law. U.S. Secretary of Education Arne Duncan stated, “In the 40 years since this law was enacted, we have moved beyond simply providing children and youth with disabilities access to the school house. Today, we want to assure that these students have no less than the same equal shot at the American dream as their nondisabled peers.”

The guidance does not impose any requirements beyond those required under applicable law and regulations but does offer some resources for parents and educators aimed at assisting students with disabilities succeed in school, careers, and life. The full document can be accessed at: [www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf](http://www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf)

Dyslexia, dyscalculia, and dysgraphia are terms that State (SEA) and local educational agencies (LEA) are very hesitant to use or reference. There is nothing in the IDEA legislation that would prohibit the use of these terms in evaluations, eligibility determinations, or in IEP documents according to a recent letter from the Office of Special Education and Rehabilitation Services (OSERS). In fact SEAs and LEAs are encouraged to consider where it would be appropriate to use the terms dyslexia, dyscalculia, or dysgraphia to describe and address a child’s unique and identified needs through evaluation, eligibility, and IEP documents.

OSEP funds a large network to support SEAs and LEAs to improve the provision of services to children with disabilities. The use of these services, products, materials is not endorsed or mandated but offered as a resource. For a full list of OSEP funded technical assistance centers please see: [http://ccrs.osepideasthatwork.org](http://ccrs.osepideasthatwork.org)
Recent Special Education Field Advisories
Dorothy M. Richards

The State Education Department has recently issued several Special Education Field Advisories discussing Braille, transition from Early Intervention to Preschool Services and Cardiopulmonary Resuscitation.

In 2012 the Braille Authority of North America (BANA) decided to adopt Unified English Braille (UEB) which will replace English Braille American Edition (EBAE). The State Education Department will provide resources for teachers for professional development, and the instruction in UEB should begin as soon as possible during the 2015-2016 school year. This change will not affect the use of Music Braille and Nemeth code for math, science and technical subjects.

Students, teachers, braille transcribers, parents, family members of individuals who read braille will need to learn UEB or update their knowledge of braille to include the rules governing UEB. State assessments administered during the 2015-2016 school year will continue to be provided in the EBAE format for individuals who need their assessments in braille format.

Unified English Braille (UEB) is based on current literary braille, which is the most commonly used code internationally, is easier to translate electronically, is less ambiguous and includes symbols for technical materials. More detailed information on these changes can be found on BANA’s website at: http://www.brailleauthority.org/ueb/overview_changes_ebae_ueb.html

An initial individual evaluation of children transitioning from Early Intervention Programs (EIP) to Preschool Special Education (CPSE) services was the subject of another Field Advisory (printed in its entirety on page 10). School districts are responsible for arranging for the initial evaluations of children suspected of having a disability and are transitioning from an EIP. Once parental consent has been received, the initial evaluation must be completed within 60 calendar days. State law mandates that preschool children with disabilities receive their preschool special education program by their third birthdays.

The EIP Service Coordinator is responsible to submit any previously conducted evaluation reports and progress reports/updates that are available on the child to the school district. However, it is not the responsibility of the EIP to complete new testing to determine the child’s eligibility for services through the CPSE. Additional information on the evaluation of preschool students with disabilities can be found at: http://www.p12.nysed.gov/specialed/publications/preschool/guide/indeval.htm

The New York State Board of Regents is considering an amendment to Section 100.2(c)(11) that requires all students to complete hands-only instruction in cardiopulmonary resuscitation (CPR) and instruction in the use of Automated External Defibrillators (AED’s) prior to graduation. The amendment will allow the Committee on Special Education (CSE) the Multidisciplinary Team (MDT) for Section 504 students to be excused from this requirement.
For this year’s **RCAL** Staff Development Day on Sept. 4, 2015 the staff enjoyed a day at the Franklin D. Roosevelt Library and Museum. Many thanks to Carol Ray, Office Administrator, for organizing this day out and to the staff at the Franklin D. Roosevelt Library and Museum. **RCAL** Staff pictured above: Carol Ray, Hillary Nichols, Enrica Fiorenza, Jonas, Jaime Bunt, Sue Hoger, and Keith Gur-gui.

**RCAL SUPPORT GROUPS**

**AMPUTEE – LIMB LOSS OF THE HUDSON VALLEY**  
Meetings held on the last Monday of each month at 6:00pm

**AUTISM SOCIAL SKILLS**  
Meetings held every Saturday from 10:00 to 11:30am

**TRAUMATIC BRAIN INJURY**  
Meetings held on the 2nd Monday of each month at 3:30pm

**HANDS ON COMMUNICATION**  
Meetings held 2nd & 4th Wednesday each month from 6:30 to 9:30pm

**AMERICAN FOUNDATION FOR SUICIDE PREVENTION**  
Meetings held every 2nd Tuesday of each month from 6:00 to 8:30pm
An Open Letter to New York State Lawmakers

Dear Senators and Assemblymembers,

My name is Keith Gurgui. I am the Systems Advocate at my local Independent Living Center, RCAL, and am writing to you today because I am in urgent need of an ally in my current fight to maintain my Personal Care Services that are integral to keeping me alive and well and in the community. Ever since my return home after suffering a traumatic spinal cord injury over six years ago, I have received 24 hour PCAs (coming to my home in three shifts, eight hours each, around the clock). The services are paid for and approved by the state Medicaid office and managed by the Local Department of Social Services. Since services began in February 2010, I have been receiving aid services from [agency X (name removed for privacy reasons)], a Licensed Home Care Services Agency.

On October 15, 2015, I received a call from my caseworker at the Department of Social Services who told me that [agency X], the agency that has been serving me for nearly 6 years, would no longer be providing services after 30 days. As of today, November 3, 2015 (the date this letter was initially written) I have received no written notification from either DSS or [agency X] to inform me of these proposed changes per their responsibility under Title 18 NYSCRR 358-3.3(a) that governs Notice requirements for entities providing public and/or medical assistance.

Having a great deal of history with [agency X] as well as being acquainted with the ongoing healthcare changes on both the state and federal level through my work at RCAL, there are a number of factors that I believe are elements of [agency X ‘s] decision to discontinue coverage. My primary concern is maintaining my level of care that is essential to my well-being and independence. I am aware that homecare agencies have a right to provide notice and discontinue care but my grievance and reason for contacting you is to inform you that I have not been given proper notice. My second reason for contacting you is to focus your attention on an overarching policy that I believe is at the source of the problem.

(Continued on page 9)
(Continued from page 8)

As of October 13, 2015, a postponed federal regulation extending over time protections to homecare workers came into effect. The Final Rule, initially given an effective date of January 1, 2015, was delayed due to litigation (Home Care Association v. Weil) that was eventually resolved, upholding the Department of Labor's authority to regulate wages under the Fair Labor Standards Act. Though honorable in its intent, this rule is having devastating unintended consequences across the country for those like myself relying on extensive personal care in the home. Prior to this regulation homecare agencies were allowed to claim a "companionship exemption" that allowed them not to pay their workers over time wages. Because of this practice, many agencies and their management have a long-standing business model and existing profit margins within their operating budgets given historical parameters. Once the overtime rule came into effect, agencies like [agency X] restricted any employees from working over 40 hours preventing any overtime charges. Unfortunately for many who rely on these workers for their independence, these restrictions are not practical. As for myself, a worker who works Monday through Friday from 7 a.m. to 3 p.m. is set at 40 hours a week, but if there is a call out and she needs to cover she will inevitably run over time. This doesn't even take into consideration days in which I may have appointments or activities that cause me to return home later than 3 p.m., again requiring an aide to work longer than their usual shift. Simply put, capping hours restricts individual freedoms and forces homecare recipients to accept increased numbers of caregivers into their home to cover the same amount of hours that were once covered by fewer caregivers.

In conclusion, the right to overtime is something that all workers deserve, just as it is the right of every individual with a disability to live in the least restrictive setting appropriate to their need. That is at the core of the independent living philosophy. It has been verbally expressed to me that [agency X] will no longer be providing services to me after 14 November. What am I to do? DSS has been unable thus far to find another home care agency to take my case (24 hour PCA level II) and my only informal backup, my parents, cannot possibly fulfill my needs around-the-clock. I urge you to take these matters into consideration and please contact me as soon as possible with any advocacy or advice. To my benefit, I am working with a representative from Legal Services of the Hudson Valley towards this end but your voice is critical. Please keep in mind the impact of these federal regulations especially during state budget negotiations as well.

Sincerely,
Keith Gurgui

Please note, the issue of finding an appropriate home care agency has been resolved since the publication of this letter but the underlying overtime rule and its impact is ongoing.
The following is a letter issued by the New York State Education Department:

October 2015

FROM: SUBJECT: James P. Delorenzo
SPECIAL EDUCATION FIELD ADVISORY: Initial Individual Evaluations of Children Transitioning from Early Intervention Programs to Preschool Special Education Services

The timely and appropriate evaluation of a child transitioning from an early intervention program (EIP) to preschool special education services is essential to ensure a smooth transition. School districts are responsible for arranging for the initial evaluations of children suspected of having a disability who are transitioning from an EIP to determine the child's eligibility for preschool special education services and, if deemed eligible, the special education programs and services needed by the child.

Once parental consent has been received, the initial evaluation for preschool special education eligibility determinations must be completed within 60 calendar days. This ensures that preschool children with disabilities receive their preschool special education programs by their third birthdays in accordance with State law timelines for eligibility for services.

The evaluation must be conducted by a New York State Education Department (NYSED) approved Multidisciplinary Evaluation (MOE) program selected by the parent(s). With written consent of the parent(s), the EIP Service Coordinator is responsible to submit any previously conducted evaluation reports and progress reports/updates that are available on the child to the school district. Existing evaluation information previously obtained by the EIP, as appropriate, must be reviewed by the Committee on Preschool Special Education (CPSE) and other qualified professionals to determine what additional tests or assessments may be needed to determine the child's eligibility for special education, to assess the child's present levels of performance and to develop recommendations to address the student's unique needs. However, it is not the responsibility of the EIP to complete new testing to determine if a referral to the CPSE should be made or to assist the CPSE in making an eligibility determination. School districts should not request or expect the EIP to conduct new tests or assessments of the child for this purpose.

The key participants in the transition process from the EIP to a preschool special education program are the child's parents, the Early Intervention (EI) Service Coordinator and EI Official, the CPSE and the approved evaluator selected by the parents. These individuals collaborate to facilitate the transition process by reviewing the child's progress in the EIP and determining the child's eligibility for preschool special education services.

Early Childhood Direction Centers serve as an important technical assistance resource for families and school personnel through this process. For information on ECDCs in your region of the State, see http://www.p12.nysed.gov/specialed/techassistlecdc/home.html. Additional information on the evaluation of preschool students with disabilities can be found at http://www.p12.nysed.gov/specialed/publications/preschool/guide/indeval.htm.

Questions regarding this memorandum may be directed to the Office of Special Education's Pre-school Policy Unit at 518-473-6108 or to the Special Education Quality Assurance Office in your region:

Central Regional Office: (315) 428-4556
Eastern Regional Office: (518) 486-6366
Hudson Valley Regional Office: (518) 473-1185
Long Island Regional Office: (631) 952-3352
New York City Regional Office: (718) 722-4544
SPECIAL EDUCATION WORKSHOPS

KINGSTON WORKSHOP SCHEDULE
Resource Center for Accessible Living, Inc.,
727 Ulster Avenue, Kingston, NY 12401

Wednesday Morning: 10:00 a.m. to 11:30 p.m.
January 20, 2016 — Special Education Rights
Understanding your parental rights

Wednesday Morning: 10:00 a.m. to 11:30 p.m.
February 17, 2016 — IEP Development
Learn what to advocate for in your child’s IEP

Thursday Evening: 6:00 p.m. to 7:30 p.m.
February 18, 2016 — Special Education Rights
Understanding your parental rights

Wednesday Morning: 10:00 a.m. to 11:30 p.m.
March 16, 2016 — IEP Development
Learn what to advocate for in your child’s IEP

Wednesday Morning: 10:00 a.m. to 11:30 p.m.
April 20, 2016 — New Diploma Options
Learn what options are available for students not receiving a HS diploma

Wednesday Morning: 10:00 a.m. to 11:30 p.m.
May 18, 2016 — Special Education Rights
Understanding your parental rights

As we are a not-for-profit agency, RCAL requests a $5.00 donation to cover cost of materials, as well as a fee for service of $25.00 for an advocate to prepare for and attend a CSE meeting. Based on individual financial needs, other arrangements may be made.

The workshops are designed for parents, educators, and human service professionals. To receive further information, call RCAL at 331-0541. Pre-registration is required. (NOTE: Workshops may also be scheduled and held at a location more convenient to specific groups of participants. Please call RCAL for more information.)
Resource Center for Accessible Living, Inc.
727 Ulster Avenue
Kingston, NY 12401

Phone: 845-331-0541
Fax: 845-331-2076
TTY: 845-331-4527
E-mail: office@rcal.org
Website: www.rcal.org

RCAL’S MISSION: THROUGH ADVOCACY AND EDUCATION, WE CREATE ACCESSIBILITY AND PROMOTE INDEPENDENT LIVING FOR INDIVIDUALS WITH DISABILITIES AND THE COMMUNITY AS A WHOLE.

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