The State Legislative Process: Legislators and advocates discuss current legislative issues

You can advocate for the issues that are important to you, by participating in the legislative process.

In this article, four noted Delaware disabilities advocates discuss the role of advocacy in the state’s legislative process. Discounts include the following:

- State Representative Pamela Maier (R-Dummock Hill)
- State Senator Patricia Rivlin (D-Delmere)
- Brian J. Hartman, Esq., Project Director, Delaware Disabilities Law Program (DLP); and
- Kyle Hodges, ADA Coordinator and Administrator for the Delaware State Council for Persons with Disabilities (SCPD).

These advocates offer a step-by-step description of Delaware’s legislative process and relate that process to five issues that are important to Delawareans with disabilities, including:

- victims and witnesses (H.B. 63),
- state of limitations (H.B. 66),
- workforce issues (H.R. 3),
- access to parking (H.B. 64 and H.B. 172), and
- Medicare buy-in (an issue that is still garnering support and has not yet reached Delaware’s General Assembly).

Step-by-step legislative process

DLP Project Director, Brian Hartman, names the sequence of four steps of Delaware’s legislative process as follows:

1. Develop the concept for a bill.
2. Obtain a prime sponsor.
3. Secure legislative counsel to draft the bill according to the prime sponsor’s request.
4. Encourage other legislators to sign on as co-sponsors when the prime sponsor circulates the bill.

Typically,” explains Mr. Hartman, “individually, who would like to change a state statute, first solicit the support of a prime sponsor or, preferably, a prime sponsor in both the House and Senate. The prime sponsor may then request legislative counsel to draft the bill. Once drafted, the bill is usually circulated among other legislators who may add their names as co-sponsors.

“For example, the DLP drafts legislation. Then, the prime sponsor will generally present the proposed bill to legislative counsel to review only for technical accuracy rather than independent drafting. A common variation on this sequence, “continues Mr. Hartman, “occurs if the person or agency with the concept actually presents a proposed bill to a prospective prime sponsor drafted by the agency or independent counsel.”

“This bill is written up by the attorneys,” adds State Rep. Pamela Maier, “legislators try to get a co-sponsor in the House as well as in the Senate. This stage of the process greatly weighs the legislation.

It’s especially good to get committee members as co-sponsors. Legislation like House Bill 65 [addressing the needs of victims and witnesses with cognitive disabilities] goes to my committee. [Legislators] choose to be on the committee, but the chair is appointed,” notes Representative Maier, who has chaired Health and Human Development for six years.

“In committee, the process is mainly of education,” continues Representative Maier. “The best time to be on the committee, but the chair is appointed.”

“We work hardest for our constituents,” assures Representative Pamela Maier.

“Contact your own personal representative or senator and ask him or her to vote for your bill.”

This is a collaborative effort of the Center for Disabilities Studies & the Delaware Developmental Disabilities Council.
Advocacy: Your Turn

While this issue highlights some notable legislative successes in Delaware, the voices of individual Delaware constituents contribute immensely to improving services in Delaware. If you, too, would like to advocate for any of the legislation mentioned in this issue or get involved, please contact the following organizations.

Delaware Assistive Technology Initiative 302.651.6700 or (800) 870-DATI • www.asel.udel.edu//dat
Developmental Disabilities Council 302.739.3333 • www.de.state.de.us/ddc
Governor’s Advisory Council for Exceptional Citizens 302.739.4553 • http://www.state.de.us/agev/pcabwebmx
Parent Information Center 302.739.3613 • www.agev.org
The State Council for Persons with Disabilities 302.236.0243 • www.state.de.us/scpd

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We work hard for our constituents, "assures Representative Matz.

"Contact your own personal representative or senator and ask him or her to support your bill. We usually decide (that’s the majority caucus, which is currently Republican) if we agree with the bill’s purpose. If we do, then, the bill usually has the votes to pass. Upon passage in the House of Representatives, the bill goes to the Senate which currently holds a Democratic majority.”

"The process in the Senate,” notes State Senator Patricia Bevins, "slightly only slightly from that of the House. The bill is considered in committee, where the public and agency heads are encouraged to testify. These hearings are advertised one week in advance.

"Upon a majority vote of the committee, “continues Senator Bevins, "the bill is referred to the Senate for action. The bill is floor-managed by the sponsor, if it is a Senate bill, or by the commis- sue chair if it is a House bill. The Senate gives the bill a full debate, including testimony from witnesses, if necessary.

"If the bill is a House bill and it is amended by the Senate,” adds Senator Bevins, "it must again be considered by the House. If there are significant amendments, [the bill] goes directly to the governor to be signed or vetoed. The governor cannot change the bill, but can only accept it or reject it in the exact form in which he receives it.

Two legislative success stories

Generally known as the "vic- tims and witnesses” bill, House Bill 66 (H.B. 66) was introduced as an amendment to Title 11 of the Delaware Code in the 142nd session of the General Assembly. Addressing the needs of vic- tims and witnesses with cogni- tive disabilities, H.B. 66 added rights and protections for Delawareans who are unable to understand the legal process.

A comprehensive workforce plan, which would strengthen partner- ship between the public and private sectors, is needed to address the complex service needs of all persons with many different disabilities.

Advocey for legislation began a few years ago with a conference that was planned and sponsored by Partners in Justice with the DE Council’s backing. "This conference came up,” notes Rep. Matz, "that some people with disabilities needed a new version of the Miranda rights, that maybe they needed a friend present to make things understand- able. People with cognitive impairments are victims many times over.”

The legislation gained momentum with continued, vocal support from the Center for Disabilities Studies and the DE Council. Although some aspects of the pro- posals of H.B. 66, the advocates hurried together to get the bill passed.

"Satisfied with the overall value of H.B. 66," explains the DLP’s Brian Hartman, "the was decided to endorse the con- of the bill without proposing amendments. If you amend the bill after it has passed one legislative chunnel, you will lose momentum. For, now, the bill represents a significant improvement over the status quo.” As a result, H.B. 66 was passed by both legislative chambers and signed into law by Governor Ruth Ann Minner in June 2003.

Generally known as the "statute of limitations” bill, House Bill 66 (H.B. 66) entered the debate regarding long-term sexual abusers. In recent years, the move toward legislation to support the rights and protections for children and adults. A report, given at a DD Council work- shop in March, 2003, cited a staggering statistic: 90 percent of individuals with develop- mental disabilities have expe- rienced sexual abuse.

The Senate version, authored by Senator Bevins, focused on people who were under the age of 18 when the alleged crime occurred. "This is a dif- ferent approach,” notes Mr. Hartman. "The Senate bill only applied to crimes involv- ing children. It also extended the time period for prosecu- tion without eliminating the statute of limitations altogether.

In the bill’s synopsis, Senator Bevins wrote, "This bill clari- fies that the legislature intend- ed its expanded statute of limita- tions for sexual offenses against children to apply to all persons who perpetrate such offenses, not just persons for whom the statute of limita- tions had not yet expired when the statute of limitations was originally expanded in 1992.

"Often,” explains Senator Bevins, who has chaired the Senate’s Health and Social Services Committee for many years, "when children are sex- ually abused, they don’t come forward until they are adults and have the faculty to realize what has happened to them. So, such crimes go unreported for a very long time. It’s important to be able to go back and prosecute this type of crime, particularly, when one individual continues to commit the crime.

"The argument against this,” continues Senator Bevins, "is ‘Memories fade over time.” People are concerned about entrapment or False Memory Syndrome. But any jury won’t usually convict someone of an old crime based on one person’s testimony alone. one per- son’s word against another. A jury has to convict ‘beyond a reasonable doubt.’ In other words, the cases, the current con- viction comes because of strong evi- dence or multiple victims.”

Overall, Delaware’s disability advocates supported the legis- lation. The SCPC endorsed the concept of H.B. 66 and worked successfully for its pas- sage into law.

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The impact of current advocacy and federal legislative activity

While advocacy is often described as a challenging and exhausting activity, the benefits of advocating for the issues you care about are immense. In the spring of 2003, advocacy for all people with disabilities at the national level remained crucial.

In order to effectively advocate for the issues you support, you must understand the current legislative process. Advocacy involves staying informed and being proactive in promoting the issues you care about. The most effective way to advocate is to contact your elected officials and the public regarding the issues you support.

The best way to be involved, advises the Delaware’s Council’s Patricia Maichle, “is to advocate on your own behalf. Educate yourself, and get involved.”

While a law is written in such a way that the government can work to improve it.

This spring, Congress’s agenda included the reauthorization of funding for CAPTA. To this end, the House of Representatives issued House Resolution 14 (H.R. 14), which authorized state and community-based grants. This funding would pay for family violence-prevention programs, stronger initiatives to combat child abuse, and measures to ensure that caseworkers inform parents of neglect complaints in a timely fashion.

The Senate’s version of the CAPTA reauthorization, sponsored by Senator H. R. Goodlatte and Representatives L. Mendelson, passed a parking bill that meets the needs of people with disabilities. In July 2003, Governor Minter signed H.R. 172 into law. To advocate for any of the aforementioned state legislative issues, see Advocacy: Your Turn, page 2.

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Exceptional Citizens

institutions, helps families, saves money, and it's the
“The Family Opportunity Act keeps children out of
need to impoverish itself to receive medical benefits for
622 raises the family income limit so a family would not
 qualify for Medicaid. With this medical option, a
Including an option to “buy into” Medicaid, the U.S.
expected move effectively shuts down the state programs
all funding for state technology projects. This unex-
funding cycle, President Bush zeroed out the funding.
[“The point is,” emphasizes Ms. Mineo Mollica, “things are different.”] “The point is,” emphasizes Ms. Mineo
as the ALS-like symptoms that Desert Storm veterans
were first funded. There wasn’t a demand for account-
ability. Some technology didn’t exist, was unavailable,
and wasn’t needed by people yet. People age, technology
introduces new possibilities, and new needs arise, such
as the ALS-like symptoms that Desert Storm veterans are experiencing. [ALS is also known as Lou Gehrig’s
disease.] “The point is,” emphasizes Ms. Mollica, “things are different.”
This spring, although one year remained in the federal funding cycle, President Bush zeroed out the funding.
The Spring 2003 issue of the AT Messenger, DATI’s
template newsletter, announced, “To the shock of AT advocates nationwide, the President’s FY04 budget—
eliminates all funding for state technology projects. This unex-
pected move effectively shuts down the state programs
a full year before the legislative authorization for the program expires.”

Mr. Mineo Mollica believes that some members of the 108th U.S. Congress supported the President’s action, because they believe that the states can not only pick up the funding at this time but also that they had sufficient time to establish a working infrastructure. “Unfortunately, the states are broke,” counters Mineo Mollica, “Budgets are in shambles. We’ve got to knock off schedule when managed care and HIPAA’s rewrite procedure in 1999. So, we had to start over. For DATI to have life in fiscal year 2004, Ms. Mollica continues, “we need a short-term fix. Congress needs to put the money back in the budget for 2004 and to waive the sunset provision so DATI has access to the funding. This is crucial because there’s no other pro-
gram that does for what DATI does for us. Without DATI, there’s no comprehensive source for families in Delaware for AT where people can try out equipment or get help locating funding.”

Mr. Mineo Mollica concludes, “As advocates, we now have to put our positions in the state. The entire legislative delegation in Delaware needs to hear from consumers. Disabilities advocates need to call their Senators and Congressman and say ‘This is useful, we benefited from it, and we want it to stick around.’”

The reauthorization of IDEA
Those involved in reauthorizing the Individuals with Disabilities Education Act (IDEA) of 1990 have expe-
stressed the importance of reauthorization. Senator Joe Biden, Executive Director of the Parent Information Center (PIC) of Delaware, believes that a successful working relationship with Delaware’s elected officials has helped make her advocacy work a success. “Although Congressmen [Michel N.] Castle tends to support the Republican line,” explains Ms. Agahazadian, “he lis-
tens. When we work with him, we go as a consortium and make sure we’re all saying the same thing.”
The consortium of advocates for IDEA includes the following groups:
• IDE Council
• Governor’s Advisory Council for Exceptional Citizens

A newspaper for people with disabilities, their families, and the professionals who support them

(Continued from previous page)
New Childcare Research Reports from the Center for Disabilities Studies

The Intergency Team Management Committee (ITMC), a Delaware state-level government committee, funds several exciting projects at the Center for Disabilities Studies. ITMC members include the Secretaries of Education, Health and Social Services; and Services for Children, Youth and Their Families; as well as the state Budget Director and Controller General. The results of the studies described below identify the outcomes of programs funded by ITMC and support policy recommendations and resource allocation.

The Delaware Early Care and Education Baseline Quality Study will produce a final report based on observations and interviews with program directors and over 576 early care and education teachers in 201 early childcare programs. The study includes family childcare settings, center-based programs, Head Start and Early Childhood Assistance Program (ECAP), part-day programs for 3 to 5-year-olds, and programs for school-age children. Data analysis has provided information on early care and education in Delaware.

As each segment of the report is completed, representatives from the three state agencies will meet to review the analysis and begin to make policy recommendations based on the information. The final report will be available in the fall of 2003.

The Child Find Study will report on interviews with families who have had Tot Kerning, receiving special services from their school district for 24 months or less. Currently, interviews with the parents of 75 children, kindergarten through grade 4, are proceeding. Children who were identified for special services since they started school or within the last 2 years are included in the study. Parents will be interviewed about the family, the life of the family before the child entered school, and the child’s early experiences. Each child’s school records, health records, and program records, including any programs that have also served the family, will be reviewed. The anticipated completion date for the Child Find Study is spring 2004.

The Delaware Early Childhood Longitudinal Study has followed the progress of 500 children who have now taken the fifth grade Delaware Student Testing Program (DSTP) in school. All fifth grade students in Delaware are required to take the DSTP. The study focuses on a group of students that includes children who attend Head Start and ECAP programs, children who received special services in 1st and 4th grades, and a sample of students who did not receive services as preschoolers. The DSTP test scores and classroom grades will be collected and analyzed this fall. The findings of this study will be reported in late spring 2004.

The Delaware Early Childhood Longitudinal Study II will use the same structure as the first Delaware Early Childhood Longitudinal Study to identify a new group of students born between July 1, 2002, and June 30, 2003. This study will follow the children for the next 10 years.

The Center has done several studies with participating families and reported on family satisfaction regarding their involvement in the Birth to Three Early Intervention System’s Child Development Watch (CDW). In the spring of 2002, a sample of families who had children active in the CDW program were surveyed about their experience and expectations of the program. This survey, which has been conducted since 1996, can now provide the birth to three Early Intervention System’s Child Development Watch with trends in the perception of families of the services that they have been offered. This year, the survey added questions regarding the plans parents are making and the expectations they have as their children transition from CDW.

These evaluation studies are directed under the leadership of Dr. Michael Crumel-McCormick, Dr. Martha Buel, Debbie Amsden, and a research team of graduate and undergraduate students. For more information contact Debbie Amsden, Research Coordinator, (302) 831-3633, or irmc@udel.edu.

The 3rd Annual Disability Awareness Day Picnic

Friday, Oct. 3, 2003 • 10 a.m. - 3 p.m.
Smyrna Municipal Park
504 N. Main Street, Smyrna, DE
DJ • Free food • Fountain drinks
Special Events


To reserve a space, please call the Developmental Disabilities Council, (302) 739-7192/3333.

Coming Soon: UD’s Early Learning Center

In August 2002, the University of Delaware purchased the former Girls, Inc. building on Wyoming Road to house the Early Learning Center (ELC). The ELC will provide full-day childcare for approximately 150 children from birth to five years old, as well as approximately 75 school-age children. The ELC will be an integrated childcare center that will offer the following:

1. High-quality child care for children from birth to 12 years old and family support services.
2. Pre-service training for undergraduates and graduate students in many disciplines, including early childhood education, physical therapy, nursing, psychology, nutrition, and individual and family studies.
4. Training and technical assistance for early care and education programs throughout the region.

The children enrolled in the ELC will be from a wide variety of backgrounds, and at least 20% of the children served will be children with disabilities.

The building will have four distinct areas serving infants, toddlers, preschool-age children, and school-age children. In addition to these four areas, the building will include space for observation and teaching, two therapy assessment rooms, a family meeting room, a parent resource room, two family-child research rooms, a breast feeding room, a kitchen for providing meals to children, and a half-size gymnasium.

The ELC will be a University-wide program administered through the Center for Disabilities Studies. With strong emphasis on pre-service training, research, and serving the community, this site will be unique in the state. ELC Director, Karen L. Rucker, brings more than twenty years of experience working with young children and their families. Ms. Rucker has overseen the renovation of both large and small child care facilities and has extensive experience working with large child care centers. She emphasizes the importance of having a center that is inclusive of children of all abilities that can be a model for other programs. The Director stated, “The need for inclusive child care, and especially for inclusive school-age care, is so great that we must be able to show how these services can be provided throughout the community for every child with disabilities as possible.”

From February to June of 2003 the ELC building was used by the Christiana School District to house a non-profit’s preschool-childhood special education programs. The need for emergency quarters for these programs arose when Lemon Elementary School’s roof collapsed after a snowstorm in February. The University was eager to assist one of its community partners with a facility specifically designed for young children in need of special services. In the meantime, design plans for the new ELC have been proceeding.

Construction drawings were delivered in late June. Demolition of the building began in mid-September and renovations will take place throughout the fall of 2003 and winter of 2004. The ELC is scheduled to be open to children and families by June 2004.

For more information on the Early Learning Center please contact Karen Rucker at knucker@udel.edu.
Training and supporting the role models in each child’s life

This year, two New Directions for Early Head Start (NDEHS) projects, the Youth Involvement Initiative and the Fatherhood Initiative were created in response to the continuing needs of children. The two programs provide opportunities for young adults and fathers to develop, share, and hone skills that support them in positive role models in their communities.

Under NDEHS’s direction, both projects are improving life for Delaware’s youngest children by training and supporting responsible and mature role models.

Youth Involvement Initiative

The Youth Involvement Initiative trains both high school and middle school students in mentoring skills and teaches them the value of becoming a mentor. This spring’s first training session attracted twelve young adults to the Hilltop Lutheran Neighborhood Center in Wilmington.

These student-mentors gain many valuable skills including an understanding of the benefits of challenging the young minds of children through age-appropriate activities. Each mentor learns, for example, how to read to young children and to help children build their thinking skills. The program’s on-the-job training builds the mentors’ self-confidence, and their experience in a leadership position sharpens the mentors’ interpersonal skills.

“This is a mentor,” explains Heidi Beck, NDEHS’s project leader, “you have to be mentor material. Attending class and being on time are the types of behavior we want to teach our children. As a mentor in the Youth Involvement Initiative, you need to show a positive attitude about school and learning.” According to Ms. Beck, the student-mentor is guided toward healthy, positive life choices and models positive behaviors for the child.

Team building is an important component of the program. These young adults learn to rely on a team model to be effective mentors and advocates for children. They master skills by working on community group projects, such as park cleanups. This experience teaches leadership, how to successfully work in a group setting, and the mastery of the interpersonal dynamics necessary for working together in a group.

Fatherhood Initiative

The second NDEHS project highlights father figures as positive role models in children’s lives. Beginning with the first session at January 2003, six Delaware men received leadership training aimed at supporting the children and families in their community.

Fathers, grandfathers, and men, who are interested in supporting their own families and becoming role models in their community, meet once a week to practice the skills and activities that support not only the child but also the child’s mother. As a modified Parents as Advocates, Counselors, and Teachers (PACT) program, the Fatherhood Initiative also presents opportunities for participants to network with previous graduates of the PACT program. In a retreat setting, the men practice their counseling skills in one-on-one and group situations and are encouraged to play an active, thoughtful role in supporting other men involved in the training.

“The retreat offers support for the fathers,” notes NDEHS’s Ms. Beck, “and helps them build confidence in their parenting, child care, and daily management skills. It’s also a great opportunity for sharing and problem solving.”

Since September 2002, funding has been provided for these two initiatives by the Department of Health and Human Services Administration for Children on inclusion and severe disabilities. Registration materials will be available in September. If you would like more information, please contact Manha Mills at the Developmental Disabilities Council by phone at (302) 719-7193 or e-mail mmills@state.de.us.

Employment Opportunity

Freedom Center, a consumer-driven organization providing a variety of services and supports that enable persons with disabilities to live independently, is seeking a creative, positive, self-starter to join their staff as an Independent Living Specialist.

For more information contact Debbie Bates at (302) 376-4399 or 1-866-our-rights or email her at FreedomCIL@yahoo.com.

Freedom Center is an equal opportunity employer. People with disabilities are strongly urged to apply.

Would you like your organization’s employment opportunities announced through our newsletter or website? Email 3linda@udel.edu for more information.

Call for posters! The poster sessions at the Life Conference typically highlight projects or research, which is considered to be innovative, representative of best practices in the field. Proposals are due by November 1, 2003.

The annual LIFE Conference is the largest gathering of people working with and for individuals with disabilities in Delaware. The conference will be held at the Dover Sheraton Hotel and Conference Center on January 22, 2004 from 8:00 a.m. to 3:45 p.m.

For more information contact Mark Bernstein, Center for Disabilities Studies, 302-831-3458 or mjbens@udel.edu.

Inclusion Conference

Mark your calendars for the 10th Annual Inclusion Conference to be held on November 6, 2003. from 8:00 a.m. to 3:15 p.m. The keynote address will be given by Marri Smell, Coordinator of the Special Education Program at the University of Virginia. Her research and writing focuses on inclusion and severe disabilities. Registration materials will be available in September. If you would like more information, please contact Manha Mills at the Developmental Disabilities Council by phone at (302) 719-7193 or e-mail mmills@state.de.us.