



# ***In the Spotlight***

**Monthly Issues of Interest Presented By  
The Learning Disabilities Association of New York State/ May 2009**

## **Tiered Services Bill Creates Needed Flexibility for Individuals with Learning Disabilities**

**Senate Bill 5209, recently introduced by Senator Shirley Huntley, which establishes a program of tiered eligibility for services for persons with learning disabilities and other complex neurological impairments, is a good start toward creating a flexible system.**

Children and adults with learning disabilities will face numerous challenges in life but with supports and services many lead successful, fulfilling lives. Because learning disabilities impact people in different ways, many people learn to compensate for their disabilities on their own and require very few, if any support services at all. Others may be impacted more deeply and may require a higher level of support. Key areas where children and adults with learning disabilities often need and seek support include education, employment and assistance with daily living such as cooking, budgeting, planning, organization and socialization. Knowing where to turn for help and how to access those services can be daunting. Support services to provide assistance in these key areas of life are often funded by government agencies and with limited resources diminishing almost daily and skyrocketing demand, policymakers who oversee the funding are compelled to construct eligibility "boxes" or guidelines to delineate who is eligible to receive services (and by default, who is not). Unfortunately, because of the varied characteristics of learning disabilities; the variety of ways they impact people and the co-occurring issues that may also be involved such as the potential need for mental health services, trying to gain access to these services is like trying to squeeze a round peg into a square hole.

Many times individuals with learning disabilities do not fit neatly into all or any of these eligibility boxes and end up getting bounced from one to the other before finally giving up on seeking any help at all. Along the way, they frequently face opposition from those who misunderstand or can't understand their disability and why they need the support services that they do.

No where is it more challenging for individuals with learning disabilities to access support services than in the realm of adult services. Currently in New York State, support services for adults with learning disabilities are primarily provided through the Office of Mental Retardation and Developmental Disabilities (OMRDD). While other state agencies, such as the State Education Department's Office of Vocational and Educational Services for Individuals with Disabilities (VESID) do offer some support in terms of employment assistance, OMRDD is the primary funder of an array of support services such as residential, employment and residential habilitation (ie: assistance with daily living skills such as cooking, budgeting, etc.) Over the past several years, OMRDD has moved toward utilizing Medicaid as the primary mechanism to fund these services. Along the way, they have also tightened the restrictions on eligibility. Recently, OMRDD has completely done away with 100% state-funded services for most of their programs. All of these changes have made it increasingly difficult for adults with learning disabilities to access these services. It is no longer just a matter of meeting OMRDD eligibility criteria but now individuals must also qualify for Medicaid. Complicating matters is the fact that many adults with learning disabilities have average to above average IQs but exhibit deficits in their adaptive functioning. Unfortunately IQ is the primary factor involved in establishing eligibility and many individuals are denied based on their IQ scores.

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**LDANYS**

**1190 Troy-Schenectady Rd.**

**Latham, NY 12110**

**Ph: 518-608-8992**

**Fax: 518-608-8993**

## LDA Regional Affiliates

LDA of the Capital District  
(a.k.a. Wildwood Programs)  
2995 Curry Road Extension  
Schenectady, NY 12303

LDA of Central New York  
722 West Manlius Street  
East Syracuse, NY 13057

LDA of Long Island  
44 South Elmwood Avenue  
Montauk, NY 11954

LDA of the Mohawk Valley  
401 Columbia Street  
Utica, NY 13502

LDA of New York City  
27 West 20th St., Rm. 303  
New York, NY 10011

LDA of the Southern Tier  
112 Nanticoke Avenue  
Endicott, NY 13760

LDA of Western New York  
2555 Elmwood Avenue  
Kenmore, NY 14217

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AT [WWW.LDANYS.ORG](http://WWW.LDANYS.ORG)**

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The Learning Disabilities Association of New York State (LDANYS) was chartered by the New York State Board of Regents in 1958 and is a statewide 501c3 non-profit, parent-driven organization that advocates on behalf of children and adults who have learning disabilities. LDANYS is the New York state affiliate of the Learning Disabilities Association of America. Our regional affiliates located throughout the state provide a variety of programs and services for children and adults with learning and other developmental disabilities and their families.

For more information about our organization or about the content contained here, please contact our state office at 518-608-8992.

## Tiered Services/ Needed Flexibility- Continued

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When co-occurring issues are involved and consequently more than one service agency such as OMRDD in addition to the Office of Mental Health and/ or Office of Alcohol and Substance Abuse Services, ownership of that individual and which agency is going to provide services becomes murky. Frequently these individuals, because their needs are complex and not solitary in their nature, fall through cracks in this disconnected service system and receive no assistance at all. Unfortunately, this is indicated by the high numbers of individuals with learning disabilities represented in our correctional facilities and receiving public assistance.

OMRDD's movement toward "waiverizing" all of their services also means that if and when individuals do meet all the criteria, they qualify to receive the full gamut of services provided by the waiver whether they need them all or not. This has resulted in an "all or nothing" phenomenon. Some people end up receiving services they don't even want or need.

Frequently, individuals with learning disabilities do not require all of these services or at the level of intensity with which some of them are provided but because the system is not flexible, the option to choose what you need when you need it does not exist and as a result, some people receive more than they need while others receive nothing at all. Often with just a minimal level of support provided on a short-term basis, many individuals with learning disabilities can get set on a track to progress that they can maintain on their own, if only someone is their initially to help them get started.

A more flexible, tiered service delivery system that allows individuals with learning disabilities to only receive the services they need when they need it would solve some of these issues. Senate Bill 5209, recently introduced by Senator Shirley Huntley, which would establish a program of tiered eligibility for services for persons with learning disabilities and other complex neurological impairments, is a good start toward creating a system that serves more people in need in a more efficient and effective way.