

THE Colorado Independent

Summer 2009

This newsletter is published by the Provider Relations Unit of the Colorado Division of Vocational Rehabilitation, and edited by Judy Neal, Independent Living Program Coordinator. The goal is to share information among the ten Colorado Centers for Independent Living, the Statewide Independent Living Council, and DVR staff. The submission of information or articles from all affiliated with these organizations is both encouraged and welcomed. Please e-mail any articles of interest to judy.neal@state.co.us If you have questions, please phone me at (303) 866-4645.

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SILC Plans for New Fiscal Year

The Colorado SILC elected new officers at their May meeting in Greeley, and reviewed the third year goals of the State Plan for Independent Living (SPIL) at an executive team planning session in Colorado Springs in June.

Foremost, among the plans for the coming year, is the completion of a statewide Independent Living Needs Assessment. The first two phases of the needs assessment, collection of demographic data and information about disability-specific statewide organizations, are in draft form. The SILC expects to publish the final reports for phases one and two on their website later this summer. Phase three of the needs assessment will include key informant interviews, focus groups, and other public input. The expected result is to have a clear picture of each service area that can be used by the individual centers for independent living for program planning and fundraising potential. The assessment will also reveal underserved geographic and programmatic areas that may be addressed in the next SPIL.

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Linda LaPointe will become the new SILC Chair on July 1. Linda was active in the early days of the independent living movement, and established and directed an independent living center in North Dakota. She is currently a service provider for seniors in southeast Colorado. Julia Beems of Assistive Technology Partners will serve as Chair-Elect. She will chair the SPIL committee and spearhead the development of the next state plan.

Billy Allen, who teaches at the Colorado School for the Deaf and Blind in Colorado Springs, has accepted the position of SILC Treasurer. Billy also has an extensive background in independent living.

The new SILC Secretary is Patricia Yeager. Patricia, who is a PhD candidate at the University of Northern Colorado, was the SILC Coordinator for two and a half years. She has also been a center director, and has experience working at the state level as the director of the CIL directors' association in California.

The SILC is looking forward to a productive year in support of independent living in Colorado. With a membership that is geographically and disability diverse, and an experienced leadership team, there is no doubt that people with disabilities in Colorado will benefit from the SILC's work.



The Colorado SILC. Standing left to right: Linda Taylor, Amy Allred, Jan Ward, Judy Neal, Patricia Yeager, Julia Beems, Linda LaPointe, Carol Hunter, Cindy Powell, Mark Cloer, Andy O'Riley, Billy Allen, Faith Gross, Pat Going. Seated left to right: Debbie Petersen, Larry Williams, Hope Krause.



From the Director

**By
Nancy Smith**

While attending the SILC meeting last month, I was pleased to listen to a presentation by Andrew Houtenville, a senior researcher for New Editions Consulting, Inc. He provided a sneak peek at research commissioned by the SILC that will be released in about a month.

I was struck by the numbers. It was not that they seemed inaccurate. It was that while all of us work so hard to improve them, they continue to remain low, seriously low. What is it about this country that permits everyone else to think it is acceptable to marginalize others simply because they have disabilities.

Historically, the factor that DVR watches closely, the unemployment/under-employment rate for people with disabilities, stays in the 70+% range. It never moves. We work to get more jobs for people and it never moves.

I saw what I expect is a similar dynamic for the statistics captured in the SILC's report. I have no answers for how to change the numbers. I wonder if the rest of you do. What will it take for people with disabilities to expect the same life and outcomes as the rest of the world? How can we use the data to make the case? I hope that the work done for the SILC will help to change even one of the measures.



DIVISION of
VOCATIONAL REHABILITATION

State of Colorado



From the SILC

**By
Debbie Petersen**

The SILC is dedicated to our mission of “***paving pathways to full participation for the community of people with disabilities served by Colorado’s Centers for Independent Living.***” In an effort to identify some of the needs people with disabilities have, as well as the gaps that exist in meeting those needs, we are doing a needs assessment. As a first step to the needs assessment we are working with the National Institute on Disability and Rehabilitation Research (NIDRR), National Statistics Center, to compile Colorado statistics from the census data. The Independent Living Centers were asked to contribute questions they would like answered and information they would like to see as this data is compiled. At our SILC meeting in May, held in Greeley, we reviewed the compiled statistics. The state plan committee will be using this as a launching point to the next steps in completing the needs assessment.

The membership committee has been busy recruiting. At our March meeting three (3) prospective members participated in our meeting. All three (3) of them found the SILC

to be active and moving forward. Two (2) submitted their applications, were approved by the executive committee and appointed by the governor. They attended our full SILC meeting in May as SILC members. The third has submitted his application and is awaiting final approval and governor appointment. We are always looking for new members who are interested in carrying the mission of the SILC forward. If you are interested in being a member of this very active and dedicated SILC please visit this website to download an application: http://www.state.co.us/gov_dir/govnr_dir/bc/index.htm or you can call Boards and Commissions at (303) 866-6328. You can send the application to Judy Neal, SILC Liaison, Division of Vocational Rehabilitation, 1575 Sherman, 4th floor, Denver, CO 80203.

The public policy committee was instrumental in the development of the first issue brief distributed by the SILC. This issue brief is focused on emergency preparedness for those with functional limitations. A second issue brief will be developed from the demographic statistics that are being compiled. This will be a good

opportunity to present a picture of Coloradoans with disabilities and their distribution around the 10 catchment areas served by the Independent Living Centers in Colorado. Other potential issue briefs will be focused on health care, primarily issues related to access; and affordable, accessible housing.

We always have an opportunity for public comment at our full SILC meetings. When we were in Pueblo we had an opportunity to hear how the housing coordinator at the Center for Disabilities has been instrumental in acquiring Section 8 housing for several clients. The housing coordinator is taking the time to find landlords willing to accept section 8 housing vouchers, thus allowing persons with disabilities to live in affordable, accessible housing. The SILC members applauded this effort.

The public comment period in Greeley focused on continuing funding for all CILs equitably. There was also a discussion about core service including housing and the request to listen to consumers and the centers when considering needs. There was a discussion about “the WAND,” a consumer advocacy group, that has been working on accessible transportation in Weld County and is now seeing progress. One mother spoke about her son who has experienced employment discrimination, in Greeley, due to his disability. This mom was introduced to the Director of the CIL in Greeley

and the Greeley Tribune reporter took the opportunity to interview her.

ACCIL has asked the SILC to have representation at their meetings. We are very pleased to be able to work together with ACCIL, since we are working toward the same goal. This should allow an opportunity to enhance our work, by utilizing appropriate talents and not duplicating our efforts. The SILC will be sending an executive team member to participate in the ACCIL monthly meetings

Thanks to the hard work of Faith Gross and Mark Cloer, in May we saw the Colorado Senate and the House of Representatives approve a resolution naming the week of July 26, 2009 as Disability History Week. This is a great opportunity for all of us to share how perseverance has made a difference for persons with a disability. It is also my hope that ACCIL and SILC will be able to work together to help make this week a learning opportunity for the state of Colorado. ACCIL and SILC can also work together to support introduction of this as a permanent resolution and maybe change the date to a date in October when schools will be in session and will be able to participate in some of the educational opportunities.

During our full SILC meeting in Greeley we also learned more about the stimulus funds that will be available for the CILs. Since there is

still more to learn about how the funds will be distributed and how the funds are to be used we were not able to make any final decisions about the funds. We will know more when DVR has a more clear understanding about the funds from RSA.

It has been my pleasure to be the chair of the Colorado SILC this year. All of the members are very dedicated to those with disabilities and work tirelessly to ensure their needs are met. During this year we made some significant progress towards meeting the goals of the SPIL. We developed our mission statement, and we expanded and more fully developed our website. We had 2 interns working with us. One worked on our emergency preparedness issue brief. And one worked on helping us understand more of the accessible housing issues. All of the committees worked hard and every SILC member was part of a committee. We were able to get data from the National Institute on Disability and Rehabilitation Research (NIDRR) to help us have a better understanding of the demographic picture of the persons with disabilities. This data will also help us in the next steps towards our needs assessment. We employed a person to develop a list of all of the agencies who deal with persons with disabilities so we will have a good base from which to work with in distributing issue briefs and collecting data for the needs assessment.

Many new members were appointed to the SILC this year and I am happy to know each and every one. At our May meeting in Greeley we appointed the executive committee for the 2009-2010 year. This is a strong team and I congratulate all of them in being elected as officers for this great Colorado SILC.

Please remember, we are interested in growing the Colorado SILC membership and are focused on a diverse membership of people interested in being active in paving pathways to full participation. Visit our website at www.coloradosilc.org to learn more about membership and to learn more about the exciting SILC activities.

SILC Meeting Schedule

This fall, the SILC will begin public hearings for the new State Plan for Independent Living. Due to the additional travel, the full SILC meetings will be held in Denver and Colorado Springs this year.

September 16, 2009
Colorado Springs

November 18, 2009
Denver

January 20, 2010
Denver

Mar17, 2010
Colorado Springs

May 19, 2010
Denver

Colorado Centers for Independent Living

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Southwest Center for
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*OIB Vendors

Save the Date!

August 19 - 20, 2009

TACE Region 8 will be sponsoring a Center for Independent Living special topic workshop on August 19-20, 2009 at the Radisson Stapleton in Denver, CO. CILs need advocates who have expertise in systems advocacy and individual advocacy. This workshop will enhance skills in both areas.

The workshop will also focus in on two critical areas for Centers for Independent Living: 1) advocacy efforts related to housing issues, i.e. more affordable and accessible housing and exploring housing options and 2) advocating for mental health treatment.

Who should attend? IL service providers interested in advocating for vital community services!

Registration information is coming soon at www.ctat-training.com . TACE Region 8 is a partnership between the University of Northern Colorado and CTAT Training.

Disability and poverty often appear in the same sentences when we talk about IL consumers. CPWD, in Boulder, is taking part in a community-based collaborative that takes a fresh perspective on working with this population. Below, is an overview of the program.

Overview: Bridges Out of Poverty

By Ashley Vaughn

-Bridges out of Poverty is an exploration of the different classes in our society. It works to provide an understanding of your own class and the class of the people you serve. Which means we will look at how people in poverty get there, stay there and with the help of the community, can ultimately get out of poverty. Bridges out of Poverty uses a three pronged approach to over coming barriers in a particular community. First there is the Bridges out of Poverty training, the one geared towards agencies as the ones working with people in poverty this introduces a new way of understanding your consumer and they way they experience your organization, and how to go about making changes in our policies and procedures that will allow us to have a more effective working relationship with our consumers. Second, there is the Getting Ahead training that is intended for people in poverty, this is again an exploration of the current space they are in and how they can make different choices that will help them

out of poverty. Third is the steering committee which is made up of people in poverty, middle class

(People from the non-profit world, the city government, and so on) and the business world. Together they look at our community and its resources and try to put together a plan for creating jobs, supports and awareness that will give people the tools they need to make changes in their lives.

The reason we love this concept is because it fits so well with what we are trying to do in the IL world. It creates empowerment through knowledge and understanding your own class and the class of those you work with. It looks at the way society has become a barrier to the betterment of these people and attempts to change that. And most importantly it places the responsibility of change on the individual. So ultimately a lot of the change we hope to see from this in our organization is a better appreciation of the situation our consumers find themselves in day to day. And through that we will be more effective in supporting the change they want to make in their lives.

Mental Models of Economic Class

Ok so for example, think of a day in the life of a consumer. Or even a

year. How is this person going to spend their time? In the Bridges presentation this is visually presented with a pie chart. This chart includes things like jobs, transportation, and health care, with the addition of other life areas that may be discussed during the presentation. Transportation always shows up on the pie because when you're in poverty, you cannot afford a reliable car. Many readers are AAA members or have some other roadside assistance program. So when your car dies, you pull over and call AAA. But in poverty you do not call AAA, you call Uncle Ray, and he comes out with a truck and a chain and hauls your car home. Uncle Ray is the reason that 'relationship' is written across the pie because the relationships of people in poverty are the glue in this pie. They are the one resource people in poverty can rely on when a crisis arises in one or all of the portions of their individual pie. As an Independent Living Advisor, I have noticed a lot of instances in this training where my consumers don't quite fit. Such as those who have a disability that keeps them from being able to drive, but the other difference is their lack of the relationship resource - a lot of our consumers are socially isolated and often do not have that Uncle Ray who will come bail them out when times get tough. I believe this is because relationships have been replaced by institutions. Instead of Uncle Ray they are calling Case

Manager Ray to solve their problems for them. This means not only are they in poverty and lacking vital resources but they lack relationships which are the resource that gets so many other people in poverty through the day. This is a big reason we need to promote peer support to our consumers.

Now looking at this pie we can see that this is a picture of instability. All the things that can go wrong, take up a lot of time that require fixing. One of the big things I learned in this training is that people in poverty are problem solvers. They act on concrete, immediate problems all day. This is called the tyranny of the moment, the inability to see past today or the issue they are facing right now. That is why the 'change' plans of middle class organizations do not always make sense to people in poverty. They do not have time for the abstract or new learning that change would require.

Next I ask the audience to create a mental model of the middle class. This includes careers, hobbies, vacations, savings etc. The glue in this pie is Achievement, because the middle class are the worker bees. How many of you keep a list of to dos each day? And do you like to cross things off when they are done? Have you ever gone back and added something to the list that you had just finished so you can cross it off? The ability to plan ahead and budget time is

something that comes more easily when your pie is stable.

The middle class may experience some problems but they are generally confined to one area of the pie. If your car breaks down you call AAA, your insurance gets you a rental; you head on off to work. In poverty a problem in one area can cause a chain reaction of problems in many other areas. If your car breaks down, you cannot get to work and you are fired, getting everywhere else and accomplishing tasks takes longer because you have to walk or ride the bus, and so on.

This brings us to another difference between these pies. The middle class works hard to maintain their entire pie, which means they budget, plan and save up to make sure that they do not lose a piece. Whereas someone in poverty would want to hold onto the one piece they can and have it with strawberries and whip cream on top. This is why you often see people in subsidized housing and on food stamps with a huge entertainment set up, or a nice brand new car. If they are presented with an opportunity to lease that nice car they do not think "I wont be able to afford these payments next month" because they are not thinking past today. This reliable transportation is also going to give them increased status in their community because they will be able to help people get to work on time, to the Dr's office and

pick up the kids from school which brings us back to relationships as the value in their lives. Another plus side to the car is going to be escape. This car, entertainment set, food offers an escape from the constant problem solving they face.

Difference between Situation and Generational Poverty

It is also important to note that there are two different types of poverty; situational and generational. Generational means someone has been in poverty for more than two generations, while situational poverty is the result of a divorce, death, or an illness and your resources are temporarily reduced. The difference between these two is most important when you look at the experiences someone would have in generational versus situational poverty. Those in situational poverty will have had more middle class or even upper class experience and will be more aware of the 'RULES' of those classes whereas those in generational poverty will most likely have had little experience with the rules of the middle class

Hidden Languages of Class

Hidden rules are taught by our parents and experiences. If you have been raised in a middle class mindset, your decision making will be dictated by three things; work, achievement, and material security. This is why one of the first questions asked in a middle class

social setting is “What do you do?” After two generations of poverty the three things influencing your decisions are relationships, entertainment, and survival. This is due to having only one real possession and that is people. In a poverty setting you would likely hear “Oh do you know...?”

These hidden rules are embedded in your agency and the way you as staff interact with consumers. These rules are often the deal breaker for someone in poverty. They come into an agency and you in the middle class mindset, sit them down and try to jump in and start fixing issues getting stuff done, when they really just want you to show them you respect them and want to get to know them as an individual and create a relationship with them. Hidden rules are often things you do not even think about until someone breaks them. Take standing in lines for instance. Most of the times you see a line of people there are not instructions as to how to start a line, stand in line, who is next in line but you generally see lines work the way they are intended. But when someone CUTS in line, they are likely to get a ‘look (at the very least) But imagine if you did not know how lines worked and everywhere you went you just kept trying to go straight to the front to get what you needed. And everywhere you went you were given a ‘look’ or a negative reaction

but no one ever pulled you aside and said look you have to wait your turn, this is how a line works. For people in poverty who do not know or understand middle class rules this can be what agency time is like for them. This is not to say that we change these things in our agency. But it is important to keep this in mind when someone breaks a hidden rule and see it as an important part of our independent living teaching. If we can teach our consumers how to be bilingual and speak poverty and middle class they will be able to become more effective advocates for themselves. It is important to remember when using these tools that they are not intended to judge but to simply observe and gain better understanding for the people we serve. It is much harder to teach a language when you do not speak the language of your student. While this does not mean you will be able to completely relate to an individual, the empathy and respect will be something they feel immediately, leading to mutual respect and a better working relationship. It will be so much easier to talk about decision making and life skills when your consumer knows you are not judging them but see yourself as their peer and want to share your knowledge with them. Which leads us right back to the core of the Independent Living Philosophy.



ADA Enforcement

By Cindy Powell

Title I of the ADA prohibits employment discrimination by employers with **fifteen or more employees**. The **Equal Employment Opportunity Commission** (EEOC) is responsible for enforcing Title I and issuing Title I regulations. EEOC also handles and resolves complaints of employment discrimination.

Individuals who experience disability-related discrimination must file a complaint with EEOC **within** 180 days following the alleged discrimination. After an investigation, EEOC may:

- 1) refer the case to an appropriate state agency;
- 2) seek a settlement with the employer; or
- 3) offer mediation to the employer and the charging party.

If a settlement cannot be reached, a lawsuit may be filed by EEOC on behalf of the charging party. Approximately 95 percent of the

EEOC lawsuits have resulted in monetary or injunctive relief for charging parties with disabilities.

However, EEOC may choose to conclude its investigation if they determine the case does not have sufficient merit. If this occurs, EEOC will issue a "right to sue letter" that informs the charging party that, regardless of what the EEOC has determined, the charging party has the right to file a lawsuit against the employer. The charging party then has **90 days** to file a lawsuit. If a lawsuit is not filed within that period, the charging party may not file a future lawsuit.

The **Department of Justice** (DOJ) has the authority to enforce all the provisions of the ADA, but focuses primarily on **Title II** (state and local government) **and Title III** (privately owned businesses). The DOJ **sometimes** enforces **Title I** employment complaints against a state or local government entity, even if that entity has fewer than fifteen employees.

DOJ refers employment complaints to EEOC unless the employer is a state or local government agency. EEOC also refers employment-related complaints to DOJ when the employer is a state or local government entity covered by Title II, and EEOC has been unable to reach a conclusion to the case.

Unlike the procedures for enforcing Title I of the ADA, individuals with

disabilities can file private civil lawsuits to enforce the provisions of Title II and Title III of the ADA without filing an initial complaint with DOJ. In these cases, DOJ may decide to intervene in the litigation if it will address a major ADA issue. DOJ may also choose to file an amicus or "friend of the court" brief to address important legal issues in a private ADA lawsuit.

There are three possible outcomes when DOJ files a lawsuit against an ADA-covered entity:

- 1) settlement agreement - an agreement, which does not have the force of law, between DOJ and a covered entity to settle a lawsuit before it goes to trial. DOJ and the covered entity agree to dismiss the lawsuit, with the covered entity agreeing to take certain steps to reach ADA compliance;
- 2) consent decrees - a formal settlement agreement, which has the force of law, between DOJ and a covered entity that is subject to judicial approval and supervision; or
- 3) court decisions - If an ADA case where DOJ is a party or has submitted an amicus brief goes to trial or is appealed, a court may issue a decision on the merits of the case. These court decisions have the force of law.

It is extremely important that **prompt** discrimination complaints be filed with the appropriate agency: **EEOC** if the complaint is **employment related**, and the employer has **15 or more employees**; or **DOJ** if the complaint involves a **state or local government** entity or **privately owned business**.

For informal ADA guidance, information or materials, please contact DBTAC Rocky Mountain ADA Center at (800) 949-4232 between 8 am to 5 pm weekdays. 3630 Sinton Road, #103, Colorado Springs, CO 80907; www.adainformation.org

Disability and Business Technical Assistance Center (DBTAC) - Rocky Mountain ADA Center is one of ten regional "one-stop" comprehensive Americans with Disabilities Act (ADA) resource centers. Located in Colorado Springs, DBTAC - Rocky Mountain ADA Center serves a six state region: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

DBTAC - Rocky Mountain ADA Center provides

- *technical assistance,*
- *education and training,*
- *public awareness,*
- *materials dissemination, and*
- *information and referral*

Funding Assistive Technology Training: Strategies for Navigating the Assistive Technology Maze

You have just been denied funding for your assistive technology device or service. What now!

- Did you approach the appropriate funder?
- Did you use the appropriate language?
- Did you have all the appropriate documentation?
- Is your requested item fundable?
- What other funding sources are there?

This half day in-depth training will provide you with information on:

- who the major funders are,
- the funding hierarchy and how to determine the most appropriate funder,
- what information you need from an evaluation and from whom,
- how to justify the need for the device or service,
- nontraditional resources for funding, and
- much more.

Who should attend? Persons with disabilities, parents, teachers, service providers, therapists, and anyone interested in learning about funding assistive technology devices and services.

- **July 28 – Craig, Moffat School District Board Room 1:00-5:00pm**
- **July 29 – Grand Junction, Center for Independence 1:00-5:00pm**
- **July 30 – Montrose, Region 10 Enterprise Center 8:00am – Noon**
- **July 31 – Buena Vista, Sangre de Cristo Electric Association 8:00am – Noon**
- **August 4 – Pueblo, Center for Disabilities 1:00-5:00pm**
- **August 5 – Alamosa, Location to be determined 8:00am – Noon**
- **August 6 – Durango, Community Connections, Columbine Room 8:00am – Noon**

- **August 10 – Windsor, Poudre Valley REA, Inc. 1:00-5:00pm**
- **August 18 – Burlington, Dynamic Dimensions, Inc. 1:00-5:00pm**
- **August 19 – Lamar, Southeastern Colorado Developmental Services 8:00am – Noon**
- **September 30 – Ft. Morgan, Area Agency on Aging 1:00-5:00pm**
- **October 6 – Denver, Assistive Technology Partners 1:00-5:00pm**
- **October 20 – Colorado Springs, Pikes Peak BOCES 1:00-5:00pm**

Presenters: Christy Blakely, Family Voices Colorado and Julia Beems, Assistive Technology Partners

Registration Fee: \$35

Questions? 800-255-3477

Colorado•SILC

Paving pathways
to full participation
for the community of
people with disabilities
served by Colorado's
centers for
independent living.

coloradosilc.org