



The Voice of Disability Rights in the  
(Bureaucratic) Empire State since 1984

# AccessAbility

Winter 2024-25  
Number 157

## Sounding an Alarm

*by Jennifer Watson*

As we come to the end of 2024 with no concrete plan, I must continue to voice my profound concerns about New York State's planned transition to a statewide Fiscal Intermediary (FI) for Consumer Directed Personal Assistance (CDPA) Services.

Slated for April 1, 2025, this transition threatens to upend the lives of hundreds of thousands of New Yorkers and the stability of a system that empowers people with disabilities to lead independent lives. With no contract in place, no clear plan communicated to consumers, and the clock ticking toward what will become a catastrophic disruption of services, the state is risking the independence and dignity of countless New Yorkers.

CDPA is not just a program; it is a life-

line created by people with disabilities for people with disabilities. CDPA embodies the principles of self-direction and consumer control, allowing people to hire and supervise Personal Assistants (PA) who provide the essential support they need to be independent.

For some families, like mine, CDAP allows parents to keep jobs, go grocery shopping, run errands, or sleep at night. For other people, it is the difference between leading an active life or maintaining a job and being forced into an institution. For even more it is the difference between life and death.

At this writing, there has been no formal communication from the state about how this transition will occur. Consumers, personal assistants (PAs), and fiscal intermediaries (FIs) have

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been left to guess what April 1, 2025, will bring. Without clear answers to fundamental questions, the state has created even more fear and anxiety. Many critical concerns remain unaddressed. For example: What is the actual transition plan? How will payroll for PAs be managed during the transition? What safeguards will ensure continuity of care? How will the state address inevitable administrative errors or service interruptions? These

# AccessAbility

December 2024

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*AccessAbility* is published seasonally (Spring, Summer, Fall, Winter) by Southern Tier Independence Center. Letters, information, articles and ads are always welcome. Deadlines are February 15, May 15, August 15 and November 15.

## Our address is:

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135 E. Frederick Street

Binghamton, NY 13904

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All articles appearing in this newsletter are written by John McNulty unless otherwise noted. Generally, I get tired of seeing my name on every page, and I'd rather use the space for something more interesting. I do put my name on controversial stuff, though, so you'll know who to blame.

are not academic questions; they are vital concerns.

Compounding these issues is the state's refusal to reconsider the legislation mandating this transition by April 1, 2025. Despite calls from consumers and advocates to delay implementation and allow for proper planning, the state has been steadfast in its adherence to an arbitrary timeline. This inflexibility is both unprecedented and reckless.

Other states that have undergone similar transitions to centralized FI models, like Pennsylvania and Massachusetts, did so over far longer timeframes, despite transitioning a fraction of the consumers as are in New York's CDPA program. Pennsylvania's transition of approximately 20,000 consumers, for example, took well over a year and still resulted in significant challenges, including service disruptions and PAs not being paid. Alarming, only 60% of CDPA consumers in Pennsylvania remained in the program post-transition. One has to wonder if this is New York's intent.

By contrast, New York is attempting to make this monumental change in less than half the time, with no meaningful stakeholder engagement or communication. This approach all but guarantees chaos and disruption. The sheer complexity of transitioning a quarter

million consumers to a statewide FI demands a timeline that reflects the scale of the task—not one dictated by legislative expediency.

The CDPA workforce in New York is already in crisis. Recruitment and retention of PAs who provide critical support is increasingly more difficult, as demand for home care continues to outpace supply. This is hardly surprising; people overwhelmingly prefer to live in their own homes rather than being confined to segregated institutions.

The rushed transition to a statewide FI will only exacerbate these challenges. Without a clear and reliable system in place to process payroll, PAs face the risk of delayed or missed payments. For many workers, especially those who live paycheck to paycheck, even a brief disruption in income could force them to leave the workforce entirely.

If PAs are not adequately supported during this transition, the consequences for consumers will be devastating. Losing CDPA services isn't just an inconvenience to consumers, it's a direct threat to their health, safety, and ability to live freely.

People will go without having their basic needs met, like eating, going to the bathroom, or bathing—things

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most people take for granted every day without even a thought. Many will end up hospitalized, institutionalized, or worse.

Beyond the implications for health and safety, the transition is an assault on the freedom and dignity of people with disabilities. CDPA empowers consumers to direct their own care, ensuring that they have control over who provides their support, how, and when. This freedom allows people to shape their own lives, actively participating in their communities, maintaining employment, or pursuing education. In essence, this transition will undo decades of progress in disability rights, relegating consumers to a system that prioritizes convenience over their fundamental freedom and humanity.

This transition doesn't just threaten consumers and PAs—it also risks devastating community-based organizations that serve as current fiscal intermediaries. Many of these organizations have built their operations around providing individualized support for consumers, employing skilled staff, many of whom have disabilities themselves, to ensure compliance, process payroll, and provide program support.

By consolidating FI operations, the state will dismantle these organizations, leading to significant job losses and economic instability in communities across New York. Adding to this financial strain, these organizations will face lasting fiscal impacts from unemployment costs associated with “layoffs” of PAs expected to transition to the single FI. The state has shown little understanding of these consequences or how they will affect these organizations for years to come, with no mechanism for recoupment.

This could force some organizations to scale back or even close entirely, further reducing access to critical services in communities across NY. By failing to account for these devastating fiscal impacts, the state risks destabilizing the very community supports that CDPA consumers depend on. The ripple effects will extend far beyond the organizations themselves, harming local economies that rely on the jobs and spending these organizations generate.

Still, one of the most concerning aspects of this transition is the elimination of consumer choice. Currently, consumers can select FIs that align with their specific needs—whether that means culturally relevant services, language access, or familiarity with rural

or urban challenges. CDPA thrives on the ability of consumers to choose an FI that meets their specific needs.

Centralizing the FI model will erase these options, leaving consumers with a generic system that is unlikely to meet their diverse needs. This loss of choice undermines the core philosophy of CDPA, which is built on the principles of self-direction and individual empowerment. Simply including sub-contractors under a statewide FI does not constitute choice.

Fixing any issues that the state has allowed to develop within the CDPA system cannot come at the expense of people with disabilities, their personal assistants, or community-based organizations that have been invaluable for so many New Yorkers.

At a minimum, the state must extend the transition timeline and develop a comprehensive, thoughtful plan that prioritizes the well-being of consumers and sustainability of the system. This monumental shift demands careful consideration, robust planning, and meaningful engagement with consumers and advocates. Even more critically, the state should reconsider whether the transition to a statewide FI is the best path forward.

## STIC Goes to Albany to Stand Up for CDPAP

The Alliance to Protect Home Care, of which STIC is a part, held a rally in front of the New York State Capital building on Wednesday, November 13, opposing the “arbitrary and capricious” move to a single Fiscal Intermediary (FI) and demanding the Governor and Legislature retreat to a more moderate plan to cut costs. A large delegation from STIC was in attendance on the brisk, invigorating day (some might call it cold), where the happy group peacefully held up signs and led chants stating the case for repeal.



Bryan O'Malley, Executive Director of Consumer Directed Action of New York State, gave an address detailing the many follies of the attempted transition of New York's CDPAP program (CDPAP) to a single FI so far, and the grave dangers to come to New York's 250,000 consumers of CDPAP if this transition is not aborted. He also detailed the history of the contracted single FI, a corporation called PPL, that has presided over several far simpler transitions in other states that failed spectacularly, leaving on average two-thirds of consumers without services – a record that should give great pause.

O'Malley's keynote was followed by several testimonials from people who rely on CDPAP to live an independent life, and how the impact of

a misguided, botched reorganization would ruinously disrupt their lives, as well as some of the 500,000 people employed under CDPAP who would likely be put out of work under the single FI scheme.

The rally was a success, and STIC is glad to have been a part of it. We shall keep up the fight against the single FI for as long as it takes.

## A Correction

In the previous issue of *AccessAbility*, in the article “*The Shocking Tale of the Judge Rotenberg Center*”, we reported that New York was still sending students to the JRC. That was incorrect, or at best misleading.

In August of 2023, the NY State Education Department issued an updated rule (<https://www.regents.nysed.gov/sites/regents/files/423p12d1.pdf>) stipulating that any school using corporal punishment, aversive interventions, or seclusion will be removed from the list of schools eligible to receive state funding. The rule change was largely derived from multiple bills that failed to get through the legislature over a period of years.

New York residents that remain at the JRC, if there are any, are no longer supported by New York State money, or by New York school district money. We regret this error, and when we make mistakes, we shall always correct them frankly and fully.





# Hochul Trades CDPAP for a Mess of Pottage

Amidst the ongoing tumult of the shambolic transition in progress forcing the square peg of CDPAP into the round hole of a lone statewide Fiscal Intermediary (FI), where the inevitable chips and shavings represent the lives of hundreds of thousands of New Yorkers, an underlying question has simply been, “Why?”

Will it reduce fraud? That’s certainly how it’s being pitched (“[CDPAP] has become a racket” – Gov. Hochul) – but fraud on the consumer level is vanishingly rare, rendering this justification dubious.

Is it about providing better service to the consumers of CDPAP? Plainly not – it’s anticipated that one-third of CDPAP personal assistants will be compelled to abandon their employment due to the inevitable delays and disruption that the transition portends.

It wasn’t about getting the best deal with a statewide FI; New York, inexplicably, didn’t seek the lowest bidder, instead elaborately constructing a list of conditions that only one anointed firm in the health care industry met, Georgia-based Public Partnerships, LLC (PPL). PPL is relocating to New York State, which is welcome, but the hundreds of jobs gained don’t seem worth the tens of thousands to be lost.

How did PPL earn this royal charter? Well, it’s not really about PPL, but what PPL was willing to go along with, and that exposes who has been pulling the strings all along. The Service Employees International Union, Local 1199 (SEIU 1199) plans to unionize



the CDPAP workforce, newly under a single umbrella, intervening between the employer receiving services and the employee providing them in a fashion at least somewhat incongruent with the principles behind the creation of CDPAP.

Is this to protect the workers from unfair treatment from their “management,” i.e. the people receiving services? Maybe in an exceedingly small number of cases – unions have their legitimate purpose – but it’s much more about the millions of dollars in dues SEIU 1199 will receive from a new closed shop supported by ample state and federal contributions every two weeks.

SEIU 1199 has long been a major donor to the Democratic party enjoying full control of the levers of government for a long time, so it’s unsurprising that they should have some disproportionate influence on policy. But why this rushed, headlong dive into

near certain catastrophe? Politicians have some agency, after all.

The political scientist David Mayhew, in a seminal argument, posited that virtually all the behavior of political actors can be explained as the result of re-election seeking. Taken one step further, that can be applied to political parties as well. An overarching goal of the leaders of the Democratic Party in early 2024 was to regain control of the House of Representatives; in a state like New York where the Presidential electoral votes, the Senate seats, and the state legislature are safe, that means winning as many closely contested House seats as possible. This was especially important to Governor Hochul, who sought redemption from the catastrophic performance of the Democratic ticket she led in New York in 2022, with five lost House seats awarding the House of Representatives to the Republicans.

Union support in politics is a financial boon, but union support has special im-

portance because that isn't all on offer – unions are also a premium source of manpower for campaigning and mobilization. In return for the gift of a union-ready PPL as statewide FI, SEIU 1199 offered their full support for get-out-the-vote (GOTV) efforts in the critical congressional districts of New York state. This was the offer Hochul could not refuse, the offer her party would not let her refuse. Thus, the well-being of a quarter million New York residents was set aside in favor of a small army of door-knockers wandering the state in late October and early November.

But here's the punchline – it didn't work. While Democrats reclaimed three seats they lost in 2022, that wasn't enough amidst the small but distinct red wave delivered by once-and-future President Trump to return the Congress to the Democrats. The New York victories were in two mid-state districts recently redrawn to favor Democratic candidates, one by eight points and the other by only a single point, and in a Long Island district with a scandal-tarred incumbent who lost a rematch by two points. GOTV isn't enough to tilt a district more than two or three points, so at most the Faustian bargain with SEIU 1199 helped Democrats win two seats, and there's a real possibility it didn't matter at all.

In the Book of Genesis, the story of Esau and Jacob is told (25:21-34). Grandsons of Abraham, they were brothers, fraternal twins; Esau was born first, with Jacob closely following with a grasp of Esau's heel. By custom, the firstborn would receive the main inheritance, so by the happenstance of a few seconds, Esau had the birthright. One day, Esau, a master huntsman, came in from the field to a tent where Jacob was. Jacob had some pottage, a kind of stew with grains, and Esau, famished from his labors, asked

for it. Jacob said he could have some in exchange for his birthright as first-born, and Esau, stunningly, agrees, receiving a mediocre meal in exchange for his father's estate and the patriarchy of the Hebrew peoples.

Similarly, Hochul and the national Democratic brain trust have received a mess of pottage – or less metaphorically, pretty much nothing – for a great prize, but while Esau only betrayed himself, Hochul has betrayed some of the most vulnerable residents of New York, both physically and financially. Hope that pottage hit the spot, Kathy.

## Remembering Everyone's Right-to-Life: Diane Coleman

Diane Coleman, who devoted her life to the firm assertion of the right-to-life of all people, passed away on the first of November at the age of 71. The cause was sepsis; she is survived by a husband and two sisters.

Ms. Coleman, diagnosed at a young age with spinal muscular atrophy (SMA), a progressive condition that necessitated the use of a wheelchair before she reached her teens and a ventilator in her later years, became an outspoken advocate and commentator on disability rights. She devoted her attention particularly to battling the incipient "right-to-die" movement that emerged in the late 20th century led by ghouls such as Drs. Jack Kevorkian and Peter Singer that would encourage people to end lives that some enlightened society might judge not worth living. She countered this brutally instrumentalist thinking by affirming the intrinsic and ineffable value of all human lives, and further that the

right-to-die movement's implicit placement of a calculable value on human life, of which some lives shall inevitably be found wanting, is a slippery slope to eugenics and genocide.

Born in 1953, she was put up for adoption at ten days old, and adopted by a Kalamazoo, Michigan couple, William and Dolores Coleman. Upon the diagnosis of muscular dystrophy (later amended to SMA) at six, the Colemans were told they could send Diane back; they refused, standing by their child, despite a grim prognosis that she would not live to adulthood. Rather, they supported their daughter, and she undoubtedly made them very proud, graduating as valedictorian of her high school and earning a joint J.D.-M.B.A. from UCLA. Starting off as a consumer protection lawyer, Ms. Coleman was drawn to disability rights law, fighting against discriminatory practices and for better accessibility measures in public spaces. She regularly attended protests and demonstrations and was arrested dozens of times.



*Diane Coleman speaking on November 28, 2022 about some dangers assisted suicide laws pose for people with disabilities. Photo courtesy of Wikimedia Commons.*

In the early nineties, Ms. Coleman shifted her attention to the pro-euthanasia movement, seeing a connection between it and the disability rights issues she had been fighting for. While promoted as only being a service to permit the terminally ill to avoid needless suffering and agonies, Ms. Coleman countered that euthanasia laws would inevitably expand to include people with disabilities and other non-terminal conditions; she was prescient about that, as in Europe, where these laws have been broadly adopted, people are receiving assisted suicide services for conditions as prosaic and reversible as depression.

Ms. Coleman founded an organization to battle these assisted suicide laws, cheekily named “Not Dead Yet.” She organized protests, became a frequent media spokesperson, and even testified before Congress about the dangers of right-to-die, arguing that instead of being allowed – and even implicitly encouraged – to die, people with disabilities deserve and should be offered the tools and access so that they might live and thrive.

We should all live and thrive according to the fine example Diane Coleman has given us. RIP.

## **Updates on the Consumer Directed Personal Assistant Program (CDPAP)**

By Lucretia Hesco

As you may know, New York State (NYS) has decided to transition to a statewide Fiscal Intermediary (FI) model for CDPAP. Public Partnerships, LLC (PPL) has been selected as the new statewide CDPA FI. As part of this transition, PPL is required by

law to subcontract with Independent Living Centers (ILCs), including the Southern Tier Independence Center (STIC). This ensures that STIC remains actively involved in supporting CDPAP consumers.

### **Lack of Information from NYS**

The current legislation sets April 1, 2025, as the deadline for this transition. However, STIC believes more time is necessary to protect consumers and facilitate a smooth transition. Unfortunately, NYS has provided scant information regarding the details of the CDPA transition, leaving many questions unanswered.

STIC is committed to keeping consumers informed as more details emerge and will share information as it becomes available. We are part of a group of organizations meeting with NYS on a regular basis regarding CDPA and urging them to share more details about the transition plan.

### **Know Your Rights**

If another CDPA provider, home care company, or Managed Care Organization (MCO) contacts you claiming you must switch your CDPA services at this time, please reach out to STIC. We are here to provide accurate information, answer your questions, and support your decision-making.

### **Join our Advocacy Efforts**

Consumers can join STIC’s advocacy campaign to influence this transition. Scan the QR code below to access Vot-



er Voice and be part of the movement to protect CDPAP.

Together we can work to ensure the best outcomes for CDPAP consumers.

## **STIC Co-sponsors Candidate Forums on Disability Issues**

The Southern Tier Independence Center joined forces with compatriots at the Finger Lakes Independence Center (FLIC) and the Access to Independence Center (ATI) to invite political candidates to come and speak specifically to the disability community about issues critical to us. The events were hosted at the ATI Center in Cortland.

On September 9 we met with the two leading candidates for State Senate in New York’s 52nd district, incumbent Lea Webb and Tompkins County legislator Mike Sigler. Both candidates expressed support for the disability agenda on issues they were familiar with, and openness to our arguments on matters newer to them. Ms. Webb, already being in the Senate and grappling with state legislation directly, was more familiar with specific bills on which we queried, while Mr. Sigler was less versed in the details but referenced his experience as the father of a special needs child as guiding his thoughts and philosophies on these questions.

Both candidates were negatively inclined towards the Governor’s benighted plan to move the entire CDPA program to a single statewide fiscal intermediary. Ms. Webb favored the alternative plan put forward by her ally,



Senator Gustavo Rivera, chair of the Senate Health Committee, that repeals the single fiscal intermediary law and instead creates a process where the state would issue FI licenses to organizations meeting certain requirements. Mr. Sigler praised the role of competition in creating efficient markets and criticized the single FI scheme as undermining market competition.

The impending steep increase in eligibility criteria for Medicaid home services, from one ADL or IADL to three ADLs, was addressed as well. These changes were passed in 2020, but their implementation was suspended due to extra Medicaid funding for COVID measures, but that fund is just about exhausted. State bills to repeal the change were filed but were excluded from the final 2024-2025 budget. Ms. Webb was a cosponsor of that bill in the Senate and reiterated her long-standing opposition to the eligibility change, while Mr. Sigler said he wanted to learn more about the issue before taking a position; after some elaboration from audience members, he concurred that the change sounded unwise.

They also discussed other accessibility issues, such as increased paratransit offerings by municipal and regional bus lines and increased funding for home modifications; both candidates were supportive of these measures. They were less enthusiastic about eliminating the sub-minimum wage for segregated “special needs” shops; while the independent living philosophy frowns on such arrangements as exploitative and denigrating, the candidates were less averse and focused on the benefits for families.

On October 21, STIC, FLIC, and ATI held another forum for federal candidates, again at the ATI Center, specifically inviting the contenders

in New York’s 19th Congressional District, STIC’s home district and perhaps the most hotly contested in the nation. Incumbent Congressman Marc Molinaro accepted our invitation; despite repeated attempts, attorney Josh Riley, Mr. Molinaro’s opponent, failed to respond to the invitation. Hence, we were only able to interview Mr. Molinaro.

On the federal level, the most critical issue for the disability community is the Latonya Reeves Freedom Act, which would codify the findings of the Supreme Court in the 1999 *Olmstead* decision. The bill has more co-sponsors in the House than it would require to pass but has not yet been brought to the floor for a vote by the Speaker. To get a bill to the floor despite the Speaker’s opposition, House rules allow for a Discharge Petition, which will be filed by the bill’s chief sponsor, Rep. Cohen of Tennessee, in the “lame duck” session in mid to late November; if a majority of the House signs it, the bill must be brought to the floor.

Rep. Molinaro was asked if he intended to join the petition; he answered immediately – “Short answer, yes.” He added that he was hopeful it would be unnecessary because the Speaker would relent in the lame duck session, but if not, he would join with the majority-Democratic coalition (Mr. Molinaro is a Republican) that favors the bill. He emphasized that he was one of the most bipartisan members of Congress and that he would unhesitatingly collaborate with Republicans, Democrats, or both to pass laws that would help his Upstate New York constituents.

The Congressman was then asked about Vice President Harris’s campaign promise to expand Medicare coverage to cover home care. He answered cautiously, noting that this was so far just

a campaign promise rather than legislation in black-and-white, and that the details mattered, but he did say that was something of which in principle he would be supportive. He emphasized that he has always believed in letting people age in place in their communities to the extent possible, and that the experience of raising a special needs daughter has illuminated the challenges and rewards that people with disabilities and their families face.

The conversation moved on to financial limits imposed on people receiving Social Security and Medicaid benefits, in particular due to marriage. Two bills currently before Congress address these matters. The first, the SSI Savings Penalty Elimination Act, would increase the resource limits for Social Security recipients – for the first time since 1989! – and eliminate a marriage penalty. The second, the Marriage Equality for Disabled Adults Act, would count individual assets only and not those of a spouse – basically another marriage penalty. Mr. Molinaro said that he supported both bills and averred that it was “criminal” the limit hadn’t been raised in thirty-five years, and that he opposed all provisions in any law that might make it disadvantageous to marry.

The last area discussed was disaster preparedness and response; Mr. Molinaro was asked about two more bills before Congress, the first specifically addressing the heightened vulnerability of the disability community during times of emergency, and the second ensuring uninterrupted access to Medicaid funds when across state lines involuntarily due to some catastrophe. The congressman was unfamiliar with these bills and hence reluctant to commit, but he promised to study them and get back to us.

We are grateful to Ms. Webb and



Messrs. Sigler and Molinaro for taking the time to meet with us and discuss issues important to our community.

## STIC's 3rd Annual Craft Fair

By Lucretia Hesco

On Saturday, November 2, 2024, STIC's 3rd Annual Craft Fair was bustling with activity as vendors showcased their incredible creations, from handcrafted jewelry and art to baked goods and holiday gifts. Attendees enjoyed a day of shopping, delicious refreshments, and the excitement of our 50/50 cash raffle and basket raffles.

This year's event raised significant funds to support STIC's programs and services, helping us continue to empower individuals with disabilities. Thank you to our talented vendors, dedicated volunteers, and enthusiastic shoppers for making the craft fair such a success!

We would like to thank the following sponsors for the incredibly generous contributions to our event: Sam's Club, Vestal Wine & Liquor Store, Weis Markets, Wegmans, Taylor Rental of Binghamton, Taylor Rental of Vestal, Jaret's Stuffed Cupcakes, Hoffman's Car Wash, Jonathan's Restaurant, Liquor Town of Vestal, Spirits of Apalachin, Craft Restaurant, Lost Dog Café & Lounge, Tractor Supply Co., The Point Wine & Spirits, Michelangelo's Pizzeria and Restaurant, Reaper's Revenge Haunted Hayride and Attractions, Lupo's Original Spiedie Marinade, Ross Park Zoo, Texas Roadhouse, and Red Robin Gourmet Burgers.

It was such a wonderful event, and we



are eagerly looking forward to next year's event. Save the Date: November 1, 2025, for our next Craft Fair!

## We are Hiring at STIC!

By Lucretia Hesco

At Southern Tier Independence Center (STIC), we're growing and looking for passionate individuals to join our team! This isn't just a job—it's an opportunity to build a meaningful career and be part of the Disability Rights Movement.

Explore our current openings on our website by scanning the QR code.

Join us and make a difference!



## Access Your World-Community Services Fair

By Lucretia Hesco

On October 24, 2024, STIC opened its doors to the community for our **Community Services Fair: Access Your World**. The event featured over 25 organizations offering resources and programs covering everything from housing and healthcare to education and employment.

The fair was a hub of information and connection, with attendees exploring the services available to them and their families. The turnout demonstrated the power of collaboration and community, and we're grateful to all the organizations that participated and shared their expertise. Together, we are helping individuals access the support they need to thrive.

**Save the Date for next year's event: October 16, 2025.**



## Trunk or Treat: A Spooktacular Success!

By Lucretia Hesco

Halloween came early at STIC with our **Trunk or Treat** event on October 29, 2024. Our parking lot was transformed into a festive, spooky space filled with creatively decorated trunks and costumed volunteers. Families from across the region joined us for a safe, inclusive trick-or-treating experience, with smiles and laughter lighting up the night.

We were thrilled to see so many attendees of all ages enjoy the fun and inclusive Halloween celebration. A huge thank you to everyone who helped make this event possible—from our amazing volunteers to the community organizations who joined in on the fun.

Thank you so much to our very generous sponsors: Binghamton Agway, Michelangelo's Pizzeria and Restaurant, Weis Markets and Big E Tire & Auto Service.

## Accessibility Enhancements

by Sue Hoyt

The Accessibility Committee would like to acknowledge Lalor Creek-side Dental, located at 2521 Vestal Parkway West, Vestal, NY 13850, for updating their signs marking their handicapped parking spaces to a correct height of between 60 inches (5 ft or 1525mm) and 84 inches (7 ft. or 2185mm) as indicated in the Americans with Disabilities Act. This will allow visibility for people of all abilities to see these spaces and access your business. Thank you!

We would also like to acknowledge the McDonald's franchise at 167 Main Street in Binghamton for relocating the handicapped spaces in their parking lot that were often blocked by delivery trucks to the opposite side of the restaurant where they will no longer be blocked. This is greatly appreciated and will allow people of all abilities full access to the restaurant.

## Employment Advocacy Committee Expands Its Mission

by Hannah Hickox

STIC's Employment Advocacy Committee, chaired for decades by Frank Pennisi until his retirement in 2023, seeks to advance opportunities for people with disabilities in the workforce and protect the rights of disabled workers. The committee's efforts largely focused on the advancement of federal and state legislation on several issues, including eliminating the sub-minimum wage, abolishing sovereign immunity, and supporting small business tax credits to assist firms in transforming their infrastructure and employment policies to better support individuals with disabilities.

The EAC continues to pursue these goals, but led by its new chair, STIC's Employment Director Hannah Hickox, the committee has expanded its advocacy mission by inviting members of the community to join our cause. The committee also welcomed Maggie McNamara, the NYS Director of Employment at Community Options, as co-chair, and together Hannah and Maggie are exploring strategies for increasing competitive employment opportunities for people with disabilities, such as educating local employers about the benefits of employing people with disabilities and improving access to employment services and resources.

In the last six months, the committee has grown to twelve active members and has received guests from various local organizations to learn about their employment needs and to encourage and support the hiring and retention of



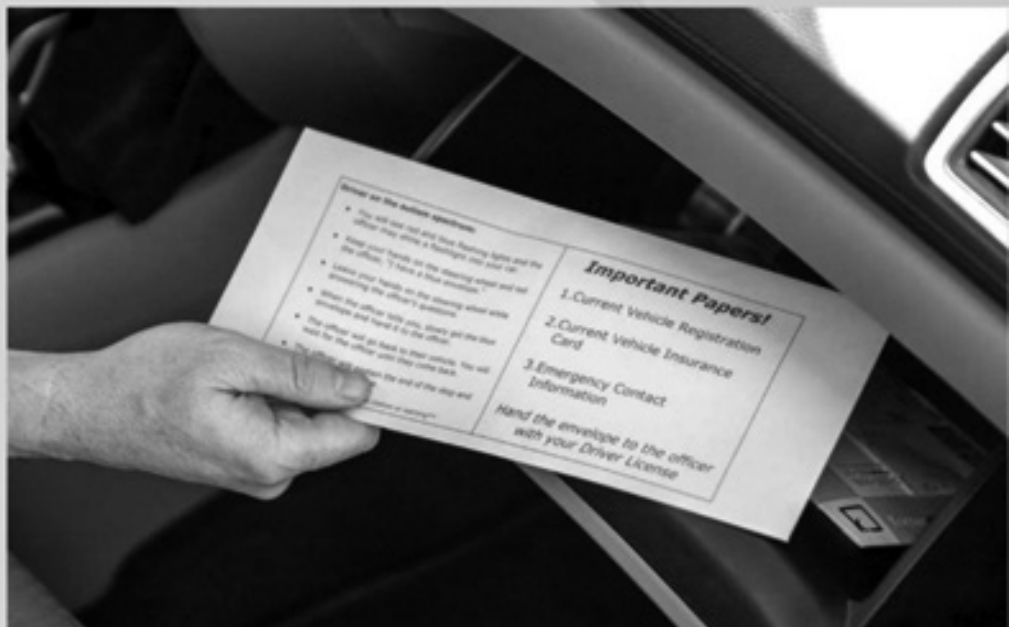
BROOME COUNTY  
SHERIFF'S OFFICE

BLUE ENVELOPE PROGRAM



The Blue Envelope Program is an effort to ease communication between individuals on the autism spectrum and law enforcement during motor vehicle operator interactions.

**Blue Envelopes are now available at Southern Tier Independence Center!**



employees with disabilities. The committee also attends local job fairs to connect with job seekers and share information about the services and supports available in the local community. Through its collaborative approach to employment advocacy and business engagement, the committee hopes to establish itself as a familiar resource for people to inquire about all things employment related.

The committee continues to welcome new members, such as local workers, job seekers, employers, service providers, family members, students, or community members seeking as-

sistance, or just to support our efforts. Please drop us an email or give us a call to learn more about committee meeting schedule and location at [hannah@stic-cil.org](mailto:hannah@stic-cil.org) or 607-724-2111 ext. 228.

## Blue Envelopes are now available at STIC

By Lucretia Hesco

The Blue Envelope Program is an effort to ease communication between

individuals on the Autism spectrum and law enforcement during motor vehicle operator interactions.

The program provides participants with a blue envelope and sticker for their car. Instructions for both the driver and police officer are found on the envelope, and a fillable card inside contains emergency contact information.

Simply visit us at 135 E. Frederick St. in Binghamton, and one of our friendly and efficient front office employees will provide you with a Blue Envelope for yourself or a loved one.

## courts watch

### ***Loffman, et al v. California Department of Education, et al:*** **No Religious Test for Schools Serving the Disabled**

This case comes to us from the Ninth Circuit, the sprawling western circuit spanning nine states and the Pacific territories headquartered in San Francisco that has traditionally been the primary conduit for reversible cases at the Supreme Court, though the Fifth has supplanted it recently as discussed in our last issue.

In California and throughout the country, when a student with special needs requires specialized services that the public school district is unable to supply, the district pays to send that student to another school, typically but not always private, that can and will. California law includes a requirement that these private schools must be nonsectarian, meaning, the school may have no connection at all to any religious organization – regardless of wheth-

er the school mandates religious instruction; the mere genesis of a school from a religious order is sufficient to disqualify. This is a comparable provision against funding sectarian schools to the notorious late 19th century Blaine Amendments that most states adopted – and are still in force in many – that at the time were targeted towards parochial schools with an explicitly anti-Catholic intent. These Blaine Amendments were not even truly nonsectarian – at the time, the Protestant Bible was typically part of most public school curricula.

Returning to the 21st century, the families of three students in the Los Angeles Unified School District, all of whom had varying degrees of autism requiring special accommodation, wished to be sent to schools affiliated with Orthodox Judaism, but they were denied because of the nonsectarian requirement. The families sued, and the case worked

its way to the federal circuit court, where a three-judge panel heard the case. Two of the three children were high school aged, and the third was in preschool; the families allege that the nonsectarian provision violates the Free Exercise Clause in the Constitution; if they can receive the same or better educational services from a sectarian school than from a public or private nonsectarian school, they are entitled according to the Individuals with Disabilities Education Act (IDEA), which guarantees a Free Appropriate Public Education (FAPE). Further, they are suffering damages because the children must miss school during Jewish holy days and are not served kosher meals.

After dealing with some complex procedural issues involving standing (co-plaintiff schools were found not to have standing, while the families did), the court found for the families, accepting their argument that to have to “forgo a sectarian education...in



order to receive' special education benefits otherwise available in a private school setting imposes a 'burden on their Free Exercise rights'" that cannot survive the "strict scrutiny" standard of a highly compelling state interest required to set aside free exercise rights, nor that the non-sectarian requirement is "narrowly tailored" to minimize infringement of those rights. The opinion of the three-judge panel was unanimous.

While the primary issue dealt with under this ruling was the primacy of the free exercise of religion, it also asserts the equal rights of children with disabilities to pursue a FAPE of their families' choice, rather than being denied some otherwise available benefits due to the religious affiliation of the desired school offering them. All students, including those on an Individual Education Plan (IEP), are entitled to a FAPE; while typical students can get a free and appropriate education at any given public school, children with special needs may need to go outside the public school system for an appropriate education in their case. In doing so, they should not be constrained in seeking the most appropriate education for themselves as they judge it – in this case schools sharing the Orthodox Jewish faith of the families – merely because the government, via the public schools, is paying for it. The government asserted that this policy was intended to be in accordance with the Establishment clause, that the state shall not establish a religion, but the court countered that the students' families were choosing the religious schools, not the state, so the Free Exercise Clause obtained.

# **BROOME COUNTY FESTIVAL of LIGHTS -- Tickets on Sale Now at STIC!**

It's that time of year again! Be dazzled by one of our area's most beloved annual traditions, the Broome County Festival of Lights! For years, this magical holiday festival has been illuminating the spirits of people of all ages, and now you can help support people with disabilities while taking in this local and festive affair.

Visit our office at 135 East Frederick Street in Binghamton to purchase your tickets, or buy them ahead of time online at the following link: <https://tinyurl.com/STICLIGHTSFUNDRAISER>. If purchasing online, be sure to put "Festival of Lights Tickets" in the notes of your PayPal donation. You may then pick up your tickets at your convenience at our front desk.

Tickets purchased through STIC will grant STIC an incredibly generous 40% of the proceeds! There are a limited number of tickets, so be sure to get yours soon and help STIC further its mission of creating an accessible and inclusive world for people with disabilities.

Thank you to Delta Engineers, Architects, & Surveyors, to Broome County Parks, and to Otsiningo Park for your generosity and for hosting this joyous display each year. The display is open from 5pm-9pm Sunday through Thursday and from

5pm-10pm on Friday and Saturday, and runs until January 5. For more information, including special fireworks displays and Santa Claus appearances, visit <https://bcfestivaloflights.com>.

## **STIC Celebrates Rod Serling Centennial with Themed Tree at Roberson's "Home for the Holidays"**

By Leigh Tiesi and  
Jennifer Watson

This holiday season, STIC is proud to continue our participation in Roberson Museum's annual "Home for the Holidays" event by decorating a one-of-a-kind tree that honors a true local legend: Rod Serling. Known worldwide as the creative genius behind *The Twilight Zone*, Serling was born in Binghamton 100 years ago, and STIC's tree is a tribute to his legacy during this centennial celebration year.

STIC's Rod Serling-themed tree stands out among the festive forest at Roberson Museum and Science Center. Adorned with handmade ornaments inspired by *The Twilight Zone* and Serling's other works, the tree blends nostalgia with mystery, inviting visitors to step into a world "not only of sight and sound but of mind." Decorations include miniature TV screens, spiral designs reminiscent of *The Twilight Zone*'s legendary opening credits, and vintage black-and-white ornaments evoking the show's original era, as well as ornaments paying tribute to STIC.

Serling, who spoke of his hometown of Binghamton movingly and with deep affection, was also a champion for social justice in his writings, often tackling issues of inequality and human rights. These values resonate deeply with STIC's mission of fostering independence and inclusion for people with disabilities. In 2024, STIC celebrated 40 years of the tireless efforts of dedicated staff working to empower people with disabilities to live fully integrated lives in their communities and inspiring each other to reach higher every day.

And while on the subject of Rod Serling, we should mention STIC's Twilight Zone escape room, one of sev-

eral differently-themed escape rooms offered by XScares, all of which raise money for the programs offered at STIC. The fully accessible (as are all XScares offerings) Twilight Zone escape room offers fans of Rod Serling's renowned series an immersive experience like no other. Inspired by the imaginative and thought-provoking narratives of the iconic program, as well as Serling's life, this escape room challenges participants to unravel mysteries, solve puzzles, and navigate through mind-bending scenarios—all while paying homage to Serling's legendary storytelling.

To experience the Twilight Zone escape room and our other escape

rooms visit <https://xscares-stic.com/>, and to learn more about all of STIC's programs and services visit <https://stic-cil.org/>. To learn more about other activities in Binghamton that pay homage to Serling, go to <https://visitbinghamton.org/unique-to-bing/rod-serling/>

Visitors to Roberson Museum can view STIC's tree and the rest of the holiday displays from November 21 through January 4; beautifully decorated trees, seasonal themes, and family-friendly activities are all part of the special exhibit. Don't miss this opportunity to celebrate a century of Serling's storytelling brilliance while enjoying the holiday spirit.

## Tis the season to give XScares Bucks Holiday Gifts to your loved ones.

*Give the gift of knowledge and entertainment this holiday season.*

With XScares Bucks you can purchase as much or as little as you need for your holiday gifts. Share the gift of entertainment and knowledge with your family and friends this holiday season. It's the gift that keeps on giving, while supporting STIC's mission in our community and the independence for the individuals we serve.

To Purchase please call (607) 760-3322 or email [info@xscares-stic.com](mailto:info@xscares-stic.com)

XScares bucks come with a holiday certificate. This will be mailed to you or your family as requested during your purchase. XScares Bucks can also be purchased in person at STIC. We accept cash or credit card payments.

XScares is a great team-building option for your business associates. We also often host school or camp groups that use XScares for amazing community outings. We offer 5 different games with exciting themes that will put players into immersive environments while encouraging communication skills and teamwork. Your management team can also have the option to watch your employees play our games from the control room with our game masters running your experience. XScares features conference rooms for team building break-out meetings and you can bring food to make your overall experience spectacular here at XScares.

Call (607) 760-3322 or email [info@xscares-stic.com](mailto:info@xscares-stic.com)

For more information.

To book your next escape room experience visit:

[www.xscares-stic.com](http://www.xscares-stic.com)

We take calls for last minute bookings and are happy to work your team into our schedule if possible. Call (607) 760-3322 for available last minute time slots.







**THIS HOLIDAY SEASON  
GIVE AN EXPERIENCE  
GIVE ADVENTURE**



This newsletter is also available online, at:  
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## Free Access Is Not Free

STIC is a 501(c)(3) corporation, and governing documents, conflict-of-interest policy, and financial statements are available to the public upon request.

If you would like to support STIC, please visit <https://stic-cil.org/index.php/donate/>. Alternately, you may clip this form and send a personal check or money order by U.S. Mail.

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**135 E. Frederick St.  
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All donations are tax-deductible. Contributions ensure that STIC can continue to promote and support the needs, abilities, and concerns of people with disabilities. Your gift will be appropriately acknowledged. Please make checks payable to Southern Tier Independence Center, Inc.

**THANK YOU!**

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