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# The RCAL INDEPENDENT

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*"Opening Doors for People with Disabilities"*

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Winter 2011

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## **RCAL Welcomes New Staff!**

**Denise Simrany** is the newest member of the NHTD Service Coordination program. Denise has many years of experience in different Human Service agencies. She is currently a student at Adelphi University and also enjoys volunteering with Crime Victim's Assistance as a Crisis Interventionist. Denise is delighted to be a part of the **RCAL** team!

### **MONEY FOR ARTICLES**

Do you write poetry? Do you have any interesting anecdotes? If so, there is a great opportunity to get published! The newsletter, TRIUMPH, is a Hudson Valley Mental Health Publication sponsored by Taconic Resources for Independence, Inc. If you are interested please contact:

**David Panagotis**  
**Taconic Resources for Independence, Inc.**  
**82 Washington St., Ste. 214**  
**Poughkeepsie, NY 12601**

## **Tax Refunds and Public Benefits - Fran Wishnick**

Cornell University recently brought to our attention that new legislation passed in December 2010, has greatly simplified and standardized the rules for how Earned Income Tax Credits, as well as any tax refund, are treated in determining eligibility for other public benefit programs.

**Income:** Congress enacted legislation in December 2010, which excludes any federal tax refund from counting as income in determining eligibility, or the amount of benefit, for any federally-funded public benefit program. This includes state and local programs only partially funded by federal dollars. Tax refunds can include benefits from the EITC or other tax credits, or refund of a filer's over withheld income tax.

**Resource test:** The legislation also provides that refunds that are saved by the filer do not count against the resource limits of any federally-funded public benefit program for 12 months after the refund is received.

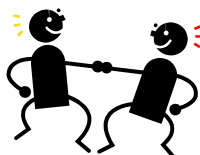
In case questions arise, the new provision is found at PL 111-312, Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Sec. 728.

**Special note:** Ulster County residents whose income is under \$49,000 may qualify for free tax filing assistance to help you get your money fast. Call 845-802-7190 to schedule an appointment. The Earned Income Tax Credit is based on income, whether a person is single or married filing jointly and the number of children. The actual amount received will vary by income.

## Health Care Reform and New York – Fran Wishnick

New York State has a new website that addresses federal health care reform, how it will benefit New Yorkers, and the progress of implementation in the state: [www.healthcarereform.ny.gov](http://www.healthcarereform.ny.gov). The website explains when specific provisions of the Federal Patient Protection and Affordable Care Act go into effect. Several reforms have already taken effect in 2010 including:

- A temporary pre-existing condition insurance plan for residents who have been uninsured for at least 6 months and have one of the listed pre-existing conditions.
- An early retiree insurance program.
- Rebate checks to Medicare Part D enrollees who reach the dreaded “donut hole” prescription drug coverage gap.



**LOAN CLOSET HOURS**  
Monday through Friday

**10am – 3pm**

\*If these hours are not convenient, please call and arrangements can be made.

## Economic Self-Sufficiency – Fran Wishnick

April is National Financial Literacy Awareness Month and much recent attention has been paid to the effect of the poverty cycle on achieving recovery and full participation in the community. Peggy Swarbrick of the NJ Institute for Wellness and Recovery points out that many people with disabilities experience a downward mix of poverty, worsening symptoms and emotional stability, reduced work capacity and money-handling comfort, thereby reducing economic self-sufficiency. Poverty as well as financial stress and strain can all negatively impact overall wellness.

This does not need to happen.

Financial literacy training can positively impact and help people to budget and save money.

**RCAL** is in the process of developing a financial literacy curriculum that can be made available to individuals and groups. Financial literacy will emphasize the connections between receiving public benefits and saving money. Many websites have excellent information on general financial literacy including [www.mymoney.gov](http://www.mymoney.gov) and [www.fdic.gov/consumers/consumer/moneysmart/overview\\_program.html#boi](http://www.fdic.gov/consumers/consumer/moneysmart/overview_program.html#boi).

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## Changes in NY State Regulations and Effects in the Classroom

Gloria Toporowski

School districts across the country are facing hard economic times. New York districts are feeling this in the form of less state aid flowing to them, leading to budget cuts, raising taxes and tightening belts. In order to achieve their goal, they are cutting programs and making changes to current ones including the way special education is delivered.

Last June the New York State Board of Regents voted to move forward with special education mandate relief proposals that authorize school districts to add up to two additional students with an Individualized Education Plan (IEP) to integrated co-teaching classes upon documented educational justification for a year's time. The Board of Regents also authorized the repeal of the minimum service delivery requirements for speech and language, and the requirement that each student with autism receive instructional services to meet his/her individual language needs at a minimum of 30 minutes daily in groups not to exceed two, or 60 minutes daily in groups not to exceed six. What exactly does this mean?

Inclusion classes are set up with less number of students to allow for more structure, individualized time, and support with staff. The "individualized" component is more difficult to implement due to the increase in number of students in the integrated setting, thus reducing access time the IEP student may have with the teaching staff, and possibly compromising the mastering of IEP goals. The other students in the class will also be affected as their time with the staff may also be hindered by the increased student to teacher ratio. Districts were advised to keep in mind the ratio of IEP students to non-IEP students in the class to maintain the concept of integration with non-disabled peers.

The Board of Regents also repealed the mandated time speech and language services are to be administered to a student on the autism spectrum (ASD), from a minimum of 30 minutes daily to a level based on the student's need.

Language difficulty is a fundamental component of autism and reducing the amount of time an ASD student has to practice those skills taught by a certified speech/language pathologist may inadvertently result in a slower rate of correct language acquisition and generalization. Though all ASD students may not need daily speech services, a minimum should be established to ensure proper acquisition, monitoring, and use of skills taught.



Help us save mailing costs! Please let us know if you have a change of address or are no longer interested in receiving the newsletter. Electronic copies of the newsletter may also be requested by e-mail: [office@rcal.org](mailto:office@rcal.org)

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## The Challenges of Winter

By: Maryann Donaldson



Traveling throughout communities especially in the winter months can be quite a challenge for pedestrian traffic. Snow covered sidewalks, bus stops and shelters, plowed in curb cuts, narrow paths and high snow banks surrounding them are some of the winter challenges that all pedestrians face. However, these conditions are much more challenging for seniors, young children, and people with disabilities, especially those who are visually impaired or use mobility devices such as canes, crutches, wheelchairs, scooters, walkers and rollators as their primary means of getting around. These travelers, who have the same needs to get out and about as the rest of the population, are now presented with additional challenges of which most people are not aware.

### **Accessible curb cuts and ramps disappear**

Many able-bodied pedestrians have difficulty getting from the street to the sidewalk. These accessible features are essential to people with various disabilities. When curb cuts and ramps are covered with snow or frozen with ice, this jeopardizes the safety for both pedestrian and vehicular traffic. Other obstacles include hidden catch basins, frozen ice clumps, and divots in iced surfaces.

### **Mobility devices can get easily stuck**

The mobility aides that are meant to help people now hinder them: users of walkers, canes and crutches have difficulty navigating through snow and ice; wheelchairs and walkers with wheels do not get enough traction to move through what most consider a passable amount of snow, and sinking and getting stuck are common. Wheeling through snow and ice is also physically demanding and requires a great deal of upper body strength to move and navigate through this type of terrain successfully. Power wheelchairs and scooters are no more successful and face other issues such as lower ground clearance and wet battery terminals. Even if the sidewalks are shoveled down to 1 or 2 inches of compact level snow, travel can still be difficult.

### **Sidewalks are not always level although they may be flat and smooth**

While a sidewalk may be fully accessible, having been regularly shoveled and salted, it could also have a slight incline toward the street. This sometimes provides an unexpected challenge—wheeling with one hand in a forward, uphill rhythm, to avoid going into the road. This is more commonplace than most people realize. Seniors, people who are blind or have significant vision disabilities, and people who use walkers and wheeled walkers also have difficulty in this type of situation.

### **Sidewalks not being cleared of snow or ice or cleared with a narrow path down the middle**

Again, many able-bodied pedestrians have difficulty navigating through these conditions; but it is all but impossible for anyone with a mobility device or for someone who is blind/visually impaired who depends on their guide dog to traverse sidewalks like this without falling down or fear of getting struck by a car, or their wheelchair tipping over. People, including those who use mobility aides, will opt to use the street because the sidewalks are impassable. Unfortunately, this is not the best place for pedestrians to travel and is the most dangerous; but the streets are usually the first areas to be cleared of snow and ice and are the only passable route available. While this is dangerous, returning to un-shoveled, unsalted sidewalks is not a viable option due to the risk of slipping and falling, and for a person using a wheelchair or other mobility device, the opportunity to be stuck, tip over, or become stranded.

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## **Lack of sidewalks or safe path of travel**

Where sidewalks don't exist, there are no safe alternatives other than using the street. To provide the greatest amount of self-preservation in this dangerous situation, people who use wheelchairs travel facing traffic usually in the center of the lane, since the shoulders are where accumulated snow is deposited. Add to this the stress and pressure of angry drivers who honk and curse, offering no assistance to people struggling through harsh winter conditions. In areas where sidewalks are not available, safe alternatives should be investigated, such as lanes along roads that can function like bike lanes in the warmer months and will be cleared of snow and ice in the winter.

## **People with disabilities have the same needs for pedestrian travel as the rest of the population in the winter months**

It is often questioned why people with disabilities just don't use a car, public transportation or disability transportation services instead of traveling on the street. Some of the reasons are: vehicles equipped with adaptive equipment can be extremely expensive and funding is very limited; and many people with disabilities live on very limited incomes (\$800.00 a month or less) and cannot afford the extra expense of owning and maintaining a vehicle.

One must still get through snow and ice to reach a bus stop or catch a taxi facing the challenges of navigating through buried sidewalks, curb cuts and several feet high snow banks without falling or having their mobility device becoming stuck. Other obstacles they face are that the bus shelters are sometimes plowed in or even filled with snow. People must clear a path or sit on snow-covered seats if they can't stand long. Buses may be running late if streets aren't fully plowed making waiting in frigid temperatures difficult on people who may also use oxygen or have other health issues such as angina.

Disability transportation services such as Para-transit buses will in some instances refuse to allow a customer on the bus if the lift can't be deployed – or insist on curb-to-curb service instead of door to door. Even worse, if Para-transit does not come when they should, which happens quite frequently in some areas, people may be forced to get to their destination by using their wheelchairs in the street forcing them to traverse snow covered sidewalks and parking lots.

All of these conditions and challenges create a dangerous situation in severe winter temperatures for everyone.



## **Facts and tips to help make pedestrian travel safe for everyone**

It is the homeowner/tenant's or business owner's responsibility to remove snow and ice from public sidewalks located adjacent to their property. This is a requirement of the Property Maintenance Code of New York State which states that sidewalks must be kept free and clear from hazards. If you live on a corner lot, you are also responsible to clear a path through the corner out to the street.

Most municipalities also have local ordinances in place pertaining to snow removal policies. These local laws usually provide time frames in which snow must be removed from the sidewalks. Your local building inspector would be the person to contact to see what your local snow removal ordinance is.

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## Review of Timothy Hutton's *Digging to China*

Submitted By Marissa Roth

The voice of Harriet (Evan Rachel Wood), a lonely and inquisitive ten-year old girl, opens the film *Digging to China* (1998) with two simple statements: "My mother lived in one world. I was always looking for another." Director Timothy Hutton uses the musings of a child as a lens through which a poignant and convincing exploration of humanity shines; *Digging to China*, which premiered at the Sundance Film Festival in January 1998, juxtaposes the desperation of its young female narrator with that of Ricky (Kevin Bacon), a mentally challenged man on his way to Hargrove, the home where he will spend the remainder of his days. Harriet's need to create a world separate from her alcoholic mother and promiscuous sister, and Ricky's need to transform his reality into one that affords him dignity and choice, form the backdrop of Hutton's directorial debut, showing that the powerful innocence of childhood can, if only for a brief moment, combat the vicious and paralyzing isolation of an adulthood molded by fear and ignorance.

As Harriet tells us that she is "always looking for another" world, better than the one to which she has grown accustomed, her connection with Ricky becomes not only evident but also necessary. Toward the beginning of the film, Ricky and his aging mother check into the motel that Harriet's mother owns and operates. From this moment, Harriet halts her desperate attempts of escape; before Ricky's arrival, Harriet literally tried to dig a hole to China, in the backyard. She also attempted to fly to Persia on a rug and waited patiently in a field for a UFO to pick her up; she did, after all, volunteer to go with the UFO operators, since they needed participants in medical experiments. Once Ricky arrives, her creativity becomes the motivational force of Ricky's life, despite the apprehension of Harriet's sister, Gwen (Mary Stuart Masterson), who tells the ten-year old girl that if she "hang[s] around him long enough" she will be "walking like him, talking like him, and acting like him." Harriet responds by telling Gwen that that would be "better than walking and talking and acting like you."

Harriet is right. Her innate ability to listen to Ricky and calm his fears about Hargrove is one many adults never achieve. One afternoon, Ricky tells Harriet his "mom said that before [he] was born [he] was the same as everyone else, better even" and that "[he's] from a place where [he's] the smartest person there. Everybody sings there." That place, we all know, is certainly not earth, but on that afternoon, the smiles on Harriet's and Ricky's faces possess a genuine innocence from which we might all learn if not emulate. To ease his dread regarding Hargrove, Harriet tells him that the home is "a castle, with gardens and bushes shaped like animals." Ricky believes her and appears at peace for a few moments, but their idealist relationship fails to shield either of them from imminent pain, because when Harriet's drunken mother, who frequently drives on the wrong side of the road in broad daylight, dies in a car accident one afternoon, Harriet, in a desperate effort to soothe her own pain, retreats to old patterns of running away.

This time, though, she brings Ricky with her. The two find an abandoned train car in the woods to call home. They "marry" each other in a lake and Harriet crowns Ricky, making him a Prince; upon doing so, she muses that "Ricky got promoted. It made a big difference in his outlook." With Harriet, Ricky becomes a fully capable being, for Harriet simply cannot see him as anything else. He inherently lives up to her standards; she "promotes" him, and he realizes, perhaps for the first time in his life, that his dreams and realities are as valid as the dreams and realities of those who refuse to understand him.

Yet, the bliss they find cannot last; in a failed effort to deter Harriet from spending time with Ricky, Gwen asks her sister if she wants to go to a place "where they strap you down in bed and feed you baby food all day?" She digs the knife deeper as she speaks, telling Harriet that "that's where they are

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sending Ricky, and that's where they send little girls who run away." Harriet continues to run and to make Ricky's present reality as peaceful as possible. She grants him three wishes. Ricky responds by saying that he "wants to stay here... wants his mom to live forever... and wants to be as smart as everyone else, just for a day." Harriet, who slowly ceases to believe in magic throughout the film, knows that she has the ability to grant him only that last wish, by bringing him with her to school. Standing in front of a fifth grade class, Ricky shines; his face beams with pride as children gather around him to look at all of his postcards, pictures of places he and his mother have been to throughout his life.

The lives of both individuals resume. Ricky's days of traveling with his mother are over. Harriet's childhood appears painfully thwarted. Ricky leaves for Hargrove, and Harriet must find peaceful normalcy amid extreme chaos and hatred. As the film comes to a close, though, we are reminded once more of the words of Ricky, who told Harriet that "You like me now, but you won't like me later. You're gonna grow up, but I'm not." We are left hoping that Ricky is wrong, since the future depends on Harriet looking back and always "liking" him. Yes, she must grow up; but if she can somehow find a way to reclaim the magical ambition that allowed her to try to dig to China, and keep that fearless desire protected, then maybe the day will come when she can help all of us.

*Digging to China.* Dir. Timothy Hutton. Perf. Kevin Bacon, Mary Stuart Masterson, Evan Rachel Wood, and Cathy Moriarty. Moonstone Entertainment, 1997. DVD.

## Senior Games Update

The Senior Games will be held at the end of May through the middle of June, with most of the games being held at Woodland Ponds. The games include Mini Golf, Shuffleboard, Bocci Ball, Golf, Trivia, Memory Games, Name That Tune, Bingo, Canasta, Pinochle, Billiards, and Bowling. There will also be an awards luncheon. If you are interested and would like an application packet, please contact the Office for the Aging at 340-3456. Let's all participate!



**H V F A**

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## Discipline and Students with Disabilities

Dorothy M. Richards

Any student may be suspended for violating any part of the school's disciplinary code which is available upon request to the school. Make sure you have a copy of the code of conduct/disciplinary policy for your school. A student with a disability **may have** more rights when being disciplined than a student without a disability.

A student might be suspended from school for: insubordination; disorderly or disruptive conduct; conduct which endangers the safety, morals, health or welfare of others; or violent conduct. A building principal, superintendent of schools, or a Board of Education may suspend a student. In New York State an assistant principal is not authorized to suspend a student out of school.

Students with a disability are subject to the same disciplinary procedures and suspensions as all other students. If the suspension lasts for more than 10 days or longer for a student with a disability, this would constitute a "disciplinary change in placement". The 10 day limit does not have to be reached by a single suspension. If a student with a disability has been suspended multiple times, for similar infractions or similar lengths of time, then these suspensions may be added together. They could then result in a change in placement.

What are the district's responsibilities if a student's suspension does not result in a disciplinary change of placement? The district is obligated to provide alternative instruction usually in the form of tutoring or special programming. However, the school district must only provide the level of instruction that they would provide to non-disabled students. Elementary students must receive at least 5 hours of instruction (tutoring) per week; middle and high school students must receive at least 10 hours of instruction per week.

What does a district have to do if a suspension leads to a disciplinary change in placement? The district should conduct a manifestation determination meeting to decide if there is a relationship between the student's disability and the behavior that is the subject of the disciplinary action. This meeting must take place within 10 days of the decision to suspend a student for 10 or more days or for a suspension that constitutes a disciplinary change in placement.

A manifestation meeting generally will attempt to answer the following:

- Was the misconduct caused by or did it have a direct and substantial relationship to the student's disability? *OR*
- Was the conduct in question the direct result of the district's failure to implement the IEP?

Let's use the example of a child with Attention Deficit Hyperactivity Disorder (ADHD) who is accused of fighting on the playground. The manifestation determination team will consider whether the child's ADHD caused the child to engage in the fight.

A representative of the district who is knowledgeable about the student and is trained to interpret information about the child's behavior, the parent or guardian of the child, and any other members of the Committee on Special Education (CSE) who might be helpful at the manifestation determination meeting will take part. As parents, we must receive prior written notice of the manifestation meeting to ensure our opportunity to attend.

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This team will consider all relevant information that is in the child's file such as the IEP, previous disciplines, teacher observations, and other information provided by the parent. If the manifestation team determines that the student's actions were not a result of his/her disability, then the student will serve the punishment that was decided at the superintendent's hearing. The student will be subject to discipline just as a non-disabled student would be.

If the student's actions were a result of the disability, then a "functional behavioral assessment" (FBA) must be conducted. An FBA is the process of determining why a student engages in behavior and how that relates to the environment. This process will result in a behavioral intervention plan (BIP). The BIP should include at least the following: a description of the problem behavior; suggestions as to what causes this behavior; and a description of strategies that will be used to prevent the behavior in the future.

An Interim Alternative Education Setting (IAES) may be used for up to 45 days if the conduct involved serious bodily injury, weapons, illegal drugs or controlled substances, even if it was determined that the student's conduct was a manifestation of his/her disability. The CSE must take immediate steps to fix an IEP or determine ways to better implement the current IEP if the manifestation team determines that the conduct was a result of the district's failure to follow the IEP.

As parents, we can appeal both the decision to place a child in an IAES and a decision that a child's action was not a manifestation of his/her disability. This appeal should go to the superintendent of your school and the Board of Education. The district must conduct a hearing within 15 days of your request. During the appeal process, the child will remain in the IAES or suspended until the conclusion of the case.



RCAL is currently in the process of setting up a Spinal Cord Injury Support Group – If you would be interested in attending or would like to get involved with the planning of the group Please call or e-mail Aimee Parks [aparks@rcal.org](mailto:aparks@rcal.org) or Jen Forrest [jforrest@rcal.org](mailto:jforrest@rcal.org).

### **Free Income Tax Preparation**

Ulster County Department of Social Services  
1021 Development Court  
Kingston, NY 12401

- No appointment needed—go directly to the Temporary Assistance window
- Tax forms can be filed electronically
- Hours are Monday through Friday 8am-11:30am and 1pm-3:30pm
- Anyone qualifies
- If the tax preparation is too complicated ie: you sold your house, they will direct you to someone else who can help you

## Assurance Wireless is Available in your Area

Many cell phone providers are offering free service and free cell phones to those that qualify. A new provider to the list is Virgin Mobile, which is now offering Assurance Wireless. The program is similar to Safelink Wireless, which also offers free cell phone service. Assurance Wireless offers a free wireless phone and 200 free minutes including local and long distance calling each month. There are no bills, long-term contracts, activation fees, recurring fees, or surcharges.

In New York State, you may qualify for Assurance Wireless if you participate in any of the following government programs:

- Medicaid
  - Food Stamps/SNAP
  - Supplemental Security Income
  - Temporary Assistance for Needy Families (TANF)
  - Federal Public Housing Assistance (FPHA) or Section 8
  - Low Income Home Energy Assistance Program (LIHEAP)
  - National School Lunch Program's Free Lunch Program
- OR
- Your household income is at or below 135% of the federal poverty guidelines.



Visit [www.assurancewireless.com](http://www.assurancewireless.com) or call 1-888-898-4888 to apply.

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## Cell Phones to the Rescue

By Melissa Rappleyea

Many people buy cell phones just for emergency use, but they end up spending a huge amount per month to have the service. This is now a thing of the past! You can use any cell phone, new or old and without a plan to dial **911**. All you need to do is have a way to charge the cell phone and make sure the battery works.

A cell phone in your car is a great thing should you breakdown, have a medical emergency, or someone tries to harm you or break into your car. **911** can connect you with: the police, ambulance and fire department.

Our office has cell phones available for those with disabilities who need them for emergency purposes. To obtain a cell phone contact: RCAL (331-0541x25) or visit the office and someone will assist you. If you would like to donate a cell phone, please provide a working phone with its battery and charger (erase as much personal information as possible).

**We currently have multiple phones available, including one with a car charger.**





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

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