

DISABILITY LAW CENTER OF ALASKA FY2010 PRIORITIES, GOALS, OBJECTIVES

PRIORITY: ABUSE AND NEGLECT

GOAL A: To investigate allegations of abuse (including the use of seclusion and restraint), neglect, and exploitation of individuals with disabilities.

Rationale: Individuals with disabilities have a right to be free from abuse and neglect.

Objectives:

- A.1. To assess whether, through investigations, all federal, state, and local agencies charged with the responsibility of investigating complaints of abuse and neglect of individuals with disabilities conduct their investigations in a timely, thorough and objective manner;
- A.2. To investigate reports of abuse and neglect of individuals with disabilities when the responsible state/federal/local agency fails, after appropriate notice, to respond to the complaint in a timely, thorough and objective manner;
- A.3. To establish and maintain contact with residents of adult and child psychiatric facilities, prisons, jails, and in Division of Juvenile Justice facilities, through facility visits;
- A.4. To report each year to the Alaska Mental Health Board and the Governor's Council on Disabilities and Special Education about any inappropriate use of restraint, seclusion, excessive force and other punitive methods of controlling individuals with disabilities at state and private facilities;
- A.5. To conduct trainings statewide on abuse and neglect prevention/detection and general disability rights.

Strategic/Resource Guidance:

Complaints alleging the following abuse will be prioritized: suspicious death, seclusion & restraint, eminent threat of harm, sexual misconduct.

Complaints originating in facilities with repeated complaints of abuse and neglect will be prioritized.

If a complaint of abuse or neglect is being investigated by the state Office of Children Services or the local/state police, DLC will delay its own investigation pending the outcome of that investigation.

Trainings on mental health rights will include information on advance directives.

PRIORITY: OUTREACH

GOAL B: To provide outreach to unserved/underserved individuals with disabilities in Alaska.

Rationale: Individuals with disabilities who are unaware of their rights can neither exercise those rights, nor protect themselves from rights abuses.

Objectives:

- B.1. To conduct monthly outreach/intake at homeless facilities in Anchorage with the Alaska Native Justice Center and other agencies to assist homeless individuals with disabilities, through referral or direct legal assistance, in accessing appropriate supports and services;
- B.2. To conduct monthly outreach/intake visits at the Veterans Administration's Comprehensive Homeless Center;
- B.3. To publish in rural newspapers, or produce through public service announcements, a series of fact sheets on the rights of individuals with disabilities;
- B.4. To conduct outreach events to returning military and national guard with disabilities, and their families, on access to services in Alaska;
- B.5. To disseminate to rural clinics information on education rights and appropriate educational programming for students with traumatic brain injury.
- B.6. To conduct trainings statewide regarding benefits available for transitioning individuals, ages 17-22, specifically targeting individuals in rural areas with traumatic brain injury;
- B.7. To contact regional Native non-profit health corporations and offer training on the rights of individuals with disabilities and the services available in Alaska, including those offered by DLC.

Strategic/Resource Guidance:

Outreach activities may be suspended when caseloads involving direct legal advocacy exceed manageable resource levels.

The regional Native non-profit health corporations contacted in Objective B7 should be corporations not previously contacted by DLC.

PRIORITY: HOUSING

GOAL C: To advocate on behalf of individuals with disabilities for housing and to prevent homelessness

Rationale: Being part of the community and living as independently as possible are among the most important values and goals shared by people with disabilities, their families, friends, and advocates. A home of one's own – either rented or owned -- is the cornerstone of independence for people with disabilities. However, across the nation, individuals with disabilities face a crisis in the availability of decent, safe, affordable, and accessible housing.

Objectives:

- C.1. To advocate on behalf of individuals with disabilities who have complaints of Fair Housing Act and other housing rights violations;
- C.2. To disseminate information on the housing rights of Alaskans with disabilities through clinics and targeted publications.

Strategic/Resource Guidance

If a complaint of Fair Housing violation is being, or should be, investigated by another agency, such as the Office of Housing and Urban Development or the Alaska Housing Finance Corporation, DLC may delay its own investigation or make a referral to the appropriate agency.

PRIORITY: COMMUNITY INTEGRATION

GOAL D: To facilitate the community integration of individuals with disabilities by protecting their rights to receive appropriate supports and services in the most integrated setting.

Rationale: Under state and federal laws people with disabilities have the right to live in integrated settings in their local communities with the appropriate supports and services. However, many individuals with disabilities who are in both large and small facilities encounter barriers which make it difficult or prevent them from living in an integrated setting. Examples of such barriers include rules and policies that have a disparate impact on individuals with disabilities, the absence of community-based services, and the diversion of scarce resources away from community-based services.

Objectives:

- D.1. To advocate for systemic change of the Alaska Pioneers' Home's denial of admission to individuals with mental illness;
- D.2. To advocate on behalf of individuals with disabilities who are being denied appropriate community-living and assisted-living options, including young who are exiting the children's system;
- D.3. To monitor all applications for Certificates of Need to prevent the diversion of scarce resources from community-based programs and services;
- D.4. To assist individuals with disabilities who have been denied access to programs or services because they have been denied a reasonable accommodation or utilize a service/companion animal;
- D.5. To meet with the Commissioner for the Department of Health and Social Services and advocate for the development and implementation of a comprehensive, effectively working plan for ensuring community-based services for individuals with disabilities in compliance with the Americans with Disabilities Act and the U.S. Supreme Court's decision in *Olmstead*.

Strategic/Resource Guidance

Examples of ADA and §504 cases include architectural barriers in buildings, parking deficiencies, individuals denied access to programs/services because they have a service/therapeutic animal, individuals denied medical, legal, or community services due to the failure of the provider to obtain interpreter services.

Advocacy in Objective D.3 may also include efforts to challenge any changes to the Certificate of Need statutes that would eliminate public comment on the necessity of facilities for people with disabilities;

PRIORITY: EMPLOYMENT

GOAL E: To advocate on behalf of individuals with disabilities who face discrimination in employment.

Rationale: More than 25 years after the passage of the Americans with Disabilities Act, many employers have discriminatory practices that adversely affect people with disabilities in hiring, retention, promotion and termination of employment.

Objectives:

- E.1. To advocate on behalf of individuals with disabilities threatened with an adverse employment action, such as termination, or denied a reasonable accommodation related to their disabilities;
- E.2. To assist individuals with disabilities learn more about their rights by publishing and distributing employee rights handbook;
- E.3. To conduct statewide trainings regarding strategies for advocacy and access to workplace accommodations and the Ticket to Work and other work incentives.

Strategic/Resource Guidance

Assisting individuals with employment related matters may not, in all instances, include court or administrative representation, but may involve the provision of self-advocacy assistance and training.

If a complaint of employment discrimination is being, or should be, investigated by another agency, such as the Anchorage Equal Rights Commission, the Alaska State Commission on Human Rights, or the Equal Employment Opportunity Commission, DLC may delay its own investigation or make a referral to the appropriate agency.

Where self-advocacy assistance is provided, staff will initiate post-assistance contact to assess the value of the assistance provided.

PRIORITY: GOVERNMENT BENEFITS

GOAL F: To advocate on behalf of individuals with disabilities who seek access to Government Benefits.

Rationale: Access to basic individual and community supports through government assistance programs is necessary for people with disabilities before they can consider independent living, continued education and employment. These supports include Social Security programs, Alaska Public Assistance, in-home support services, individualized support from state government and private providers, Medicaid, Medicare, and managed care among others.

Objectives:

- F.1. To assist individuals with disabilities to obtain and maintain SSI/SSDI and related benefits, such as Medicaid and Adult Public Assistance;
- F.2. To conduct trainings statewide on social security benefits and the administrative appeals process;
- F.3. To research and determine whether children with disabilities in Alaska have access to services under Medicaid's Early & Periodic Screening, Diagnosis and Treatment program, particularly those youth returning from out-of-state placements and those facing institutionalization;
- F.4. To conduct Medicaid Waiver trainings statewide.

Strategic/Resource Guidance:

Assisting individuals with disabilities obtain social security benefits (does not include the initial application process).

Assisting individuals with disabilities maintain social security benefits (does not include the provision of direct legal assistance for continuing disability reviews).

Assisting individuals with disabilities maintain social security benefits does not include the provision of direct legal assistance for overpayment issues unless the individual demonstrates significant cognitive impairments or qualifies for services under the PABSS grant.

PRIORITY: EDUCATION

GOAL G: To advocate on behalf of individuals with disabilities for a free appropriate public education in the least restrictive environment.

Rationale: Under state and federal law, students with disabilities have the right to be educated in integrated settings and to participate meaningfully in academic and non-academic activities with non-disabled children. Lack of information about special education laws is just one of many barriers preventing Alaskans with disabilities from benefiting from their special education programs.

Objectives:

- G.1. To advocate on behalf of students with disabilities, or who are suspected of having disabilities, who are subject to suspension, expulsion, limited-day programs and arbitrary transfers resulting in their exclusion from regular schools, as a substitute for adequate and appropriate educational programs;
- G.2. To advocate for the State Educational Agency to respond to systemic issues arising at the school district level.
- G.3. To initiate advocacy on behalf of students who receive special education so that they have meaningful access to transition planning and services;
- G.4. To conduct trainings statewide on special education rights and self-advocacy strategies.

Strategic/Resource Guidance:

Students with disabilities who are receiving no special education services will be prioritized over students receiving services, although those services may be inadequate.

Special education trainings will be limited to pre-arranged conferences that attract a sufficient number of individuals to warrant the commitment of agency resources.