



DISABILITY
LAW CENTER

O F A L A S K A



ABOUT OUR SERVICES

MEMBER OF THE
NATIONAL DISABILITY
RIGHTS NETWORK

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MISSION

The mission of the Disability Law Center of Alaska is to promote and protect the legal and human rights of individuals with physical and/or mental disabilities.

AGENCY OVERVIEW

Disability Law Center (DLC) is an independent non-profit organization that provides legal advocacy services for people with disabilities anywhere in Alaska. DLC is designated under federal law as the State of Alaska's "Protection and Advocacy" (P & A) agency. The Protection and Advocacy (P&A) System comprises the nationwide network of congressionally mandated, legally based disability rights agencies. In response to the public outcry about the abuse and neglect of individuals with disabilities in institutional care, the U.S. Congress in 1975 mandated the creation of P & A agencies in every state and territory. The purpose of this nationwide system is to provide for the protection of and advocacy for the legal, civil, and human rights of persons with mental or physical disabilities.

P & A agencies have unique authority under Federal law to enforce both state and federal laws concerning the rights and benefits of individuals with disabilities. This authority includes initiating investigations of abuse and neglect in institutions, community settings, or programs that serve individuals with disabilities. All P&As maintain a presence in facilities that care for people with disabilities, where they monitor, investigate and attempt to remedy adverse conditions. P&A agencies also have the authority to provide legal representation and other advocacy services, under all federal and state laws, to all people with disabilities (based on a system of priorities for services). These agencies devote considerable resources to ensuring full access to inclusive educational programs, financial entitlements, healthcare, accessible housing and productive employment opportunities.

With offices in Anchorage, Fairbanks, Bethel, and Juneau, DLC provides legally based advocacy to the disability community throughout Alaska. Within available resources and consistent with agency priorities* and case selection factors, the Disability Law Center will:

- Respond to complaints of abuse, neglect or denial of rights;
- Provide self-advocacy training and education for consumers, family members, service delivery professionals, constituency groups, and the community;
- Intervene or assist individuals to advocate for their own rights;
- Provide legal representation if the problem cannot be resolved using other strategies;
- Organize workshops and distribute materials on legal rights, special education, public benefits, and other topics;
- Provide information on the rights of people with physical and/or mental disabilities and make referrals when appropriate.

P & A programs accept cases based on priorities established annually with public input. This process ensures that scarce resources are directed at needs identified by the community as most pressing. Presently, DLC's priorities include abuse and neglect investigations, social security

*Priorities are established annually based upon public comment. Contact the Anchorage office for a copy.

benefits, special education for children with disabilities, Medicaid benefits, mental health rights, and community integration issues. This latter category encompasses problems such as landlord-tenant disputes, physical access to businesses and governmental programs, accessible transportation options, and appropriate community supports and services. Individuals seeking assistance from DLC must have a disability and the problem presented must be related to the disability.

Services offered by DLC are guided by the following principles:

- People with disabilities share with all citizens of the United States and its territories, basic human, legal, and civil rights.
- Advocacy resources and priorities address the human, legal, and civil rights of those individuals in the greatest jeopardy and with the greatest needs.
- The primary role of advocates is to establish, expand, protect and enforce the human, legal and civil rights of people with disabilities.
- The role of the advocate is to inform the client about options, to assist the client to express preferences, and to ensure these preferences are heard and vigorously pursued within the scope of the law.
- Advocacy efforts are sensitive and responsive to the unique needs of individuals from diverse ethnic, racial, and cultural backgrounds.
- The availability of advocacy services is advertised to potential clients, the location of services is physically accessible and the program possesses the resources necessary to communicate effectively with its clients.
- When a decision or meaningful choice cannot be or is not expressed by a client, or when consent is not available from or provided by a client or legally authorized substitute, advocates safeguard and advance the human, legal and civil rights of the person with a disability in a way that does not limit the client's options for choice.
- Advocates assist people with disabilities to speak for themselves regarding their personal, programmatic and service goals and desires.

LEGAL/EDUCATIONAL SERVICES

Legal Services: Intake Process

The Disability Law Center has an Intake Advocate available during regular business hours to give general information, make referrals to other agencies, send written materials, and answer questions about the DLC. The Intake Advocate is also available to interview callers about their particular legal issues, and refer the matter to DLC attorneys to determine whether DLC is able to provide legal representation. If you are asked to leave a voice mail message, you can expect a call back within 24 hours. We also accept faxed, emailed or mailed intakes. Please be sure to include your name, a daytime phone number, disability and the best time to reach you. An Intake Advocate may need to call you for additional information.

Information and Referral

Due to limited resources, the Disability Law Center is not able to provide direct representation to every individual requesting our services. Additionally, DLC has a policy not to duplicate

services offered by other agencies or organizations. For these reasons, many individuals who contact DLC for assistance receive what we call “information and referral services.” Information and Referral is short-term assistance, such as any telephone conversation, letter or face-to-face contact that provides information to a client about the law or referral to another provider. If your problem is one that falls outside of our area of expertise and authority, we will refer you to the proper agency. We have a “no closed door” policy. This means that we do not want you left frustrated because of referrals that do not work out. If you do not get the help you need, call us back. We will work with you until we find the proper agency or person to help you.

Direct Service

Prior to accepting a request for direct services, DLC considers several factors in order to determine not only whether to provide services, but also the services to be provided. One critical factor is that the person must meet federal eligibility criteria. The adoption of case selection factors and issue priorities is required by DLC's federal funding sources. DLC does not have the resources to accept every request for advocacy or legal services and, therefore, has developed a fair method for case acceptance.

Federal Criteria

To be accepted for direct services by DLC, a client must have a disability that meets the federal eligibility criteria for services. Described below are the specific eligibility requirements for four of DLC’s primary grants.

A. Protection and Advocacy for Persons with Mental Illness (PAIMI)

Persons eligible for DLC services under the PAIMI Act are individuals with significant mental illness or emotional impairments who reside in residential care and treatment facilities or who live in the community, including their own homes. DLC is required to give priority to serving individuals residing in the residential care and treatment facilities. Additionally, DLC must prioritize incidents of inappropriate restraint and seclusion in institutional settings.

B. Protection and Advocacy for Persons with Developmental Disabilities (PADD)

Persons eligible for DLC services under the DD Act are individuals who meet the following criteria:

1. Infants up to age five (5) who have a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.
2. Persons aged five (5) and older who have a developmental disability that is severe, chronic AND
 - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments
AND

- b. Is manifested before the person attains the age of twenty-two (22)
AND
- c. Is likely to continue indefinitely
AND
- d. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and are individually planned and coordinated
AND
- e. Results in substantial functional limitations in three (3) or more of the following areas of major life activity:
 - (1) Self-Care: Daily activities that enable a person to meet age appropriate basic life needs such as: food, hygiene, appearance, health, and immediate personal safety.
 - (2) Receptive and Expressive Language: Communication involving both verbal and non-verbal behavior enabling the individual both to understand others and to express ideas and information to others. This usually includes reading, writing, listening, and speaking.
 - (3) Learning: General cognitive competence and ability to acquire new behavior, perceptions, and information and to apply experiences in new situations.
 - (4) Mobility: Ability of the individual to negotiate distance using his/her own power or a personally controlled device. This ability implies motor development and the ability to use fine and gross motor skills.
 - (5) Self-Direction: Management and control over one's social and personal life. Ability to make independent decisions affecting and protecting one's own interests.
 - (6) Capacity for Independent Living: Ability to maintain a full and varied life in the community with little or no regular outside intervention in the living situation.
 - (7) Economic Self-Sufficiency: An individual's ability to earn financial resources to meet both basic life support and recreational needs.

C. Protection and Advocacy for Individual Rights (PAIR)

Persons eligible for DLC services under the PAIR Act are individuals with disabilities who are ineligible for Protection and Advocacy services under the PADD or PAIMI programs. The decision of whether or not a client meets the PAIR definition requires a case by case analysis. The following list provides guidelines/examples of cases that would meet PAIR criteria.

1. Client's impairment occurred after age 22 and meets the Americans with Disabilities Act (ADA) definition of being a person with a disability, which means having a physical or mental impairment that substantially limits one or more of the major life activities OR having a record of such an impairment OR being regarded as having such an impairment. Persons included may be those with traumatic brain injury, amputations, stroke, Multiple Sclerosis, Alzheimer's, and other conditions or diseases.
2. Client's impairment occurred before age 22 and does not meet DD or PAIMI criteria but does meet the ADA definition in the previous paragraph. Persons included may be those with learning disabilities and/or behavior disorders, such as attention deficit disorder (ADD).
3. Client is a recovering substance abuser or attempting to access treatment services.

D. Protection And Advocacy For Beneficiaries Of Social Security (PABSS)

Persons eligible for DLC services under the PABSS Act are individuals who are 18 years of age or older, eligible for the Ticket To Work, and receiving SSDI, SSI or both because they were found to be disabled under Section 223 (d) of the Social Security Act. Social Security defines disability as “The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months”; and

1. The individual needs protection and advocacy services because they have been denied services from any vocational or benefits planning agency; or;
2. The individual needs protection and advocacy because they are experiencing employment barriers to new or continued employment.

DLC Case Acceptance Factors:

In addition to the federal eligibility criteria, the Disability Law Center considers the following factors during the case selection process:

- The client must be eligible (an individual with a disability) and the problem area must be central to the disability;
- The client must not be represented by another attorney, firm or agency;
- The problem must not be one where the client is entitled by law to appointed counsel;
- The degree to which the problem area has an immediate and/or significant impact on the persons life, health, or safety;
- The degree to which the client, or another person, is able to advocate on the client's behalf to resolve the issue;
- DLC has resources to provide adequate representation (financial, personnel, expertise);
- There exists a possibility of successful resolution (the case has merit);
- The availability of other appropriate referrals (private attorney, Alaska Legal Services Corporation);
- The extent to which the client lives in an area where no other services are available (rural, remote).

Intervention Strategies

The level of services provided is based on the unique facts and circumstances of every client's situation. The following Intervention Strategies are used by the Disability Law Center advocates and attorneys after a person has been deemed eligible and a case has been opened:

- Counseling/Professional Assistance
This remedy includes coaching the client in self-advocacy, explaining the service system and other methods for the clients to resolve their complaint by themselves.
- Supervised Referrals
This remedy includes monitored referrals to appropriate sources of assistance and must include follow-up by the Disability Law Center staff to determine whether the client's problem was resolved or further assistance is needed.
- Negotiation/Mediation
This is when an informal, non-legal intervention (letters, calls and/or meetings with others) are used to resolve the client's reported problem.
- Administrative Remedies
This includes the use of a more formal advocacy strategy involving hearings, grievances, or complaints with federal or state administrative agencies. Examples are Office of Civil Rights complaints, Social Security Administration hearings, Special Education due process hearings, Medicaid hearings, etc.
- Legal Remedies/Consultation
This is formal legal representation of clients in litigation in federal or state court.
- Class Action Lawsuits
This is formal legal representation of a group of clients with similar issues in litigation in federal or state court. The Disability Law Center Board of Directors must authorize representation by the agency in class action lawsuits.
- Other
This includes all actions other than those described above (e.g. participation in conciliation proceedings, public hearings, arbitration proceedings, etc.).

NOTE: More than one of these strategies may be necessary to resolve a client's problem.

The following are examples of issues/problems generally pursued by the Disability Law Center:

- Danger to Health or Safety of Client (abuse, neglect, sexual assault, physical assault);
- Entitlements (Special Education Services, Medicaid, Social Security, Alaska Public Assistance);
- Denial of Rights (physical access, confidentiality, privacy, reproductive issues, voting, transportation, appropriate treatment or medical care);
- Exploitation (Contracts, informed consent);
- Discrimination (equal protections);
- Access to Services (homeless, rural/remote community, housing);

The following are examples of issues/problems NOT pursued by the Disability Law Center:

- Divorce, custody, support, and other family law matters.
- Wills, trusts, and estate planning.
- Criminal issues/proceedings.
- Legal or medical malpractice.
- Workers' Compensation or collective bargaining.
- Products liability.
- Bankruptcy.
- Indian/Tribal law.
- Native Allotments.
- Subsistence issues
- Automobile accidents/traffic violations.
- Consumer protection.
- General Tax matters.
- Pension and ERISA issues.
- Property disputes or real estate.
- Insurance disputes.

OTHER SERVICES

In addition to direct services, DLC staff may also be able to provide the following services to individuals, groups and communities in Alaska:

Public Education

To increase the understanding of rights and responsibilities of consumers, legal professionals, service providers, families and advocates throughout Alaska. The Disability Law Center will:

- Maintain an information center in the Anchorage office which will include statewide resource manuals, disability rights information, benefits booklets, and reference materials related to disability law. This center is available to the public.
- Disseminate current legal rights information throughout Alaska by presenting agency publications to service providers, coalitions, school districts and consumer advocacy groups.
- The Disability Law Center staff will give presentations at conferences held in Alaska for the purpose of educating the public about the Disability Law Center's services as well as legal rights of people with disabilities.

Outreach

To ensure that people with disabilities, their families, and advocates throughout Alaska know about and have access to the Disability Law Center's services, the Disability Law Center will:

- Maintain regional advocacy offices in Anchorage, Fairbanks, Juneau, and Bethel.

- Maintain and advertise the Disability Law Center's services and a toll free phone number on agency brochures and posters.
- Whenever possible, information will be requested from caller regarding demographics, regional address, and nature of the problem. This information will be compiled quarterly as non-case directed services and analyzed to determine regional needs.
- Attempt to identify unserved and underserved Alaskans who do not know about the Disability Law Center's services through site visits of provider programs and facilities.

Systems Advocacy

Systems change includes legislative work with a focus on identifying possible interventions across program areas. The Disability Law Center will provide systems advocacy on behalf of individuals with disabilities including legislative analysis, participation on special committees, and appropriate special projects in program areas. The Disability Law Center will:

- Maintain contact and meet regularly with the Governor's Council on Disabilities and Special Education, Alaska Mental Health Board, Statewide Traumatic Brain Injury Advisory Board, and the State Independent Living Council.
- Collaborate with the Center for Human Development (Alaska's University Center for Excellence in Developmental Disabilities Education, Research, and Service), Independent Living Centers, Division of Vocational Rehabilitation, Alaska Mental Health Board, and the Governor's Council on Disabilities and Special Education on the statewide efforts to increase compliance with the American's With Disabilities Act.
- Conduct quarterly case reviews to determine recurring client issues that may indicate a systemic problem.
- Assist consumers' and advocates' participation in administrative rule making and legislative affairs by providing direct testimony and/or providing support and assistance to self- advocacy groups such as Key Campaign, People First, and Building Bridges participants.
- Maintain contacts with state agency officials who are responsible for programs affecting people with disabilities, Division Directors, direct services staff and providers of services to people with disabilities in order to improve access to grantee programs.

GRIEVANCE PROCEDURE

- As a client or prospective client of Disability Law Center of Alaska, you have the right to file a written grievance if you are not satisfied with the quality of services provided to you, if you believe that you were improperly denied service, and/or if you believe that Disability Law Center of Alaska has violated its legal obligations.
- Among other obligations, we must ensure that we; are independent of service providers for people with disabilities (such as hospitals and group homes); have the capacity to protect and advocate the rights of people with disabilities; have access to facilities, residents and records for the purpose of investigating incidents of abuse and neglect of people with disabilities; maintain confidentiality of client records; and provide the public with an opportunity to comment on our statement of objectives and priorities.
- The grievance process is designed to assure that people eligible for services from Disability Law Center of Alaska are provided full access to the agency. This right is guaranteed under the three Federal laws governing the activities of P&As, including our organization: the Developmental Disabilities Assistance and Bill of Rights Act, the Protection and Advocacy for Individuals with Mentally Illness Act and the Protection and Advocacy for Individual Rights Program (in the Rehabilitation Act).

A grievance may be filed by a person with a disability or his/her representative or family member under either of the following circumstances:

- When there is disagreement about the decision of Disability Law Center of Alaska not to provide individual advocacy services;
- There is dissatisfaction regarding the quality or extent of the services actually provided;
- There is a belief that Disability Law Center of Alaska has failed to fulfill one or more of its legal obligations; or
- It is believed that Disability Law Center has discriminated in the provision of its services on the basis of disability, race, or another prohibited basis.

Please contact the Disability Law Center for a grievance form.

Funding Sources

To carry out its mission, DLC receives funding primarily from federal grants. Congress has created distinct statutory programs to address the needs of different populations of persons with disabilities.

➤ **PADD**-Protection and Advocacy for Individuals with Developmental Disabilities

The PADD program was created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975. P&A's are required by the Act to pursue legal, administrative and other appropriate remedies to protect and advocate for the rights of individuals with developmental disabilities under all applicable federal and state laws. The governor in each state designated an agency to be the P&A system, and provided assurance that the system was and would remain independent of any service provider. 1994 amendments to the DD Act expanded the system to include a Native American P&A. Administration for Children and Families, Administration on Developmental Disabilities (ADD) administers the PADD program.

For more information, please contact:

Administration on Developmental Disabilities-

Commissioner

Administration on Developmental Disabilities

Administration for Children and Families

U.S. Department of Health and Human Services

Mail Stop: HHH 300-F

370 L'Enfant Promenade, S.W.

Washington, D.C. 20447

1-202-690-6590

Internet: <http://www.acf.hhs.gov/programs/add/>

➤ **PAIMI**- Protection and Advocacy for Individuals with Mental Illness

The PAIMI Program was established in 1986. Each state has a PAIMI program which receives funding from the National Center for Mental Health Services. Agencies are mandated to (1) protect and advocate for the rights of people with mental illness, and (2) investigate reports of abuse and neglect in facilities that care for or treat individuals with mental illness. Agencies provide advocacy services or conduct investigations to address issues which arise during transportation or admission to, the time of residency in, or 90 days after discharge from such facilities. The system designated to serve as the PADD program in each state and territory is also responsible for operating the PAIMI program. Substance Abuse & Mental Health Service Administration, Center for Mental Health Services (CMHS) administers the PAIMI program.

For more information, please contact:

Center for Mental Health Services-
P.O. Box 42490
Washington, DC 20015

1-800-789-2647

Internet: <http://www.mentalhealth.org>

➤ **PAIR-** Protection and Advocacy for Individual Rights

The PAIR Program was established by Congress as a national program under the Rehabilitation Act in 1993. PAIR programs were established to protect and advocate for the legal and human rights of persons with disabilities. Although PAIR is funded at a lower level than PADD and PAIMI, it represents an important component of a comprehensive system to advocate for the rights of all persons with disabilities. The system designated to serve the PADD program in each state and territory is also responsible for operating the PAIR program. Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration (RSA) administers PAIR.

For more information, please contact:

Rehabilitation Services Administration-
Room 3329-MES
400 Maryland Avenue, S.W.
Washington, DC 20202-2551

1-202-205-5482

Website: <http://www.ed.gov/offices/OSERS/RSA/>

➤ **PAAT-** Protection and Advocacy for Assistive Technology

The PAAT Program was created in 1994 when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act (Tech Act) to include funding for P&A's to "assist individuals with disabilities and their family members, guardians, advocates and authorized representatives in accessing technology services" through case management, legal representation and self advocacy training. Originally passed by Congress in 1988, the Tech Act set up a lead agency in each state to coordinate activities to facilitate access to provisions of funding for assistive technology and services for individuals with disabilities. Office of Special Education and Rehabilitative Services, National Institute on Disability and Rehabilitation Research (NIDRR) administers PAAT.

Assistive Technology is not related to a disability definition. Individuals eligible for other Disability Law Center programs may qualify for PAAT services.

National Institute on Disability and Rehabilitation Research-
400 Maryland Avenue, S.W.
Washington, DC 20202-2572

1-202-205-8134 (Voice)
1-202-205-4475 (TTY)
Internet: <http://www.ed.gov/offices/OSERS/NIDRR/>

➤ **PABSS**-Protection and Advocacy for Beneficiaries of Social Security

As authorized by the Ticket to Work and Work Incentives Improvement Act of 1999, the Social Security Administration awarded 57 Work Incentives Assistance Program grants to the designated P&A system in each of the fifty States, the District of Columbia, the U.S. Territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands, and the P&A system for Native Americans. SSA's PABSS Program was created to assist SSA's beneficiaries with disabilities in obtaining information and advice about receiving vocational rehabilitation and employment services and to provide advocacy or other related services that beneficiaries may need to secure or regain gainful employment. The Social Security Administration (SSA) administers PABSS.

Individuals eligible for PABSS must be 18 years of age or older, eligible for Ticket to Work, and receiving SSI, SSDI or both.

For more information, please contact:

Social Security Administration
Social Security Administration
Office of Public Inquiries
Windsor Park Building
6401 Security Blvd.
Baltimore, MD 21235

1-800-772-1213
Internet: <http://www.ssa.gov/work/index.html>

➤ **PATBI**- Protection and Advocacy for Individuals with Traumatic Brain Injury

The Traumatic Brain Injury (TBI) project serves individuals who have sustained a brain injury. The TBI project staff provides advocacy services, information and referral, and self-advocacy training. Services provided are to help ensure that individuals with brain injury are able to secure needed public health services. The PATBI program began and was authorized as part of the Children's Health Act of 2000.

For more information, please contact:

Health Resources and Services Administration

Maternal and Child Health Bureau
Parklawn Building Room 18-05
5600 Fishers Lane, Rockville, Maryland 20857

➤ **PAVA-** Protection and Advocacy for Voter Access

PAVA is a program to help ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places. PAVA began and was authorized as part of the Help America Vote Act of 2002.

For more information, please contact:

Administration on Developmental Disabilities-

Commissioner
Administration on Developmental Disabilities
Administration for Children and Families
U.S. Department of Health and Human Services
Mail Stop: HHH 300-F
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

1-202-690-6590

Internet: <http://www.acf.hhs.gov/programs/add/>

➤ **State Programs**

The Disability Law Center from time to time may receive grants from the Alaska Department of Health and Social Services. These state grants are used to either expand a federal program or to serve people with disabilities who are not eligible for federal Protection and Advocacy programs due to restrictions or limited resources.

For more information, please contact:

Alaska Department of Health and Social Services-

350 Main Street, Room 229
PO Box 110601
Juneau, Alaska 99811-0601

1-907-465-3030 (Voice)

1-907-465-3068 (Fax)

1-907-586-4265 (TDD/TTY)

Internet: <http://health.hss.state.ak.us/>

LAWS PROTECTING INDIVIDUALS WITH DISABILITIES

Americans with Disabilities Act

Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined our well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. By breaking down these barriers, the Americans with Disabilities Act (ADA) will enable society to benefit from the skills and talents of individuals with disabilities, will allow us all to gain from their increased purchasing power and ability to use it, and will lead to fuller, more productive lives for all Americans.

The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. Fair, swift, and effective enforcement of this landmark civil rights legislation is a high priority of the Federal Government.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

For answers to additional questions, call the ADA Information Line:

1-800-514-0301 (Voice)
1-800-514-0383 (TTY)

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080

1-800-526-7234 (Voice/TTY)
1-304-293-5407 (Fax)
email: jan@jan.wvu.edu
Internet: <http://www.jan.wvu.edu>

Fair Housing Act

The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an

individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising.

The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.) The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

Complaints of Fair Housing Act violations may be filed with the U.S. Department of Housing and Urban Development. Additionally, the Department of Justice can file cases involving a pattern or practice of discrimination. The Fair Housing Act may also be enforced through private lawsuits.

For more information contact:

Office of Program and Disability Rights
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
451 7th Street, S.W., Room 5242
Washington, D.C. 20140

1-800-669-9777 (voice)

1-800-927-9275 (TTY)

Internet: <http://www.hud.gov/offices/fheo/index.cfm>

Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) (formerly called P.L. 94-142 or the Education for all Handicapped Children Act of 1975) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. It is the primary law governing Special Education Policy in the United States.

IDEA requires public school systems to develop appropriate Individualized Education Programs (IEPs) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student.

IDEA also mandates that particular procedures be followed in the development of the IEP. Each student's IEP must be developed by a team of knowledgeable persons and must be at

least reviewed annually. The team includes the child's teacher; the parents, subject to certain limited exceptions; the child, if determined appropriate; an agency representative who is qualified to provide or supervise the provision of special education; and other individuals at the parents' or agency's discretion.

If parents disagree with the proposed IEP, they can request mediation, file a state complaint, request a due process hearing or file a complaint with the office for Civil Rights.

The Department of Education, Office of Special Education Programs (OSEP) assists states with implementation of the Individuals with Disabilities Education Act (IDEA). As part of its mission, OSEP is charged with developing, communicating and disseminating federal policy on early intervention services to infants and toddlers with disabilities and on the provision of special education and related services for children with disabilities.

For more information, contact:

Office of Special Education Programs
U.S. Department of Education
330 C Street, S.W. (Room 3086)
Washington, D.C. 20202

1-202-205-5507 (Voice/TTY)

Office for Civil Rights National Headquarters
U.S. Department of Education
Mary E Switzer Building
330 C Street, SW
Washington DC 20202

1-800-421-3481 (Voice)

1-877-521-2172 (TDD)

1-202-205-9862 (Fax)

Internet: <http://www.ed.gov/about/offices/list/ocr>

Alaska Dept of Education
& Early Development
801 W 10th Street, Suite 200
Juneau, AK 99801

1-907-465-2800 (Voice/TTY)

1-907-465-4156 (Fax)

Internet: <http://www.eed.state.ak.us>

Office for Civil Rights for Alaska
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099

1-206-220-7900 (Voice)

1-206-220-7907 (TDD)

1-206-220-7887 (Fax)

email: OCR_Seattle@ed.gov

Architectural Barriers Act

The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with Federal funds, or leased by a Federal agency, comply with Federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. They do not address the activities conducted in those buildings and facilities. Facilities of the U.S. Postal Service are covered by the ABA.

For more information or to file a complaint, contact:

The Access Board
1331 F Street, NW, Suite 1000
Washington, DC 20004-1111

1-800-872-2253 (Voice)
1-800-993-2822 (TTY)

Internet: <http://www.access-board.gov/index.htm>

Rehabilitation Act of 1973

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in Title I of the Americans with Disabilities Act (ADA)

The Protection and Advocacy for Individual Rights (PAIR) was established by Congress as a national program in 1993 amendments to the Act. PAIR programs were established to protect and advocate for the legal and human rights of persons with disabilities.

There are several sections of the Rehabilitation Act that address the rights of individuals with disabilities. The following is a brief description of one section that has particular relevance to people with disabilities.

Section 504 of the Rehabilitation Act of 1973

Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

Each Federal agency has its own set of Section 504 regulations that apply to its own programs. Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive Federal aid. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Alterations under Section 504 may be charged to the landlord or owner. Each agency is responsible for enforcing its own regulations. Section 504 may also be enforced through private lawsuits. It is not necessary to file a complaint with a Federal agency or to receive a "right-to-sue" letter before going to court.

For information on how to file Section 504 complaints with the appropriate agency, contact:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYAVE
Washington, D.C. 20530

1-800-514-0301 (voice)
1-800-514-0383 (TTY)
1-202-307-1198 (FAX)

Internet: <http://www.usdoj.gov/crt/>

Air Carrier Access Act

The Air Carrier Access Act prohibits discrimination in air transportation by domestic and foreign air carriers against qualified individuals with physical or mental impairments. It applies only to air carriers that provide regularly scheduled services for hire to the public. Requirements address a wide range of issues including boarding assistance and certain accessibility features in newly built aircraft and new or altered airport facilities. People may enforce rights under the Air Carrier Access Act by filing a complaint with the U.S. Department of Transportation, or by bringing a lawsuit in Federal court.

For more information or to file a complaint, contact:

Aviation Consumer Protection Division
U.S. Department of Transportation
400 Seventh Street, S.W.
Room 4107, C-75
Washington, D.C. 20590

1-202-366-2220 (voice)
1-202-366-0511 (TTY)

Internet: <http://airconsumer.ost.dot.gov/>

NOTE: With the various types of security personnel and law enforcement officials at and around airports now, there is increased confusion regarding the appropriate place to file discrimination complaints. The Department of Transportation's Office of Aviation Enforcement and Proceedings has prepared an information sheet to help consumers determine with whom to file a discrimination complaint and how to do so. This information, entitled "Air Travel Civil Rights Problems - Where to File Complaints" is available on the Internet at:

<http://airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm>.

Voting Accessibility for the Elderly and Handicapped Act

The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make available registration and voting aids for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs) which are also known as teletypewriters (TTYs).

For more information, or to file a complaint contact:

Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

1-800-253-3931 (voice/TTY)

National Voter Registration Act

The National Voter Registration Act of 1993, also known as the "Motor Voter Act," makes it easier for all Americans to exercise their fundamental right to vote. One of the basic purposes of the Act is to increase the historically low registration rates of minorities and persons with disabilities that have resulted from discrimination. The Motor Voter Act requires all offices of State-funded programs that are primarily engaged in providing services to persons with disabilities to provide all program applicants with voter registration forms, to assist them in completing the forms, and to transmit completed forms to the appropriate State official.

For more information, or to file a complaint contact:

Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

1-800-253-3931 (voice/TTY)

Internet: <http://www.usdoj.gov/crt/voting>

The DOJ also offers detailed information about the NVRA along with examples of enforcement actions taken at: http://www.usdoj.gov/crt/voting/nvra/activ_nvra.htm.

Telecommunications Act

Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services, that were often inaccessible to many users with disabilities.

For more information, contact:

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

1-888-225-5322 (Voice)
1-888-835-5322 (TTY)

Internet: <http://www.fcc.gov/cgb/dro/>

Civil Rights of Institutionalized Persons Act

The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the U.S. Attorney General to investigate conditions of confinement at State and local government institutions such as prisons, jails, pretrial detention centers, juvenile correctional facilities, publicly operated nursing homes, and institutions for people with psychiatric or developmental disabilities. Its purpose is to allow the Attorney General to uncover and correct widespread deficiencies that seriously jeopardize the health and safety of residents of institutions.

The statute does not cover private facilities or Federal institutions. The Attorney General does not have authority under CRIPA to investigate isolated incidents or to represent individual institutionalized persons.

The Attorney General may initiate civil law suits where there is reasonable cause to believe that conditions are "egregious or flagrant," that they are subjecting residents to "grievous harm," and that they are part of a "pattern or practice" of resistance to residents' full enjoyment of constitutional or Federal rights, including Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

For more information or to bring a matter to the Department of Justice's attention, contact the Civil Rights Division, Special Litigation Section using the contact information below.

The most effective means of filing a complaint is to write a letter to the Section explaining the situation about which you are complaining, with as much detail as possible. If you are aware of similar incidents involving others, include that information as well. Include information on how to contact you if the Section needs further information (such as an address and telephone

number). Also, do not include original documents, as the Section cannot guarantee their safe return. Address all complaints to:

Special Litigation Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66400
Washington, D.C. 20035-6400

1-202-514-6255 (voice/TTY)
1-202-514-6273 (FAX)

Internet: <http://www.usdoj.gov/crt/split/>



1-800-478-1234

ANCHORAGE OFFICE:

3330 Arctic Blvd., Suite 103; Anchorage, Alaska 99503
(907) 565-1002 phone • (907) 565-1000 fax

FAIRBANKS OFFICE:

1949 Gillam Way, Suite H; Fairbanks, Alaska 99701
(907) 456-1070 phone • (907) 456-1080 fax

JUNEAU OFFICE:

230 South Franklin, #206; Juneau, Alaska 99801
(907) 586-1627 phone • (907) 586-1066 fax

BETHEL OFFICE:

PO Box 2303; Bethel, Alaska 99559
(907) 543-3357 phone • (907) 543-3359 fax

ALL NUMBERS ARE BOTH VOICE & TDD
www.dlcak.org • e-mail: akpa@dlcak.org