

PRIORITIES/CASE SELECTION

Priorities are selected for each program which describe barriers to “life domains”. An example of an Individual/Community Support priority which reflects this thinking is pursuit of Financial Entitlements and Related Services for eligible clients. Without the small income derived from federal and state entitlements, Alaskans with disabilities cannot even begin to access health care, transportation, employment, adequate housing, other individual and community support services, or an education. Access to Social Security benefits, Medicaid, Medicare and Adult Public Assistance, and other public entitlement programs provide an important step towards achieving independence and denial of these serve as a very real barrier.

An Education priority is one that individuals with disabilities and their families have encountered and expressed to the Protection and Advocacy staff as a barrier to a Free, Appropriate, Public Education. Examples may include Discipline, Denial of Transportation as a Related Service, Not Evaluating Students when necessary, Not Following the IEP, etc. These examples may be selected as priorities if we discover certain districts are consistently violating that particular section of I.D.E.A. or when a number of parents allege it is happening. Although one or more of these specific violations could be selected as a priority, it does not preclude the staff from pursuing remedies for different problems.

Priorities are those which are considered as being important enough to choose over others when faced with a “lack of resource” situation. It is also important to consider each office separately as we select priorities. Capacity in outer offices are limited and staff cannot be expected to respond to every programs’ priorities.

Case Selection When asked how this agency selects cases in the Protection and Advocacy for Individuals with Developmental Disabilities (PADD) program, for example, we explain that “cases” are selected when the individual requesting services meets a three-prong eligibility test: 1) They have a legal problem that is central to their developmental disability; 2) Their legal problem has been selected as a priority by the organization; and 3) Other relevant factors of agency case selection criteria are met.

**GOAL: Individual & Community Support
Health Care**

**OBJECTIVE: To decrease violation of Rights in Facilities and to
increase community integration options**

Under state and federal laws people with disabilities have rights to live in integrated settings in their local communities with the supports they require. The laws also encourage consumer involvement in discharge planning. However, many people still remain institutionalized and are not heard when planning for their return to community living. Because facilities exercise considerable control over clients and have based care on what they believe is “best” for “their” clients, it is important to maintain monitoring, education, and advocacy in facilities.

PRIORITIES

- Investigate and report inappropriate holding of Title 47 commitments in jails before or during transport to Alaska Psychiatric Institute (API).
- Investigate and report any inappropriate use of restraint, seclusion, excessive force and other punitive methods of controlling residents.
- Investigate and report on special education violations and lack of mental health services in McLaughlin and other locked youth facilities. Advocate for appropriate community alternatives to a locked facility for youth living with a mental illness.
- Provide education for the API staff, and community Mental Health Centers staff on ways to improve discharge planning through the use of Advanced Directives.
- Investigate and report complaints of Fair Housing Act and other rights violations in Alaska’s community living programs such as Assisted Living Group Homes, board and care, foster homes and public housing projects.

GOAL: Education

OBJECTIVE: To Improve access to Special Education Services

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, particularly within multicultural communities, is just one of many barriers preventing Alaskans with disabilities from benefiting from their special education programs. The Disability Law Center has prioritized the following to address the most immediate and significant barriers. Through these specific priorities we aim to increase equal and meaningful educational opportunities for students with disabilities.

PRIORITIES

- Represent selected parents whose children are inappropriately segregated from their peers.
- Investigate and report all complaints of children with disabilities who are abused or neglected in their school setting.
- Monitor state Department of Education and local districts for ongoing or repeat Individuals with Disabilities Education Act (I.D.E.A.) violations and report systemic issues to the Developmental Disabilities Planning Council and other appropriate administrative agencies.
- Develop a parent advocate training program designed to build the local expertise needed to resolve I.D.E.A. issues.
- Monitor proposed Testing & Performance standards for compliance with I.D.E.A.

**GOAL: Individual & Community Supports
Transportation**

**OBJECTIVE: Enforcement of Civil Rights Statutes such as: The
Americans with Disabilities Act (ADA)**

Alaska's businesses are mostly "Mom and Pop" type and unfortunately lag far behind in compliance with accessibility guidelines. The Disability Law Center began notifying businesses about the consequences of non-compliance in 1995. Since then, we have aggressively pursued those who did not voluntarily provide access to their goods and services as required by the ADA. This priority also includes discrimination in public (Title II) accommodations and access to public services. Such discrimination can involve outright intentional exclusion, the discriminatory effects of architectural and transportation barriers, overly restrictive rules and policies, failure to make modifications, exclusionary qualification, standards and criteria, segregation and relegation to lesser services, programs, activities, benefits or other opportunities. This objective does not include Title I of the ADA.

PRIORITIES

- Continue to assist people with disabilities to "get in the door" of Alaskan business.
- Focus on Anchorage visitor industry accessibility in preparation for the 2000 Special Olympics.
- Program access issues in state and local government.

GOAL: **Individual & Community supports
Health Care**

OBJECTIVE: **Increased access to Financial
Entitlements/Related Services**

Access to basic support through government assistance programs, and access to health benefits 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. For children with disabilities, access to the expanded scope of benefits under the federal Medicaid requirement of EPSDT (Early and Periodic Screening Diagnosis and Treatment) means the difference between being able to remain in the home and institutionalization.

The complicated rules governing the provision of benefits and the bureaucracies that administer these public benefit programs are confusing. This confusion frequently results in an unjust denial of benefits. In addition, cutbacks in benefits at the state and federal level as well as the elimination of various consumer protections will erode the ability of people with disabilities to live independently.

PRIORITIES

- Assist people with disabilities to obtain and maintain SSI and related benefits such as Medicaid and Adult Public Assistance.
- Assist people with disabilities to obtain and maintain in-home support services such as respite care, personal assistant services, chore services, and assistive technology.
- Represent selected eligible applicants for Title II SS benefits during appeals of initial denials, requests for reconsideration and administrative hearings.
- Assist people with disabilities to obtain necessary assistive technology services and devices from DVR, Medicaid and the school districts.

DISABILITY LAW CENTER OF ALASKA

GOALS & PRIORITIES

The following chart outlines the goals and priorities being presented to the Disability Law Center. The chart lists the priorities by grant, beginning with PADD, (our largest) and ending with PAA. The order does not reflect relative importance of the proposed priorities.

<u>GRANT</u>	<u>GOALS</u> (life domains)	<u>PRIORITY</u>
PADD	Education	Testing/Performance standards Discipline Issues Evaluations Segregation of student Out of State Placement
PADD	Education	IEP Services Not Being Provided
PADD	Education	Evaluation/Manifestation Determinations
PADD	Education	Lack of Related Services on IEP
PADD	Individual/Community Support	Financial Entitlements and Related Issues
PADD	Individual/Community Support	Financial Entitlements and Related Issues
PADD	All Life Domains	Information and Referral

DISABILITY LAW CENTER OF ALASKA GOALS & PRIORITIES

<u>GRANT</u>	<u>GOALS</u> (life domains)	<u>PRIORITY</u>
PAIMI	Health Care/ Education	Treatment of Kids in Locked Youth
PAIMI	Individual/Community Support	Institutions/Involuntary Discharge
PAIMI	All Life Domains	Info. & Referral
PAIMI	Health Care	In-Patient Rights at API
PAIR	Individual/Community Support	Financial Entitlements and Related
PAIR	All Life Domains	Information and Referral
PAAT	Individual/Community Support	Front Door Access Assistive Technology Access
PAAT	All Life Domains	Information and Referral

<p>PADD--Protection and Advocacy for Individuals with Developmental Disabilities PAIMI-Protection and Advocacy for Individuals with Mental Illness PAIR-Protection and Advocacy for Individual Rights PAAT-Protection & Advocacy for Assistive Technology</p>
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