



Disability Law Center's FY 2021 Priorities

October 1, 2020

Fiscal Year 2021 (October 1, 2020 - September 30, 2021)

Introduction to the Priority Setting Process

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Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<https://www.dlc-ma.org/>



DLC's Commitment to an Intersectional Approach to Delivery of Service

Nationwide, COVID-19 has laid bare its differential impact and the need to address the pandemic from an intersectional approach. While the pandemic has had a disparate impact on communities of color, simply tailoring a response that merely focuses on racial and ethnic inequalities fails to take into account critical factors such as disability, age, geography, indigeneity, migration/refugee status, gender identity, sex, and structural conditions such as employment, insecure housing, and environmental stressors.

As an organization committed to promoting the civil and human rights of all persons with disabilities, the Disability Law Center (DLC) is committed to meeting our priorities using an intersectional framework. Intersectionality is crucial to social equity work and DLC understands that without an intersectional framework, advocacy and legal efforts that aim to address injustice towards one group may end up perpetuating systems of inequities towards other groups.

DLC's Priority Setting Process

Each year, DLC adopts a plan to focus its work on our core mission to keep people with disabilities safe from abuse and neglect and to address the most prevalent violations of disability rights laws. The plan includes our core functions and priorities that we determine based on input from the community.

Our priorities are the goals we work on every day to achieve full equality and justice for people with disabilities. We have to establish priorities because, after we address abuse and neglect issues, we do not have the resources necessary to tackle all of the issues facing people with disabilities at one time.

Through public input and our work with clients, we identify problems that are widespread or pose the greatest threat to the independence of people with disabilities. Then we develop priorities to address those problems with the funding that is left.

Why Do We Need Priorities?

DLC is the federally mandated protection and advocacy (P&A) system in Massachusetts. We receive most of our funding from the federal government. The majority of our funding must be devoted to our core functions of monitoring and investigating abuse and neglect in places where people with

disabilities live and receive services. The work we do with any other resources we have must be prioritized to guide the work of our legal staff and provide the structure required by these other funding sources.

How Does DLC Obtain Input?

DLC holds trainings and outreach events throughout Massachusetts. We ask people for their input at these events. DLC also gathers input through surveys, community partners, and members of the community. Individuals can also provide input at any point by calling or emailing DLC with their thoughts or by submitting a website comment.

Core Function of DLC

DLC's Core Function is to keep people with disabilities safe from abuse and neglect wherever they live and where they receive services. DLC does this primarily by monitoring for abuse and neglect as well as investigating suspicious deaths and allegations of abuse and neglect.

DLC advocates for the interests of people with disabilities mostly through systemic reform in the courts and other legal forums. This systemic work is tied to our principals of advocacy that is not included in our core function of addressing abuse and neglect, which is our primary priority.

The work described below includes the cases we take to represent a limited number of individuals as well lawsuits we file to address widespread legal violations.

In addition to our monitoring, investigation, and systemic work, DLC also provides information, referral and training as well as limited direct representation to individuals in an attempt to address widespread legal violations.

Below are the priorities DLC will be focusing on in Fiscal Year 2021 (October 1, 2020 – September 30, 2021).

Information, Referral, and Training

DLC does not have enough resources to represent everyone who contacts us. For this reason, DLC's goal is to provide all P&A-eligible callers some level of information and referral (I&R) when their issue falls outside our priorities and/or we don't have the capacity to take their case.

DLC provides extensive technical assistance to legal services professionals and legislative staff who call us requesting information and advice on issues impacting people with disabilities.

DLC provides training on disability rights issues. We offer training to groups across the state to build advocacy skills and knowledge of specific areas of law. DLC will prioritize requests for training on the following issues:

1. Education
 - a. Provide information and training about how to obtain accommodations in higher education settings.
2. Employment
 - a. Provide training on employment and benefits for individuals and their families as well as disability professionals who need to understand both.
 - b. Enforce the right of individuals to receive employment training in competitive, integrated settings through training, outreach, and education of policymakers.
3. Health Care
 - a. Provide outreach and training to the Deaf community on their rights to effective communication in health care settings.
4. Human Rights / Disability Rights / Emergency Planning
 - a. Provide outreach and training on disability awareness training and crisis intervention techniques for law enforcement personnel, including police officers and staff in prisons and jails.

Requests for training can be submitted online at <https://www.dlc-ma.org/request-a-training/>.

Funding: PAIDD, PAIMI, PAIR, PAAT, PATBI, PAVA, PABSS, MLAC

Direct Client Representation

Access to Services for SSA Beneficiaries

Access to Higher Education

Our Goal for Systemic Change

College Students with Disabilities who are beneficiaries of SSI/SSDI will have access to the supports and services they need in higher education in order to be successful in obtaining employment upon completion of school.

Our Work in 2021

DLC will accept up to 3 cases where students with disabilities are currently beneficiaries of SSI/SSDI and need an accommodation in their college academic environment.

Target Population

People with disabilities who are Social Security Beneficiaries, but not clients of the Massachusetts Rehabilitation Commission, who are experiencing discrimination based on disability in higher education. Students with disabilities who are Social Security Beneficiaries, their families and disability professionals seeking information about their rights to accommodations and how to obtain them in higher educational settings.

Funding: PABSS

Access to Employment Opportunities

Our Goal for Systemic Change

- People with disabilities will be employed in meaningful, integrated, competitive employment with any reasonable accommodations necessary to do their jobs.

Our Work in 2021

- DLC will provide information, advice, and referral to individuals who have received a notice of a work-related overpayment from Social Security Administration so they may become self-advocates and avoid future overpayment issues.
- DLC will accept a limited number of cases to provide limited advice and self-advocacy assistance for individuals who are current beneficiaries of SSI/SSDI and have experienced discrimination based on their disability.

Target Populations

- People with disabilities who desire competitive, integrated employment.
- People with disabilities, their family members and disability employment professionals who need adequate information about work incentives, impact on benefits and other resources for finding and keeping competitive employment.
- People with disabilities who are Social Security Beneficiaries who are experiencing discrimination based on disability in the workplace.

Funding: PABSS, PAIDD

Civil Legal Aid for Victims of Crimes (CLAVC)

DLC has a new project focused on the representation of individuals with disabilities who are victims of a crime **when** the issue they need help with is directly related to the crime they experienced. Individuals with disabilities who are a victim of a crime should call DLC to see if we have the capacity to provide legal assistance.

Our Work in 2021

Based on limited capacity, DLC will accept cases for representation and/or information or referral if the issue is related to the crime the individual has experienced, including but not limited to:

- Community Inclusion
- Employment
- Health Care
- Housing
- Human Rights
- Public Accommodations
- Special Education (Abuse, Neglect, Bullying, Restraint, Seclusion)

Target Population

Individuals with disabilities who are victims of crimes and who have a discrimination issue directly related to the crime they experienced.

Funding: MLAC

Coronavirus Disease 2019 (COVID-19) Response

Even in a crisis, people with disabilities have the right to live, work, learn, and access their community without discrimination or increased safety risks due to COVID-19. The response to the COVID-19 pandemic has highlighted many unsettling practices and policies of how individuals with disabilities are valued in our society. People with disabilities are some of the most at risk of being discriminated against. This is especially true in health care triage settings, for people living in congregate settings, and for those at higher risk of harm due to staffing problems and mandatory isolation. DLC will provide technical assistance and accept individual cases on issues directly related to disability discrimination and the COVID-19 pandemic.

Our Work in 2021

Based on limited capacity, DLC will accept cases for representation and/or information or referral if the issue is directly related to disability discrimination as a response to COVID-19, including but not limited to:

- Community Inclusion
- Employment
- Health Care
- Housing
- Human Rights
- Public Accommodations

Target Population

Individuals with disabilities who have experienced discrimination on issue directly related to the COVID-19 health crisis.

Funding: PAIDD, PAIMI, PAIR, PAAT, PABSS, PATBI, PAVA, MLAC

Health Care

Our Goal for Systemic Change

All people with disabilities have access to the health care services and long term supports and services they need including the accommodations they may need to access those services.

Our Work in 2021

- DLC will evaluate cases of individuals who have been denied MassHealth eligibility on a “Non-Disability” finding.
- DLC will evaluate cases of individuals on Mass Health to assess the need for medically necessary durable medical equipment, including wheelchairs, and determine the level of legal advocacy required.
- DLC will evaluate cases of individuals who are Deaf or Hard of Hearing who are denied access to effective communication in health care settings for systemic litigation.

Targeted Population

All individuals with disabilities who need access to accommodations and long term supports and services to access health care that allows them to live and work in the community.

Funding: PAIR, MLAC, PAAT

Housing Discrimination in the United Way Service Area

Our Goal for Systemic Change

People with disabilities in Massachusetts will be able to obtain and/or retain housing by having the accommodations and services they need to remain living in the community.

Our Work in 2021

Provide representation for up to 15 individuals with disabilities and their families living in the United Way of Mass Bay Merrimack Valley area (North Shore, Seacoast Region, Greater Boston and South of Boston) in cases involving housing discrimination based on disability in the following areas:

- Requests and denials of reasonable accommodations
- Evictions for reasons primarily disability-related
- Subsidy termination for reasons which are primarily disability-related
- Stay of execution of eviction when appropriate
- Increase awareness of the rights of people with disabilities to reasonable accommodations and modifications in housing through presentations and factsheets.

Target Population

Individual clients and their families in United Way Mass Bay Merrimack Valley communities will benefit from direct representation, and many more individuals with disabilities will benefit from the self-advocacy skills they develop from training and self-help materials DLC provides.

Funding: Discrimination

Human Rights

Goal for Systemic Change

People with disabilities living in group homes and state psychiatric facilities will know their rights and will have access to an effective human rights officer and complaint process.

People who are Deaf and Hard of Hearing and law enforcement agencies throughout the state will understand the Deaf and Hard of Hearing community's right to effective communication with law enforcement.

Our Work in 2021

- DLC will accept cases involving complaints of abuse and neglect, serious and systemic violations of human rights of individuals with disabilities where they live or receive services.
- DLC will evaluate cases for systemic litigation when an individual who is Deaf or Hard of Hearing encounter barriers related to communication access when interacting with law enforcement.

Target Population

The population that will benefit from this work will be people committed to psychiatric facilities, individuals with developmental disabilities in group living environments, and individuals who are Deaf and Hard of Hearing.

Funding: PAIDD, PAIMI, PAIR, PAAT

Voting Access**Goal for Systemic Change:**

Ensure that all people with disabilities will be able to register to vote, have access to educational materials about elections and an equal opportunity to vote at all polls throughout the state.

Our Work in 2021

- DLC will take cases where people with disabilities encounter voter registration barriers or barriers at polling locations.

Target Population: All individuals with disabilities who want to register to vote, participate in the political process and use their power to vote as well as become better educated about local, statewide and national elections.

Funding: PAVA, PAIDD

Monitoring and Investigating for Abuse and Neglect

Keep People Safe in Facilities by Monitoring

Consistent with our federal mandate, DLC monitors facilities where people with disabilities live or receive services to prevent, detect, and address instances of abuse, neglect or exploitation. Our monitoring activities may include: (1) face-to-face interviews with individuals with disabilities living in the facility, (2) face-to-face interviews with staff members working in the facility, (3) observation and evaluation of the physical conditions of the facility, (4) observation and evaluation of the programs and services provided by the facility and whether accommodations are provided; and, (5) a review of records, when appropriate, in accordance with applicable federal and state laws. Our primary goal is to ensure that the residents' rights are protected and that they are living in a safe environment. We also want to ensure that appropriate services are being provided and that individuals have access to opportunities to participate in activities and work that are important to them. Finally, we want to identify people who could live in the community if they had the proper supports and services. In short, we monitor to ensure legal compliance with respect to the rights and safety of residents.

What we discover during monitoring visits is unpredictable and may warrant follow up work with individuals, families, vendors and state agencies. Monitoring visits may also reveal the need for further investigation of an issue.

Our Work in 2021

- DLC will monitor places where people with disabilities live or receive services including but not limited to state-operated and private psychiatric facilities, including hospitals with designated psychiatric units & their emergency rooms, DOC controlled facilities, Bridgewater State Hospital, Intermediate Care Facilities for Individuals with I/DD, Neuromedical/TBI facilities, juvenile justice facilities, group homes, nursing homes, day habilitation facilities, houses of corrections, and segregated work environments.
- Monitor up to 5 schools for compliance with new restraint and seclusion regulations, with a focus on eliminating the excessive use of restraints and ensure that the use of seclusion is limited to the proper environment.
- DLC will monitor public, private, therapeutic and residential schools serving students with disabilities.
- DLC will monitor death reviews from DDS.

Target Population

Our work will benefit hundreds of adults and children with disabilities living in facilities whose rights must be identified and protected.

Funding: PAIDD, PAIMI, PAIR, PATBI, PABSS, MLAC

Investigating Suspicious Death or Serious Allegations of Abuse or Neglect

People with disabilities who live in facilities and the community are particularly vulnerable to the risks of abuse and/or neglect, especially those that cannot report the abuse and neglect themselves. Cuts in funding and services impact both the quality and level of care that individuals receive, increasing the risks of abuse and neglect. In situations where we believe serious abuse or neglect may have occurred, we conduct an

investigation. The investigation is a thorough examination of information, records, evidence, and circumstances surrounding the allegation of abuse and neglect. Investigations are distinct from advocacy and require a significant allocation of time and resources for activities such as interviewing witnesses, gathering evidence, and generating a written report that may or may not be released publicly. Because of our limited resources, we focus on investigations where the outcome may be systemic change resulting in a better quality of care for large groups of people with disabilities. Our monitoring efforts can and do reveal the need to conduct investigations, but we also initiate investigations based upon complaints we receive. This means investigations are more reactionary, providing us less ability to predict or control the work except by adjusting and modifying other investigations and other work so that we can take on the extremely compelling case even when we are at full capacity.

Our Work in 2021

Investigations in facilities are opened in response to specific reports of abuse, neglect, and/or death. DLC monitors death reports submitted monthly by the Department of Developmental Disabilities Services. Each year, we investigate as many reports as our resources will allow. We use the following criteria to determine which reports we will investigate:

- Nature and pervasiveness of the problem, including location and/or the vendor, whether there is a death or serious injury, what triggered the allegation, how long the problem has persisted, the impact on other people with disabilities in the same or similar environments (whether the problem is indicative of a larger systemic problem), and whether accepting the case for investigation presents the opportunity for systems reform.
- Whether this is a primary or secondary investigation, potential policy violations and implications, and the potential relief sought.
- DLC will investigate systemic patterns of DMH improperly confining individuals in facilities who are no longer in need of hospital-level care.
- Investigate three allegations of abuse in segregated public and/or private schools.

Target Population

Our work will benefit hundreds of people with disabilities living in facilities whose rights must be identified and protected to ensure they are safe and free from abuse, neglect or exploitation.

Funding: PAIDD, PAIMI, PAIR, PATBI, MLAC

Investigating and Protecting Beneficiaries from Financial Misuse

After an organizational representative payee that employed beneficiaries with developmental disabilities was accused and later found in serious violation of labor and anti-discrimination laws and of housing beneficiaries in substandard housing, Congress and the Social Security Administration (SSA) sought to quickly uncover any similar situations which might exist. In 2018, a new Protection and Advocacy program was created by Congress. This program is called the Protection and Advocacy for Beneficiaries with Representative Payees (PABRP) program. Under the PABRP program, DLC is assigned beneficiary reviews by SSA and is required to engage in statewide site visits to beneficiaries' homes, residential facilities, and state institutions to conduct face-to-face interviews, financial record reviews, and educational visits.

The goal of the project is to ensure payees are performing their payee duties satisfactorily and to protect beneficiaries from misuse.

Our Work in 2021

- Schedule, conduct and complete detailed reports on compliance reviews of both organizational and individual representative payees as assigned by SSA under the PABRP program.
- Develop and implement training, educational materials, and corrective action plans to assist representative payees in conforming to requirements specified by SSA.
- Identify and analyze trends in data from investigations and monitoring activities to determine if they present systemic issues which may be appropriate for DLC to address.

Target Population

Organizational and individual Representative Payees identified by SSA for review to ensure SSI/SSDI beneficiaries with Representative Payees are free from financial abuse and neglect.

Funding: PABRP

Systemic Litigation and Advocacy

Ensure Access to Employment

Our Goals for Systemic Change

- People with disabilities will be employed in meaningful, integrated, competitive employment with any reasonable accommodations necessary to do their jobs.

Our Work in 2021

- Investigate and/or monitor programs that use sub-minimum wage waivers (to determine compliance with wage and hour laws) and segregated employment or pre-employment programs.

Target Populations

- People with disabilities who desire competitive, integrated employment.
- People with disabilities, their family members and disability employment professionals who need adequate information about work incentives, impact on benefits and other resources for finding and keeping competitive employment.
- People with disabilities who are Social Security Beneficiaries who are experiencing discrimination based on disability in the workplace.

Funding: PABSS, PAIDD

Community Inclusion

Goal for Systemic Change

DLC will ensure that people who have physical disabilities, developmental disabilities and those who are Deaf and Blind have full access to every aspect of society so that accommodations and access are readily available throughout the Commonwealth.

Our Work 2021

- DLC will work in collaboration with other disability organizations to ensure that videos streamed for public consumption are audio described to ensure access for people who are blind or visually impaired.
- DLC will work in collaboration with other disability organizations to ensure that city-owned sidewalks with curb cuts are accessible and usable by individuals who use wheelchairs and other mobility devices.
- DLC, in collaboration with other organizations, will work to ensure that the MassHealth PT1 (services for non-emergency transportation to/from medical and other community-based service for MassHealth eligible individuals unable to access private or public transportation) do not jeopardize safety or the ability to receive necessary medical services.
- DLC will continue to serve as a member of the On-Demand Transportation Network Task Force – Governor Appointed position.
- DLC will work in collaboration with other disability organizations to ensure that residential, day and employment services for persons with developmental disabilities are operated in a manner consistent with the Americans with Disabilities Act and other federal directives, such as the CMS HCBS Guidelines.

Target Population

Beneficiaries of this work will be individuals with physical disabilities, developmental disabilities, individuals who are Deaf and hard of hearing and individuals who are Blind or visually impaired. According to census data, there are approximately 700,000 people in Massachusetts who would benefit from systemic advocacy in the areas outlined above.

Funding: PAIR, PAAT, PAIDD, MLAC

Health Care

Goal for Systemic Change

All people with disabilities have access to the health care services and long term supports and services they need, including the accommodations they may need to access those services.

Our Work in 2021

- DLC will provide outreach and training to the Deaf community on their rights to effective communication in health care settings.
- DLC will work in coalitions to address issues of the Personal Care Attendant (PCA) overtime cap and EVV implementation to ensure individuals are not harmed or institutionalized because of these rules.
- DLC, in collaboration with other disability organizations, will systemically address issues to ensure that all health care providers accepting Medicaid funding will be required to provide accessible exam and diagnostic equipment in all of their health care settings.
- DLC will participate as a member of Commission to Study Switching of Medications.
- DLC, in collaboration with other disability organizations, will address existing barriers that prevent or delay wheelchair repairs and how to eliminate those barriers.
- DLC will develop consumer materials that will promote self-advocacy skills for those needing wheelchair repairs.

Targeted Population

All individuals with disabilities who need access to accommodations and long term supports and services to access health care that allows them to live and work in the community.

Funding: PAIR, MLAC, PABSS, PAAT

Human Rights

Goal for Systemic Change

People with developmental disabilities will have access to communication devices that will allow them to have a voice of their own.

People with disabilities living in group living environment and psychiatric facilities will know their rights and will have access to an effective human rights officer and complaint process.

Our Work in 2021

- DLC will systemically address issues where there is a cross-agency, system-wide failure to provide dually-diagnosed individuals with appropriate, comprehensive, and effective supports and services.

- DLC will systemically address issues where there is system-wide failure to provide individuals with disabilities access to AT/AAC devices that allow individuals to communicate.
- DLC will investigate systemic inadequacies in facilities to address serious human rights complaints.

Target Population

The population that will benefit from this work will be individuals who are Deaf and Hard of Hearing, people committed to psychiatric facilities and individuals with developmental disabilities.

Funding: PAIDD, PAIMI, PAAT

Policy and Communication

DLC has an obligation to help the general public understand the rights of people with disabilities. DLC will continue to help policymakers understand the rights of people with disabilities and let people with disabilities know about current laws and other programs. DLC will do this through four advocacy tools.

Building Policy Expertise

DLC will continue to be a resource on disability-related policy for people with disabilities, policymakers and the general public. DLC will make sure that people with disabilities have a chance to express their opinion and that policymakers are aware of how a decision will impact the disability community. DLC will focus on key issues such as the prevention of abuse and neglect.

Building Partnerships

DLC will continue existing partnerships with other disability organizations, with a primary focus on collaborating with organizations made up of and led by people with disabilities. Examples of partnership-building activities include participating in coalitions, workgroups and task forces and building relationships with other agencies and organizations. DLC will also work with its partners to ensure the community is aware of the issues addressed and services provided by each agency.

Building a Positive Image of People with Disabilities

DLC will help change community attitudes towards greater inclusion of people with disabilities through advocacy and outreach, incorporating social marketing campaigns using traditional media outlets (newspapers, television, and radio) and social media (Facebook and Twitter), and the agency website. These efforts will focus on helping individuals with disabilities and the general public better understand the rights of and reduce stigma towards people with disabilities.

Empowering People to be their Own Advocates

DLC will work with the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council, Massachusetts Advocates Standing Strong, and other disability groups to help individuals better understand their rights and how to be their own advocates. DLC will do this by writing helpful guides, providing training for people with disabilities, and by collaborating with organizations made up of and led by people with disabilities.

Funding: PAIDD, PAIMI, PAIR, PAAT, PAVA, PABSS, PATBI, MLAC

Self Determination

Self-determination is the process by which a person makes up their own mind about what to think or do without outside influence. DLC provides that assistance to people with disabilities to help them obtain and exercise their power to control their lives in the following ways outlined below.

Supported Decision Making

Goal for Systemic Change

Individuals subjected to guardianships will have an alternative that they may choose instead so that they are making the decisions with the support of people they choose to assist them in gathering the information they need to make important decisions in their life. Their final decisions will be respected and honored by all.

Our Work in 2021

- DLC will work in collaboration with our DD Network Partners to join a growing number of states with legislative recognition of supported decision-making as an alternative to guardianship.
- DLC will support the MASS Supported Decision Making Task Force to ensure they have access to all they need to educate and inform their members about the benefits of supported decision making.
- DLC will educate family members, policymakers and service provider professionals on alternatives to guardianship.

Target Population

This work will benefit individuals with developmental disabilities under guardianship or who are threatened with guardianship who desire increased self-determination.

Funding: PAIDD, MLAC

Voting Access

Goal for Systemic Change:

Ensure that all people with disabilities will be able to register to vote, have access to educational materials about elections and an equal opportunity to vote at all polls throughout the state.

Our Work in 2021

- DLC will continue its work with the REV UP Mass campaign and maintain the Revupma.org website to ensure access to voting continues to be a priority among disability and other advocacy groups
- DLC will host a statewide REVUP MA conference in May 2020 to prepare for the upcoming Election.
- DLC will contract with the Independent Living Centers on Election Days to survey polling locations.
- DLC will continue to support civic participation training, in collaboration with our DD Network partners, offered by MASS self-advocates in five regions of the state.
- DLC will ensure people in facilities will be able to register to vote and have the opportunity to vote in local, state, and national elections.
- DLC will work to build relationships with national and regional voting organizations to provide a disability perspective.

Target Population: All individuals with disabilities who want to register to vote, participate in the political process and use their power to vote as well as become better educated about local, statewide and national elections.

Funding: PAVA, PAIDD