



October 2014

DRC NEWS

THE DISABILITY RIGHTS CENTER INVITES YOU TO ATTEND OUR 2014 ANNUAL DINNER

Friday October 17, 2014

Hilton Garden Inn
Freeport, Maine

5:30pm Reception
6:30pm Dinner

Keynote Speaker

Sally Conway, Civil Rights Division, Department of Justice

2014 Award Recipients

Helen M. Bailey Advocacy Award – Eric Reeves, Jacob Van Meter, Adam Fletcher
Access for All Award – Senate President, Justin L. Alfond
Business Award – Bates College

Contribution Levels

<i>Event Ticket/Patron</i>	<i>75.00</i>
<i>Supporter</i>	<i>250.00</i>
<i>Benefactor</i>	<i>500.00</i>
<i>Sponsor</i>	<i>1000.00</i>

Please RSVP by Friday, October 10, 2014

Online Registration Available via DRC's Homepage, <http://www.drcme.org>

For More Information, Contact Shannon Crocker at 1.800.452.1948

Contributors to Date

ACLU of Maine, Advocacy Initiative Network of Maine, Azure Café, Bangor Savings Bank, Gil & Laurie Broberg, City of Portland Disability Advisory Committee, Clifford & Clifford, Compass Realty, Debbie Gilmer, Goodwill Industries of Northern New England, Mary Herman & Angus King, Johnson Webbert & Young, KFI, Kyes Carpenter Insurance, MacDonald Page, Madeleine Corson, Maine Cite, Maine Employee Rights Group, Maine Women's Lobby, mPower Loan Board, Ociepa & Burnett, New England Chapter Paralyzed Veterans of America, Pine Tree Society, Reben, Benjamin & March, Ride Away, Sidley Austin, Spurrwink, Sweetser, Corin Swift, University of Maine Center for Community Inclusion and Disability Studies, Wrendy Hayne Mental Health Fund

DRC Promotes Voting Access

Benjamin Y. Jones, Staff Attorney

According to the U.S. Census Bureau, 56.8% of citizens with disabilities participated in the 2012 election, compared to 62.5% of citizens without disabilities. There are many reasons for this disparity, such as not understanding the voting process, physical and attitudinal barriers to voting, and the failure of polling places to provide accessible voting equipment. In an effort to connect with people who have had difficulty voting in previous elections, or for whom voting might be a new or intimidating experience, DRC has been conducting voting rights outreach activities ahead of the November election.

DRC's voting outreach includes providing information and training on rights and voting access issues, how to register to vote, requesting reasonable accommodations in the voting process, and advocacy strategies to address barriers to voting. In Houlton, the Developmental Services Advocacy team worked alongside Speaking Up for Us to train 60 individuals who are served by, or employed at, a local program. In Southern Maine, DRC's PABSS advocate and I had the opportunity to train a group of activists with intellectual/developmental disabilities.

In other outreach activities, DRC participated in the National Voter Registration Day project, which targeted September 23rd as a national campaign day to reach out and register people to vote. DRC also presented at the Secretary of State's Elections Conference, where our Public Policy Director spoke to municipal elections staff about the need to ensure accessible voting for people with disabilities. Additionally, advocates based in psychiatric hospitals are working with facility staff to provide education and hold voter registration drives for patients.

DRC is proud to be working to ensure that Mainer's with disabilities have ready access to the electoral process. As Election Day approaches, our staff carry voter registration cards and speak with individuals about whether they would like to register and learn more about the voting process. On Election Day, DRC's phones will be on until 8pm and staff will be available to help troubleshoot any voting rights concerns people with disabilities might face.

If you would like to schedule a voting rights training in your area, please contact the DRC at 1.800.452.1948.

You can also visit our website, <http://www.drcme.org>, and download our voting rights guide, *How to Vote and Your Rights in the Voting Process*.

Mark Your Calendars & Join Us for the 2014 Candidates Forum!

Congressman Mike Michaud and Eliot Cutler have confirmed their attendance, and Governor LePage has been invited. This is a wonderful opportunity to talk with the candidates about issues that matter most to you!

When: Friday, October 10, 2014 from 1pm-3pm

Where: Le Club Calumet, 334 West River Road, Augusta

Have Questions? Contact Shannon Crocker at 1.800.452.1948 (V/TTY)



ASL interpreters and assistive listening devices will be available.



This forum is sponsored by the Disability Rights Center, together with Alpha One, Maine Developmental Disabilities Council, Center for Community Inclusion and Disability Studies, Maine Center on Deafness, NAMI Maine, Maine Parent Federation, The Iris Network, Consumer Council System of Maine, Maine APSE, Syntiro, Southern Maine Parent Awareness, Speaking Up for Us, GEAR Parent Network, Autism Society of Maine, New Directions for Maine Families, and Adoptive & Foster Families of Maine, Inc.

EmploymentFirstMaine

Rick Langley, Advocacy Director

Employment First Maine (EFM) is celebrating the coalition's first year with an October 17, 2014 Summit. This is an opportunity (*information below*) to re-commit ourselves to the principles of employment first: that all people with disabilities can work, that all people with disabilities should be given the opportunity to pursue meaningful work, and that with a dedication to creating opportunities for customized and truly individualized employment, we can transform the system to reflect this new reality and improve the quality of life for Mainers with disabilities.

Over the last year, the EFM coalition membership has organized itself into active work groups focusing on policy and legislative action, capacity building and systems change, business and employer engagement, transition and planning for adulthood and work, and data and information sharing. These work groups are gathering information and sharing ideas and visions for change with the coalition membership.

As part of an effort to gather information and ideas that can flow into policy and systems change, EFM has conducted targeted surveys. The employer/business engagement work group reached out to employers and compiled survey results from 90 businesses of various sizes across the state, seeking input on what they saw as obstacles to creating more diverse work places and barriers to hiring people with disabilities. Similarly, the capacity building group surveyed service providers to identify their needs around implementing employment first. The policy work group surveyed the entire EFM community in an effort to develop policy change recommendations that would move us forward in this initiative.

EFM Summit: One Year Later

On October 17, join us as we hear from legal and policy experts in the field, and to be part of a reinvigorated commitment to economic justice and community inclusion for Mainers with disabilities.

EFM enthusiastically welcomes Eve L. Hill, Deputy Assistant Attorney General Department of Justice, as our keynote speaker. We are also pleased to welcome as speaker/trainer Patty Cassidy, Senior Associate Griffin-Hammis Associates, LLC.

When: Friday October 17, 2014

8:00am - 9:00 am Breakfast & Registration

9:00am - 3:00pm Program

Where: Hilton Garden Inn, Freeport, Maine

\$40 registration; continental breakfast and lunch are included. Seating is limited and we expect a full house!

Register with Syntiro today: <http://www.cvent.com/d/n4qf8c>

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DRC Wins Housing Discrimination Case Before the Maine Human Rights Commission

Mark C. Joyce, Managing Attorney

The Disability Rights Center represented a client before the Maine Human Rights Commission (MHRC) who claimed that he was the subject of unlawful housing discrimination by an Assisted Living Facility (ALF) when he was not allowed to return to the facility after he had been transferred to a hospital emergency room. He based his claims under the Maine Human Rights Act (MHRA) and the Federal Fair Housing Act (FHA).

Under both the MHRA and the FHA, resident's rooms in ALF's are considered "dwellings" and "housing accommodations". As such, these facilities must comply with both of these laws. The MHRA and FHA require ALF's to grant individuals' requests for reasonable accommodations in rules, policies, practices or services when the accommodation is necessary to give a person with a disability an equal opportunity to use and enjoy the housing.

In this case, DRC represented an individual who carried a diagnosis of Post-Traumatic Stress Disorder (PTSD) and alleged that his roommate at the facility, who was allowed to consume alcohol in the room, was triggering his PTSD. This situation made it unsafe for the client to continue living in the room and so he asked the ALF to place him in a different room. The facility denied the request, stating that none of the other residents were willing to switch rooms with him. The Maine Human Rights Commission (MHRC) investigator's report found, however, that the facility had not asked other residents if they would be willing to move in order to accommodate this request. The investigator wrote, "[i]t is found that Respondent unlawfully denied Complainant a reasonable accommodation for his disability."

This case went before the Maine Human Rights Commission on August 11, 2014. After hearing from both DRC and the ALF, the Commission voted 4-0 to find reasonable grounds to believe that the ALF engaged in unlawful housing discrimination. The favorable finding was based upon information that included the investigator's report, written submissions and the oral presentations.

Although the Commission findings do not have the force of law, if no settlement is reached, the Maine Human Rights Act authorizes a filing of a civil action in Superior Court.

According to the Maine Licensing and Regulatory Services Assisted Living Facilities Search webpage, there are 657 assisted living facilities in the State of Maine. The Maine Human Rights Act and Federal Fair Housing Act are important laws that help guarantee the rights of the many individuals with disabilities who live in these types of facilities.

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The Disability Rights Center is supported by grants from the Administration on Intellectual and Developmental Disabilities, the Center for Mental Health Services, the Rehabilitation Services Administration, the Social Security Administration, the Health Resources Services Administration, the State of Maine, Acadia Hospital, the Civil Legal Services Commission, and private donations.

The contents of this publication are the sole responsibility of the authors and do not represent the official views of these agencies.

The Disability Rights Center is a non-profit 501(c)(3) corporation. Donations are tax deductible and gratefully accepted.

Employment Resources for Social Security Recipients

Riley Albair, PABSS Advocate

The opportunity to earn a living and be self-supporting is a universally held goal. Employment offers more than a paycheck – it allows individuals to participate fully in their communities and to live up to their full potential. It offers a chance to learn new things, to meet new people, and to grow and change.

People with disabilities who are not employed, however, report many (and often multiple) barriers to employment that frustrate their pursuit of this goal. For those who receive Social Security benefits, misconceptions about work and benefits add an extra layer of fear and mystery – one that makes the idea of exploring employment even more daunting. Luckily, there are resources in Maine that can help individuals to overcome these barriers, clearing the path to a successful employment outcome.

Social Security Work Incentives and Benefits Counselors

Fear of losing disability benefits, including health coverage, represents one of the most common barriers to employment. Without the right information, choosing to explore the world of work can seem like more risk than reward. The reality is, Social Security has special rules to allow you to keep your benefits (including Medicare and Medicaid) while you explore employment and gain work experience and, if necessary, to return to benefits if you find you can't keep working due to a disability. Social Security calls these rules “**work incentives.**”

The best part? You don't have to figure out these rules all on your own. The Department of Vocational Services at Maine Medical Center offers **Benefits Counseling Services** throughout the State of Maine. Through this program, Benefits Counselors work with Social Security beneficiaries to answer their questions and help them plan for how a job will affect their benefits. With the right information, beneficiaries can make informed decisions about working – and often increase their income along the way.

Vocational Rehabilitation Services

It is not uncommon for people to feel overwhelmed when re-entering the world of employment, or when exploring employment for the first time. It's easy to think, “I don't have any work skills or experience. I don't even know where to start.”

To support people in this process, SSA created the **Ticket to Work Program**. The Ticket to Work allows individuals to receive free employment services such as career counseling, vocational rehabilitation, and job placement and training through local “Employment Networks.” By visiting www.maineticket.org, you can browse all of the Employment Networks that offer services in Maine and learn more about the specific services they offer.

The largest Employment Network in Maine is the **Division of Vocational Rehabilitation**, also known as “VR.” VR is a program through the Department of Labor that helps people who have disabilities to get and keep a job. VR can assist in exploring different career opportunities, identifying a career goal, and providing services to reach that goal, as necessary.

Maine CareerCenters represent another resource, a “one-stop” location where people with disabilities can get assistance, job referrals and other services that you may need to work – all at no charge.

Advocacy Services

Barriers to employment come in many forms, and can be difficult to overcome without assistance. For this reason, the Social Security Administration funds a program at the Disability Rights Center called “**Protection and Advocacy for Beneficiaries of Social Security**,” or PABSS, for short. Through this program, DRC offers information, technical assistance, advocacy and legal representation to Social Security beneficiaries who need assistance in order to find or keep a job.

The concept is simple: if you receive Social Security benefits and need help now in order to keep a job later, PABSS can help. We assist individuals with issues involving employment rights and discrimination, transportation, continued MaineCare and Medicare eligibility, high school transition planning, accommodations at work or in college, or obtaining assistive technology. We help individuals to use Social Security work incentives, to access Benefits Counseling services, and to obtain necessary Vocational Rehabilitation services. Individuals who receive SSI, SSDI, Medicare or Medicaid, and who have a problem that relates to employment, may be eligible for PABSS assistance.

For more information on any of these resources or to request assistance from the PABSS program, please contact the Disability Rights Center at 1.800.452.1948.

Sharing Voices: Psychiatric Survivors Joining Forces

Cathy Bustin, Community Organizer

The Disability Rights Center, in collaboration with the Consumer Council System of Maine, the Advocacy Initiative Network of Maine, the Maine Association of Peer Support and Recovery Centers, Amistad’s Peer Specialist Support Network and Peer Coaching Initiatives, Voices of Recovery, and the Wrendy Hayne Foundation, convened a gathering focused on mental health consumer advocacy and activism in June. Over 70 individuals with lived experience receiving services from the mental health system engaged in a lively, facilitated discussion around rights, the need for change in the mental health system, and ideas for re-energizing the consumer/survivor movement in Maine.

“Sharing Voices” opened with a panel of speakers with psychiatric diagnoses or labels who are working towards mental health systems change in a variety of capacities. As each person described their reasons activism, a common theme emerged: the mental health service delivery system, and the larger community, needs to be more accepting, inclusive and supportive of people in emotional and mental distress.

The facilitated conversation touched on rights concerns and ideas for strengthening respect for rights, fundamental problems with the mental health system and ideas for solutions, and the sharing of ideas around what works best for people in times of distress, and how to design a system that delivers services respectfully. The participants agreed on the need to reconvene to talk about the larger systemic issues needing change and how each participant, and others in the community, could be empowered to be involved in that effort.

“Sharing Voices” will continue on October 10th, 2014, from 11:00 to 1:00 at Le Calumet Club, 334 West River Road in Augusta. To RSVP, contact Wendy at the Disability Rights Center - 1.800.452.1948.

The Disability Rights Center seeks public comment on our program priorities throughout the year.

To submit a comment, please send an e-mail to advocate@drcme.org.

Meet DRC's Newest Staff Members!

Shannon Crocker, Office Manager

A native of Central Maine, Shannon Crocker joined the Disability Rights Center in July. Shannon is a former Financial Services student at the University of Maine, Augusta and is a Certified Nursing Assistant. After working at both a law firm and financial institution for four years, Shannon relocated to North Carolina. While down south, she spent four years as a long-term care manager of a 90-bed nursing facility. With a desire to be closer to her family, Shannon returned to Maine in the fall of 2013. With background in financial services and administrative work, as well as her knowledge of issues facing people with disabilities, the Disability Rights Center is excited to welcome Shannon to our team.



Shannon is an avid animal lover and enjoys spending time with her cats. She also has a passion for volunteer work, having spent four years as a hospice volunteer in North Carolina. These days, you can find her volunteering at her local animal shelter.

Amanda Fickett, Legal Fellow

Amanda Fickett first came to know DRC in June 2013 when she volunteered her time to work as a summer intern. Originally from the Standish area, Amanda is a 2011 graduate of the University of Maine and received her Juris Doctor from William & Mary Law School in May 2014. Amanda entered law school knowing she wanted to pursue a career in public interest law, and chose William & Mary because she felt its strong tradition of inspiring citizen lawyers was central to that goal. During her first semester in law school, Amanda attended a talk by Chai Feldblum and immediately knew that disability and human rights was where she belonged. As a second year student, Amanda tailored her elective coursework to focus on issues related to disability and human rights and enjoyed the opportunity to spending her second year summer as a legal intern at the DRC. "I found the work tremendously rewarding, and the DRC's mission really resonated with me. I'm thrilled to be back at DRC where there's a lot of variety in the work and I learn something new every day. I love knowing that the work I do has a positive impact on the community at large."



Amanda is an avid theater enthusiast and enjoys being outdoors where she can garden and go kayaking.

Adam Wilson, Esq., DSA Advocate, Lewiston

Adam Wilson, who assumed the position of Developmental Services Advocate in Lewiston, is the newest member of the DRC team. He fills the DSA position previously held by Katrina Ringrose, who is now based out of DRC's main office in Augusta. Before coming to DRC, Adam spent several years as a stay-at-home dad.



Adam received his B.A. from the University of Pennsylvania before enrolling in Stanford Law, where he received his J.D. in 1999. After law school, Adam went into private practice for a few years before accepting a judicial clerkship with the U.S. Court of Appeals for the 3rd Circuit. When he decided to reenter the workforce, Adam chose DRC because he believes in everyone having equal rights and equal treatment under the law. He states, "I love the opportunity to advocate for fascinating people and I love the mix of individual and strategic litigation."

When not at work, Adam loves spending time raising his two children and creating works of art. Adam is a painter, sculptor, photographer and conceptual text artist.

Keeping the I in the IEP

Atlee Reilly, Staff Attorney

The 2014-2015 school year is underway and districts have begun holding meetings to develop and revise Individualized Education Programs (“IEPs”) for students with disabilities. Here are some tips and reminders from DRC’s Education Team:

Before the IEP Team Meeting

- You should be notified of the meeting at least 7 days in advance. If you are unavailable, request another meeting time. Make this request in writing and list all available dates and times that you would be available to meet.
- Gather any recommendations from providers outside of school – evaluators, social workers, therapists, etc.
- If there are recent evaluations or other information that you want the IEP Team to consider, provide copies of these to the school. These will become educational records. If there is information, such as family history, that you do not wish to disclose, this should be redacted (marked out) before giving the document to the school.
- Think about how your child will participate in the meeting. Participating in IEP meetings is a great way for your child to develop self-advocacy skills. Some students may only come for a small part of the meeting. Others can be supported to develop an agenda and run the meeting themselves. Advance planning is required to ensure your child’s meaningful participation.
- If you plan to make requests at the meeting, put these in writing and bring copies for the IEP Team. These requests should be as specific as possible. Schools do not have to do everything you ask, but when they say no, they need to explain why in a Written Notice.

During the IEP Team Meeting

- Before discussing services or placement, work with the team to identify all of your child’s needs. This is a vital first step. This list should include needs in all areas, including academic, developmental, and functional.
- Next, for each identified need, the team should develop a statement of present level of performance.
 - ◆ These statements should be specific, should be based on data, and should be written for *each* identified need. If the team does not have the available data to write a present levels statement for an area of need, then the IEP Team should develop a plan to gather necessary data.
 - ◆ Once present levels statements are written, the team should develop annual goals for each area of need. These should be specific and measurable and indicate the amount of progress your child is expected to make in a year, if they receive special education and other supports.
- After developing annual goals, the team should discuss what services and supports are necessary to reach those goals.
- In discussing what special education services, related services, and other supports your child needs, the team should ask two basic questions:
 1. What services and supports are necessary to meet your child’s disability-related needs?

2. What services and supports are necessary to enable your child to be involved in and make progress in the general education curriculum?

- The IEP Team process must focus on developing an individualized program to meet your child's needs and to support involvement in the general education curriculum. These discussions should be broad and should explore special education services, related services, the use of assistive technology, and accommodations and other supports.
- The IEP Team must also discuss what supplementary aids and services are necessary for your child to access non-academic settings. Non-academic settings means access to all school sponsored services and activities, including extracurricular activities and athletics.
- In discussing the provision of services and supports, the team must consider how to provide these in the least restrictive environment for your child. Special education law requires that students with disabilities are educated in integrated settings to the maximum extent appropriate. Your child should only be placed in another setting if education in regular classes with the aid of supplementary aids and services cannot be achieved satisfactorily.
- The team should work toward consensus, but not every IEP Team will reach agreement on all issues. If this happens, make sure that the district understands your position and ask that your disagreement, and the reasons for it, are included in the Written Notice.

After the IEP Team Meeting

- 7 days prior to any change in your child's placement, a school must provide a Written Notice that describes the change, the reasons for the change, and the other options considered. A Written Notice must also be issued when the school refuses a request by the parent to make a change to their child's placement. You should look for this document within the week following the IEP team meeting.
- Once you receive the Written Notice, review it carefully. If there are mistakes or omissions, you should request, in writing, that the Written Notice be corrected. If the school refuses to correct errors or omissions, you can insist that your statement be attached to the Written Notice.
- If there were substantial disagreements left unresolved at the meeting, you can find information about your dispute resolution rights on the Maine Department of Education's website, <http://www.maine.gov/doe/specialed/index.html>. You can also call the DRC at 1.800.452.1948.

Disability Rights Center

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advocate@drcme.org



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