

Mayor's Council on Disability Issues
September 14, 2022 - Meeting Minutes
Zoom

I. Meeting called to order at 4:01pm

II. Roll call:

Members: Alexander, Barber, Briggs, Childress, Colebrook, Cox, Jenkins, Landfather, Lowe, Maxwell, Mull, Nesmith, Shimmin-Orr, Ross, Simmons, Spangler, Villanueva, Welch

Resignation: William Saxton

City of Knoxville Staff: Cook, Dziubak

Present: Alexander, Barber, Briggs, Childress, Cox, Dziubak, Jenkins, Lowe, Maxwell, Mull, Shimmin-Orr, Simmons, Welch

Absent: Colebrook, Landfather, Nesmith, Ross, Spangler, Villanueva

Guests: Craig Lemak & Becky Allen with CAP/PABSS, Emma Deeds, Cate Zaleski, Grace Kelly with UT Class RSN430 Management and Therapeutic Recreation

Interpreters: Jessica Brackeen, Becky Wood

III. Approval of August Minutes

Welch motioned to approve August minutes, Simmons seconded, motion carried

IV. Presentation: Disability Rights TN, Craig Lemak

- An Introduction to Tennessee's Protection & Advocacy System: Equality. Inclusion. Justice.
 - What will be covered?
 - The need for Federal Disability Laws
 - The Protection and Advocacy System
 - Disability Rights Tennessee
 - Overview
 - Areas of Work
 - Services
 - How You Can Get Involved
- The Need for Disability Laws
 - Approximately 56,750,000 Americans have one or more disabilities

- Approximately 15% of Tennesseans, more than a million individuals, have a disability
- Prior to the passing of the ADA, people with disabilities that were discriminated against and had no legal recourse
- Over 20% of individuals with a disability are not covered by TennCare or Medicare, and do not have any type of health insurance
- Only about 30% of people with disabilities are employed, compared to 78% without disabilities
- The Protection and Advocacy System
 - Formation of a protection and advocacy (P&A) System
 - Investigative reporting of Willowbrook, a state institute in New York for people with intellectual disabilities, led to the creation of the P&A System in 1975 (it took some time for Congress to get on board with it).
 - As at the time people with disabilities were hidden away, abused, forgotten, with an out of sight out of mind mentality toward them
 - Disability Rights Tennessee (DRT) is part of the national P&A System, which consists of 57 federally mandated legal advocacy agencies (watchdogs) serving people with disabilities
 - Governed by statutes that provide mandates to serve particular disability populations within the 50 states and US territories
 - The P&A System is in place to monitor compliance with federal disability rights laws such as:
 - Americans With Disabilities Act
 - Rehabilitation Act
 - Fair Housing Act
 - Individuals With Disabilities Education Improvement Act
 - Civil Rights of Institutionalized Persons Act
 - Architectural Barriers Act
 - Help America Vote Act
 - Access Authority
 - Congress granted P&A's broad access to the records of people with disabilities and facilities in which they reside
 - P&A's are entitled to reasonable access to facilities that provide care for persons with disabilities when necessary to conduct investigations of abuse or neglect or to monitor the treatment and safety of residents.
- Disability Rights TN Overview:
 - Disability Rights Tennessee (DRT) is a nonprofit legal services organization dedicated to protecting the rights of Tennesseans with disabilities.
 - Established in 1978 by a coalition of parents and professionals with a focus on special education advocacy
 - Designated by Governor Lamar Alexander as TN's Protection & Advocacy System in 1983
 - Name changed in 2014 to Disability Rights TN from Disability Law & Advocacy Center of TN
 - Two landmark cases are Lane v. Tennessee and Brown v. Tennessee (The Waiting List)
 - DRT is expressly empowered by congress to:
 - Investigate incidents of abuse, neglect, or violations of rights

- Initiate an investigation if it believes that there is a probable cause that an incident of abuse/neglect has occurred
 - Pursue legal, administrative, and other appropriate measures to ensure enforcement of constitutional and statutory rights
- Some accountability mechanisms of DRT:
 - Direct consumer involvement in governance is required to ensure local control by those most impacted
 - Board of Directors must consist of persons who broadly represent and are knowledgeable about the needs of individuals seeking DRT's services
 - P&A's must also have an internal grievance procedure for current and prospective clients to assure that such persons have full access to quality advocacy services
- DRT: Areas of Work
 - Setting Priorities
 - To ensure DRT meets the most critical needs of the disability community in TN, it is required to develop priorities (Areas of Work) with input from the public
 - Focus groups, surveys, and outreach activities all help to provide feedback on DRT's priorities and objectives
 - DRT focuses their work on three strategic areas: Freedom from Harm, Freedom from Discrimination, & Freedom to Participate in the Community
- Areas That May Be Addressed By DRT
 - Issues due to Covid-19
 - Issues of Harm Abuse or Neglect
 - Access to Vocational Rehabilitation and Independent Living Services
 - Address Barriers to Employment for Beneficiaries of Social Security
 - Access to Assistive Technology (other resources that can help)
 - Traumatic Brain Injury Resources & Services
 - Access to Vote
 - Information on CHOICES, ECF CHOICES & Katie Beckett Program
 - Review of Representative Payees
- DRT Services
 - Who?
 - Tennesseans with disabilities (eligibility for services varies based on current areas of work, and available resources). All clients receive individualized intake & referral services.
 - What?
 - FREE legal based advocacy services to protect human & civil rights of Tennesseans with disabilities through:
 - Information & Referral
 - Self-Advocacy Assistance
 - Investigation of Abuse & Neglect
 - Advocacy Services

- Legal Representation
 - Education & Outreach
 - Public Policy Advocacy
- Where?
 - Statewide with offices in Memphis, Nashville, & Knoxville
- How?
 - Contact the Referral Team at:
 - 1-800-342-1660
 - gethelp@disabilityrightstn.org
 - Be ready to answer questions about the issue
 - There is no cost for services
 - Your issue is sent to the Review Team. One of the following can happen:
 - You may receive information/referral
 - Your issue may be opened as a case
 - Eligibility is dependent upon several factors including availability of resources and ability to advance disability rights in TN (systemic impact)
 - All clients receive self-advocacy resources
 - All advocacy cases are supervised by an attorney
 - All cases aim to be resolved at the lowest level
 - Educational Outreach & Systemic Advocacy
 - Raising statewide awareness of disability rights & supporting laws
 - Providing training on requirements for compliance with Federal disability laws
 - Partnering with other agencies to facilitate unified action on behalf of individuals with disabilities in TN
 - Advocating for system changes to protect and enhance disability rights in TN
- How Can You Get Involved with DRT Services?
 - Follow on social media
 - Subscribe to the newsletter
 - Support the work by donating at the website:
 - www.disabilityrightstn.org/donate

Dziubak thanked the presenters and opened the floor for questions; Cox asked about support regarding housing and was given resources and email addresses to gain more help.

Cook commented that the DRT is the “rockingest” organization and that she has had personal experience dealing with them.

V. Announcements and Public Forum

- Dziubak announced that the room is not available at the Public Works Building for having the half-day retreat on February 10, 2023 from 12:00-4:00 p.m., so it can either be moved to February 17, 2023 from 12:00-4:00pm or another location can be found.
 - Welch asked if we will vote on changing the date/time or just the location?

- Informal discussion led to a motion to hold it on February 10, 2023 in the room used for the retreat in August. Lowe motioned; Cox seconded to keep the half-day meeting on the February 10, 2023. Further discussion of possible location and backup locations ensued.
- The October 12, 2022 CODI meeting will be a regular Zoom meeting
- The CODI meeting on November 9, 2022, is in room 575 in the City County building from 3:00-5:00 p.m. CODI will be going over the ADA Transition Plan, and Keith Kirkland has been invited to attend from the Public Building Authority.
- Welch shared that the Office on Aging is holding an all-day workshop in November called “Aging a Family Affair”. There is a cost to attend. \$25.00 is the early bird cost, Welch will email out a flyer to all CODI members, and they can also call the Office on Aging in the L.T. Ross Building for further information.

VI. Meeting adjourned at 5:19pm

Respectfully submitted by: Karen Lowe, secretary and Misha Dziubak, CODI Liaison

Upcoming 2022 Meetings/Reminders:

- November 9 – 3:00 p.m. – 5:00 p.m. in room 575 to go over ADA Transition Plan
- December 14 – Regular Meeting