

Respect-*ABILITY* COALITION

CALIFORNIA DISABILITY RIGHTS AGENDA

Preamble

As members of California's Disability Community, we affirm the following propositions and principles:

We assert that unintended barriers and intentional exclusion, deep seated prejudice and widespread institutionalized discrimination shut people with disabilities out of society and impoverish our lives.

We declare that these exclusionary practices restrict us far more than any medical condition or physiological difference.

We demand that our society rectify this historic pattern of injustice by enforcing legal protections against disability based discrimination and ensuring our right of equal access.

We affirm that the devices, services, and accommodations we require are not means of caring for those who are fundamentally dependent, but alternative modes of functioning.

We assert our right to these modes as the means of both our individual self determination and self-fulfillment, and our participation in and contribution to society.

We demand implementation, to the maximum extent possible, of equal access and reasonable accommodations as an integral element of every design or plan, product, program, or service, private as well as public, afforded to members of our society.

We claim these protections and provisions, not as measures of charity, but as matters of civil and human rights.

We call upon our society to live up to its noblest ideals by guaranteeing citizens with disabilities equality of both opportunity and respect.

We envision a society that supports and celebrates the rich array of

human differences by accommodating the myriad ways in which all people function.

We proclaim that ensuring justice, equality, and dignity to people with disabilities will strengthen the rights and respect accorded to all citizens by building a society truly pluralistic, democratic, and open to all.

Guided by these principles and representing our state's many diverse disability communities, we join in a cross disability campaign to advance the rights and interests of Californians with disabilities.

Goal 1: Increase the availability of affordable, accessible, appropriate housing of their choice for people with disabilities in California

Value Statement: The disability community of California values availability, affordability, accessibility, appropriateness, and individual choice in housing. Appropriate housing depends on the needs of individuals and may include physical access, location of supportive services, flexibility of policies, availability of usable transportation, and other factors.

Objective A: Identify and publicize current amount of accessible dwellings according to cost and location.

Objective B: Create incentives for development of a range of Communitybased housing options with appropriate supportive services for people with various disabilities

Objective C: Monitor new housing compliance with accessibility and nondiscrimination requirements
Objective D: Identify/create funding sources to assist people with disabilities to make accessibility modifications, including creating incentives for owners of existing housing to add/pay for accessibility features.

Objective E: Require all new or remodeled housing, including single family, condominiums and town homes, funded by state or local government to meet universal design principles.

Objective F: Develop and implement strong, enforceable universal design/visitability requirements

Objective G: Eliminate housing discrimination against people with disabilities by prohibiting discrimination against housing subsidies, enforcing current housing laws and educating neighbors and communities, builders, government agencies and housing providers.

Goal 2: Increase availability and coordination of Communitybased housing, health, mental health and other services of their choice for people with disabilities

Value Statement: The disability community of California values coordination of housing, health care, transportation, and other services in their communities, rather than in segregated settings. We value individual choice, selfdetermination, and range of options in these services, including the choice to decline services. We encourage creativity and effectiveness in development of service delivery systems.

Objective A: Identify effective and creative models for communitybased service delivery that value choice and selfdetermination.

Objective B: Educate relevant communities about benefits/savings/ requirements/best and emerging practices for community based services.

Objective C: Implement identified community based service delivery systems.

Goal 3: Ensure availability and accessibility of public and private transportation mechanisms for people with disabilities

Value Statement: The disability community of California values access to public transportation that meets our needs as a matter of course, rather than as a special favor. The disability community values the integration of services to the disability community into the overall public transportation system.

Objective A: Increase availability and accessibility of public transportation systems.

Objective B: Increase availability and accessibility of taxi, shuttle and other private transportation systems.

Objective C: Create coordinated plans for public transportation which are responsive to the needs of people with disabilities.

Objective D: Increase availability and effectiveness of paratransit systems so that the system meets the needs of and is available to people with disabilities.

Goal 4: Design and implement an effective and competitive education system for students with disabilities which includes appropriate integration and specialized services and supports

Value Statement: The disability community of California values the integration of students with and without disabilities. The disability community values the provision of educational and supportive services that are appropriate for each child to allow successful integration and educational benefit.

Objective A: Educate key constituencies about the need for appropriate integration and best practices for educating students with disabilities, including students with low incidence disabilities

Objective B: Require the provision of appropriate tools to support integration of students with disabilities (e.g. modified curriculum, Braille and ASL instruction).

Objective C: Ensure that students with disabilities have access to the same curriculum and classes as students without disabilities and demonstrate their achievements (with reasonable accommodations if needed) using the same standards and tests as students without disabilities

Objective D: Ensure stable and adequate funding for special education services, including full funding of IDEA.

Objective E: Empower students with disabilities and their parents to effectively use special education processes and prioritize advocacy assistance to language and ethnically distinct communities

Objective F: Require timely, qualified oral and written translation of all special education documents, meetings and proceedings

Objective G: Improve transition planning for students with disabilities from school to school, higher education, and work

Objective H: Enforce discipline policies and procedures for students with disabilities so that students are not excluded from school or placed in more restrictive settings.

Objective I: Ensure compliance with IDEA through effective monitoring and enforcement of special education by state and federal agencies, disincentives for violations and preservation of attorneys fees.

Goal 5: Educate communities about disabilities for the purpose of eliminating discrimination, implementing disability rights and responsibility for disability rights

Value Statement: The disability community of California values the understanding of and voluntary implementation of disability civil rights.

Objective A: Education campaign with multiple targets directed at employers, people with disabilities, businesses, judges, legislators, media, parents and the general public.

Objective B: Educate the media for the purpose of eliminating discriminatory attitudes and language toward people with disabilities and creating positive images of people with disabilities.

Goal 6: Improve enforcement, stop restriction, and expand disability rights laws

Value Statement: The disability community of California values the existing disability rights laws and the enforcement mechanisms in place to enforce them when voluntary compliance does not occur. The disability community opposes efforts to make enforcement more difficult or to limit protection.

Objective A: Develop effective model programs to identify disability discrimination.

Objective B: Restore civil rights protections to people with disabilities who have been harmed by narrow interpretations of the Americans with Disabilities Act.

Objective C: Expand disability discrimination to include prohibition of

forced treatment.

Objective D: Oppose ADA and (California law) Notification Acts and similar legislation that would require notice to covered entities before enforcement action

Objective E: Improve public perception of disability rights enforcement

Goal 7: Increase gainful employment of people with disabilities

Value Statement: The disability community of California values the opportunity to work and to be valued, paid, and recognized equally for our contributions to the workplace.

Objective A: Promote and improve incentives for employers to hire people with disabilities, including incentives to provide accommodations.

Objective B: Challenge attitudes and employment policies and practices which discriminate against people with disabilities.

Objective C: Facilitate transition from public disability benefit programs to gainful employment

Objective D: Promote career paths for people with disabilities beyond entry level positions so that people with disabilities are employed in all levels of organizations.

Objective E: Build coalitions with unions, other labor organizations and other civil rights communities on shared issues

Goal 8: Increase responsiveness of government agencies to the needs of people with disabilities

Value Statement: The disability community of California values the opportunity to participate meaningfully in, and benefit from, government programs and services and to have disability issues integrated in all levels of government.

Objective A: Foster more involvement of people with disabilities to serve in policymaking roles in state and local government.

Objective B: Increase state and local government compliance with disability rights laws

Goal 9: Assure a system of universal health care that meets the needs of people with disabilities

Value Statement: The disability community of California values health care that is accessible and readily available, that is flexible enough to meet the needs of people with various disabilities and health care needs, that treats the whole person, that values individual choice (including the choice to decline services), and that is available to everyone.

Objective A: Advocate for change in health care benefits design to assure that people with disabilities can get the items and services they need and they choose (including the option to choose nothing) in order to function to their capacity in their communities

Objective B: Promote a more disability sensitive interpretation of “medicalnecessity” which reflects disability perspectives.

Objective C: Promote a health care model which screens and treats people with disabilities for all of their health care needs not just their disability.

Objective D: Educate people with disabilities about the current Healthcare system so that they can better get their needs met while we work toward our ultimate goal of a disability sensitive universal health care system

Objective E: Seek policy changes that will prevent people from losing access to health care due to “aging out” or losing eligibility for jobbased or publicly funded health benefits.

Goal 10: Develop a health care system that bases treatment on the needs and choices of the individual without bias

Value Statement: The disability community values health care that does not discriminate on the basis of racial, ethnic, or cultural background or regarding the nature or severity of the person’s disability. Discrimination in this context includes lack of physical or

communication access, denial of personal choice (including the choice to decline services), and denying services based on existing or possible future disability. The disability community values health care that facilitates independent living.

Objective A: Advocate for better enforcement of requirements that facilities and treatments be accessible; that all materials and information be available in alternative formats, and that sign language interpreters be provided when needed. Telephone systems, web sites and other communication methods must be accessible.

Objective B: Educate healthcare providers, insurers, government agencies, elected officials, and the public about the healthcare items and services that people with disabilities need to remain independent as well as healthy and about the benefits of community integration.

Objective C: Ensure that health care providers base treatment options on the needs and choices of the individual without bias on the basis of race, ethnicity, cultural background, gender, or disability.

Glossary of Terminology

Reclaiming the Language

A few of the terms used throughout the our disability rights agenda document may have different meanings depending on who is using the term, such as the terms, “best practices”. Oftentimes, terms such as these have presented a medical model approach and inherent in these terms is a focus away from the self determination or expressed wishes of people with disabilities and more of a focus on controlling the destinies of people with disabilities.

We decided to purposefully use these terms and others as a way of asserting what these terms should emulate consistent with our Agenda, we are taking back these terms, making them ours and are very clear they should reflect practices and philosophies that recognize that the person with a disability is in control of their life and choices.

The following definitions clarify what we mean when the following terms are used in the disability rights agenda document:

1. Best Practices: a superior method or an innovative practice

that contributes to improved performance of the process. The practice must demonstrate an approach that recognizes the person with a disability as decision maker or collaborator. The term best practices should never be used to define processes or models for service or treatment that do not reflect this underlying principle.

2. Universal Design: The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design." The implementation of Universal Design involves the following seven principles:

3. Equitable Use: The design is useful and marketable to people with diverse abilities.

Guidelines:

- 1a. Provide the same means of use for all users: identical whenever possible; equivalent when not.
- 1b. Avoid segregating or stigmatizing any users.
- 1c. Provisions for privacy, security, and safety should be equally available to all users.
- 1d. Make the design appealing to all users.

4. Flexibility in Use: The design accommodates a wide range of individual preferences and abilities.

Guidelines:

- 2a. Provide choice in methods of use.
- 2b. Accommodate right or left handed access and use.
- 2c. Facilitate the user's accuracy and precision.
- 2d. Provide adaptability to the user's pace.

5. Simple and Intuitive Use: Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

Guidelines:

- 3a. Eliminate unnecessary complexity.
- 3b. Be consistent with user expectations and intuition.
- 3c. Accommodate a wide range of literacy and language skills.
- 3d. Arrange information consistent with its importance.
- 3e. Provide effective prompting and feedback during and after

task completion.

6. Perceptible Information: The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

Guidelines:

4a. Use different modes (pictorial, verbal, tactile) for redundant presentation of essential information.

4b. Provide adequate contrast between essential information and its surroundings.

4c. Maximize "legibility" of essential information. 4d. Differentiate elements in ways that can be described (i.e., make it easy to give instructions or directions).

4e. Provide compatibility with a variety of techniques or devices used by people with sensory limitations.

7. Tolerance for Error: The design minimizes hazards and the adverse consequences of accidental or unintended actions.

Guidelines:

5a. Arrange elements to minimize hazards and errors: most used elements, most accessible; hazardous elements eliminated, isolated, or shielded.

5b. Provide warnings of hazards and errors.

5c. Provide fail safe features. 5d. Discourage unconscious action in tasks that require vigilance.

8. Low Physical Effort: The design can be used efficiently and comfortably and with a minimum of fatigue.

Guidelines:

6a. Allow user to maintain a neutral body position.

6b. Use reasonable operating forces.

6c. Minimize repetitive actions.

6d. Minimize sustained physical effort.

9. Size and Space for Approach and Use: Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

3. Visitability: Over the last decade, a new front has emerged alongside the universal design movement. Known as visitability, this increasingly popular application of universal design fuses together the concepts of accessibility and community

integration and has taken great strides toward achieving widespread acceptance, thanks to the work of Eleanor Smith, an Atlanta disability activist and founder of Concrete Change.

The philosophy she established emanates from the belief that people with mobility difficulties should be afforded basic access to newly constructed homes in order for them to be "visitable" or accessible. Rather than requiring a long, complicated and expensive list of home modifications, visitability requires only three simple and practical provisions:

- . A no step entrance;
- . Doorways wide enough to accommodate entry by people and wheelchairs; and
- . A main floor bathroom with a doorway and space sufficient to enter with a wheelchair and close the door.

These three tenets of visitability are intended to bring benefit to all people, and while visitability most immediately affects persons with mobility impairments, it also serves the notion that, as residents age and the chances of acquiring a disability increase, visitable homes are easier to modify for any special mobility needs. This empowers homeowners to maintain their independence as they age rather than finding themselves compelled to prematurely or unnecessarily leave their homes (*Visitability: An Approach to Universal Design in Housing*, pgs. 14, RERC on Universal Design at Buffalo).

4. Appropriate Housing: Housing that does not require a person with a disability to live in an institution or nursing home if they prefer to live in the community and are provided the necessary supports to do so.

5. Appropriate Education Integration: development of systems in educational settings that create inclusive settings for students with disabilities to have the choice of being educated in their own neighborhoods in general education settings with their non disabled peers.