The Legal Center Is Now Disability Law Colorado!

You may have noticed that we have a new name! Effective February 1, The Legal Center for People with Disabilities and Older People became Disability Law Colorado. For one thing, it’s shorter – something which was a high priority for many of us who got tongue-tied in the first sentence of our “elevator speech.”

But the more important reason was our desire to emphasize our commitment to changing the law on disability that impacts so many people in Colorado.

Our mission remains the same: Disability Law Colorado protects and promotes the rights of people with disabilities and older people in Colorado through direct legal representation, advocacy, education and legislative analysis.

Our commitment remains the same: Disability Law Colorado is committed to increasing opportunities for adults and children with disabilities to live, work and attend school in the community, enjoying independent and productive lives.

Our values and beliefs remain the same: We believe that every life has value and we continue to fight for the rights of people in institutions – prisons, jails, secure mental health units, and long-term care facilities – to be treated with dignity and respect. Only our name has changed.

During a two-year process of “rebranding” we learned through interviews and surveys that only the people directly involved with The Legal Center understood our mission. The new name is just the beginning of a campaign to ensure that the community we serve understands the full impact of the work that we do.

Part of that outreach campaign includes a new website, www.disabilitylawco.org, in both English and Spanish. Our goal is to make as much information as possible easily available online. You’ll find fact sheets that explain the law on disability issues, easy access to community resources, and the answers to many frequently asked questions. If you need someone to talk to, we still have real live people answering the phone – that hasn’t changed either.

We welcome your thoughts, questions and suggestions. Welcome to Disability Law Colorado!

Colorado Supreme Court Finds Douglas County Voucher Program Violates Colorado Constitution

Disability Law Colorado has followed this “choice” voucher program for several years. We filed an amicus brief in the Colorado Court of Appeals noting that students with disabilities under the voucher program were required to waive their right to a free appropriate public education in order to participate in the program. We also filed an Americans with Disabilities Act (ADA) complaint with the U.S. Department of Justice (DOJ). Prior to filing our ADA complaint with DOJ, Disability Law Colorado surveyed the private schools in the voucher program regarding their ability to serve students with disabilities. All but one school indicated they did not offer special education services. The one school that did offer special education focused on children with learning disabilities.

So, students with more than moderate disabilities would not only be denied equal access to the choice voucher program, they would not have any meaningful access to special education. The majority of participating private schools were religious schools, and so Disability Law Colorado decided to await the outcome of the case brought by Taxpayers for Public Education, the Interfaith Alliance of Colorado, and other groups arguing that taxpayers should not be required to fund private schools, including religious educational organizations. Had the Supreme Court not found the voucher program unconstitutional, Disability Law Colorado was prepared to “activate” the ADA complaint filed with DOJ at the outset of this litigation and on hold pending the Colorado Supreme Court’s ruling. Now that the voucher program has been found unconstitutional, the ADA complaint can remain on hold. This ruling assures that children with disabilities retain their right to special education.

Who is DLC?

Disability Law Colorado is a nonprofit organization protecting the human, civil and legal rights of people with disabilities and elders. As Colorado’s federally mandated Protection and Advocacy System since 1977, Disability Law Colorado has authority under federal law to gain access to facilities and records in order to investigate allegations of abuse and neglect.

We promote systemic change to sustain or improve the quality of life for children and adults with disabilities and elders.

Our services include direct legal representation, education, advocacy and legislative analysis to promote independence, self-determination, empowerment and community participation.

We help people obtain state and federally funded services, such as special education, mental health care, developmental disabilities services, and vocational rehabilitation.

Disability Law Colorado specializes in civil rights and discrimination issues. Similar organizations exist in every state and territory as part of the National Disability Rights Network.

Contact Information:
Denver Office
455 Sherman Street, Suite 130
Denver, CO 80203
1-800-288-1376
Grand Junction Office
322 North 8th Street
Grand Junction, CO 81501
1-800-531-2105
www.DisabilityLawCo.org

Celebrating Our Volunteers With The Rovira Award

On April 9, Disability Law Colorado awarded the Luis D. Rovira Award to recognize and celebrate two wonderful volunteers, Fern Black and Randy Parcel.

This very special award, which has been given only twice since its creation in 1996, is named for former Colorado Supreme Court Justice Luis Rovira, who was one of Disability Law Colorado’s founders. Justice Rovira was a long-time friend to the disability community, and he encouraged the legal community to volunteer for our fledgling organization. The Rovira Award honors attorneys who have made significant gifts of their time or financial resources to Disability Law Colorado.

In 1998, Justice Rovira presented the first award to George Curtis, former Disability Law Colorado...
Julie Bansch-Wickert joined Disability Law Colorado in May 2015 as the Medicare/Medicaid Advocate for the Accountable Care Collaborative (ACC). The ACC-Medicare/Medicaid Program serves people in Colorado who are dually eligible for both health programs, and is designed to integrate and coordinate their physical, behavioral and social health needs. Colorado is one of 15 states in the nation to implement this new approach to streamlining health care for vulnerable clients.

Julie’s first interaction with Disability Law Colorado (then The Legal Center) was several years ago when she was working for Rocky Mountain Human Services on investigations into abuse and neglect of people with developmental disabilities.

“One day a call came from Andrea Faley at The Legal Center about a host home provider who was ill-treating and neglecting two vulnerable adults in his care,” Julie recounts. “Andrea phoned me to inform me of the allegation and then she and Randy Chapman went off to the home to check out the report. Sure enough, they could see through the basement window that these two men, who required line-of-sight supervision, were locked in their bedrooms in just their underwear. Randy and Andrea were talking to me on their cell phone as they crept around the house, and I thought – I want to do that – I want to wear a cape and swoop in and save people! Seriously, I have such admiration for all the lawyers who are so passionate about their work – I wanted to be part of that incredible organization. So, when this opportunity came up, I didn’t hesitate because this is where I want to be.”

Currently, the system serving Medicare/Medicaid enrollees is fragmented, which often results in unnecessary and duplicative services. The Department of Health Care Policy and Financing (HC Pf) and the Centers for Medicare and Medicaid Services (CMS) have partnered to implement a program designed to integrate care for Medicare and Medicaid clients, also referred to as “dually eligible” individuals. The demonstration program is called “The Accountable Care Collaborative: Medicare/Medicaid Program.”

Compared to average Medicaid recipients, these individuals generally require a higher level of care, but face more barriers to receiving appropriate, consumer-based services.

Julie explains that as this is a brand new position, she is doing a lot of listening to and learning from people in the field about how Medicare and Medicaid are and are not working for its dual-eligible enrollees.

“We’re just beginning to reach out to people to let them know we’re available and want to help,” she says. “My key role is to respond to complaints and concerns of beneficiaries. As the program ramps up, I expect to be talking with consumers, family members, providers and policy-makers as we look for solutions to making these critical programs work for the people who need them.”

Julie has a 20-year career in the Community Centered Board system where her various roles included case management, investigations and advocacy on behalf of children and adults with intellectual and cognitive disabilities. She received her Master of Social Work degree in Chicago, Illinois and is a Licensed Clinical Social Worker with the state of Colorado.

A New Program For People Dually Eligible For Medicare And Medicaid

Meet Advocate Julie Bansch-Wickert
In FY2014, Disability Law Colorado provided direct service to 1,169 individuals statewide. Of these, 332 individuals received direct legal representation from Disability Law Colorado. We helped clients in 51 of Colorado’s 64 counties, with 63% of clients residing in urban settings and 37% in rural settings. For those clients’ cases that were closed with a resolution, the outcome was in the clients’ favor 87% of the time.

In 2014, Disability Law Colorado operated 10* programs:
• Protection and Advocacy for Developmental Disabilities (PADDD)
• Protection and Advocacy for Individuals with Mental Illness (PAIMI)
• Protection and Advocacy for Individual Rights (PAIR)
• Protection and Advocacy for Assistive Technology (PAAT)
• Protection and Advocacy for Beneficiaries of Social Security (PASSB)
• Protection and Advocacy for Traumatic Brain Injury (PATBI)
• Client Assistance Program (CAP)
• Protection and Advocacy for Voting Accessibility (PAVA)
• Colorado Long-Term Care Ombudsman Program (OMB)
• Legal Assistance Developer Program (LAD)

*The Accountable Care Collaborative: Medicare-Medicaid Program began operations at the end of 2014.

Examples of our impact:
• Education – 349 cases
• Housing – 160
• Employment – 201
• Abuse/neglect and other rights violations – 272
• Mental health services – Access – 254
• Access to healthcare - 118
• Income

Income: $1,810,980
Charitable contributions: $188,180
Publications & fees: $24,598
Investments: $1,258
Total Income: $2,337,743

Expenditures:
Programs: $1,890,866
Fund raising: $85,952
Administrative: $197,000
Total Expenses: $2,021,778
Net: $315,965
Ending Net Assets: $276,992

THANK YOU DONORS!

LEGGACY SOCIETY
These donors notified Disability Law Colorado that they included a gift in their estate plan:
Alexander R. Alten
Anonymous (U)
J. F. Beck
Randy Chapman
George & Marion Curtis
Louise Todd & Gerald Stoll

These donors have made contributions since our fall 2014 issue of Mainstream:

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*Deanne Wade
Rebecca Wallace
*John Wall
*Jeannie Weiss
Green Wilding
*John Yamamoto
*Steven & Barbara Zimmerman

FUND RAISING 4.1%
Admin 8.4%

EXPENSES 2015
Programs 87.5%

Net $315,965
Ending Net Assets $276,992

Summer 2015

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DLC ANNUAL REPORT
Disability Law Colorado

THE BOOKSHELF

Preventing Litigation in Special Education WORKBOOK
Published in January 2011, the WORKBOOK is an indispensable companion to Disability Law Colorado’s bestseller The Everyday Guide to Special Education Law.

The Preventing Litigation in Special Education WORKBOOK can be purchased for $19.95. The Everyday Guide to Special Education Law is available for $24.95. BUT both books can be purchased together for only $35.00. Now available as e-books for $9.95.

“But I Don’t Want Eldercare!” Helping Your Parents Stay As Strong As They Can As Long As They Can
This is the guide the author wishes he’d had before his mother’s medical crises changed each of their lives. Terry Lynch draws on extraordinary personal experience in this eye-opening guide to the future, from his work with the White House Conference on individuals with disabilities to a decade as his mother’s caregiver. While he assisted other families, Terry helped his mother remain at home in spite of significant medical problems and a life-changing memory disorder.


Preventing Litigation in Special Education Training
Legal conflicts between parents and schools use resources that are better used for supporting students. Unfortunately, teachers and administrators receive very little training in special education law, and so schools spend money unnecessarily for attorneys because the law is not followed. Let us help prepare and train your school staff for these issues. This training provides the information needed to reduce the time, energy and money spent on preventable legal conflicts.

For more details or to schedule a training, please contact Anna Dubnikov at 303-862-3514 or adubnikov@disabilitylawco.org.

Fact Sheets
Disability Law Colorado has free fact sheets on a variety of disability law issues. Visit www.disabilitylawco.org to view and print the fact sheet(s) of the topic(s) you are interested in learning more about.

The Everyday Guide to Special Education Law, 3rd Edition
Published January 15, 2015 by Randy Chapman, Esq., updated to include new content from Randy’s blogs as well as the most recent changes in federal law including:

• the IDEA requirements for services plans for children placed in private schools
• how to file complaints with State Education Agencies for violations of the IDEA including obtaining compensatory services

The Everyday Guide to Special Education Law, Third Edition is available for $24.95. The Preventing Litigation in Special Education WORKBOOK can be purchased for $19.95. BUT both books can be purchased together for only $35.00.

Residents’ Rights BINGO!
The popular Residents’ Rights BINGO game is available for purchase! The game has been updated with the addition of culture change concepts and new illustrations. The game also includes a CD so you can print extra game cards. The Instruction Booklet is included on the CD.

The game is an imaginative way to empower residents of nursing homes and provide essential training to staff. The game meets the Medicaid requirement for training residents and staff about residents’ rights. It is also a useful tool for residents and staff of assisted living residents and long-term care ombudsmen.

Residents’ Rights BINGO is played just like regular Bingo. It’s a lot of fun, and everyone wins! $35.00

Connecting with Us

Follow news about Disability Law Colorado online at www.disabilitylawco.org

Randy Chapman’s Ability Law Blog (updated regularly) https://disabilitylawco.org/resources/ability-law-blog

@ DISABILITYLAWCO
Disability Law Colorado Pursues Two NIMBY (not in my back yard) Cases

Disability Law Colorado was informed that a local housing authority was violating the Fair Housing Act (FHA) and Section 504 of the Rehabilitation Act (Section 504) by charging a pet deposit of $500 for emotional support/companion animals. The housing authority’s policy stated that, “Companion and emotional support animals are not a protected group under the ADA [Americans with Disabilities Act] and are not considered service animals unless supported by a disability notice specified in written detail by their physician accompanied by a signed statement from the physician stating ‘I am willing to testify in court of law that this disability substantially limits one or more major life activities; a pet deposit will apply to companion animals.’ The use of this policy is discriminatory, overreaching, and imposes a significant burden on persons with companion/emotional support animals. Our Grand Junction staff sent a letter to the housing authority’s attorney requesting a copy of their policy, and asking that they immediately stop assessing a pet deposit for support/companion animals. The attorney responded immediately and stated that the housing authority will work quickly to revise the policy so that it complies with the ADA. Disability Law Colorado staff continues to monitor the revision of the policy.

Housing Authority Agrees—No Pet Deposits For Any Support Animals

Disability Law Colorado had been so rewarding working with the attorneys and advocates here. I knew nothing about special education law and they’ve been very patient as I learn. In my 40-plus years of private practice I was privileged to work with many outstanding and talented attorneys and support professionals. I continue to have that opportunity at Disability Law Colorado for the last eight years. The dedication and care and quality work done by everyone continues to awe and amaze me.”

In 2012, Randy researched and wrote the Amicus brief for the Colorado Court of Appeals in support of Disability Law Colorado’s position on the Douglas County Choice Scholarship Program. In order to participate in the “choice” program, parents of students with disabilities were required to forgo needed accommodations and support services for their children. Randy’s brief detailed Disability Law Colorado’s argument that the program violated the anti-discrimination provisions of the Americans with Disabilities Act.

Director of Legal Services Randy Chapman, who joined Disability Law Colorado as a VISTA volunteer in 1977, shared some historical perspective on the importance of the evening’s celebration:

“Years have gone by and we’ve got many kids in public schools, we don’t have many kids in segregated schools, most people are not in institutions anymore - they’re in the community. We still have lots of things that need to be done, but we’re going to take it one step at a time, one case at a time like we always do. We don’t quit. I’m very proud to be here tonight and acknowledge the volunteer work of Randy Parcel and Fern Black and on behalf of Justice Rovira.”
10th Annual Attorneys’ Night Out

It’s hard to believe that it has been 10 years since Disability Law Colorado partnered with the Denver Bar Association Young Lawyers Division (DBA YLD) and the Blake Street Tavern to launch a fundraising event to benefit our legal and advocacy services for people with disabilities. Attorneys’ Night Out is a fun evening that features Blake Street Tavern’s award-winning food (try the hummus – you won’t be disappointed), the enthusiasm of the DBA YLD, silent and live auctions, and the opportunity to meet the board and staff of Disability Law Colorado. Since 2006 we have raised more than $250,000 through Attorneys’ Night Out!

This year’s event was a roaring success, raising nearly $25,000 to support our services. A huge thanks to our sponsors who helped to make Attorneys’ Night Out possible, particularly presenting sponsors Berenbaum Weinshienk and Sheridan Ross. Our gratitude to our silent and live auction donors, our go-to event experts, Zim Consulting, and our auctioneer, Reggie Rivers.

...And A Big THANK YOU To This Years Sponsors:

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Disability Law Colorado Receives National Award!

The Disability Law Colorado Protection & Advocacy for Individuals with Mental Illness (PAIMI) Program received the National Disability Rights Network (NDRN) Outstanding Advocacy Award for our work on juvenile justice issues and other priority case work. The award was presented at the NDRN annual conference, which was held in June in Indianapolis. Mark Ivandick, managing attorney and PAIMI Program coordinator, accepted the award which was presented by Diane Smith Howard, NDRN senior staff attorney. She applauded Disability Law Colorado’s PAIMI Program for the collaborative relationships with other advocacy organizations such as the American Civil Liberties Union and the Colorado Juvenile Defenders Center.

COLFAX MARATHON
Fun In The Sun

The 10th annual Colfax Marathon took place on May 16 – 17 and for the fourth year, Disability Law Colorado participated as a charity partner. Our team was 70 strong and included marathon relay teams from the Colorado Bar Association Young Lawyers Division, Colorado Bar Association Continuing Legal Education, CenturyLink, Berenbaum Weinshienk and Fennemore Craig.

Our team members are super and they had the capes to prove it! Some of our team members have been with us for multiple years.

THANK YOU to the CBA YLD relay teams who raised money to support our services.