

# HAPPY 25<sup>TH</sup> BIRTHDAY, ADA!

## 2013-2014 Report to the Community



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ALL of us at MDLC appreciate your interest in our work, and hope you enjoy these recent highlights. In 2015, we look forward to joining disability rights advocates across the U.S. in commemorating the 25th anniversary of the enactment of the Americans with Disabilities Act (ADA). It is a great opportunity to learn more about this seminal event, and consider what it means for us today.

Passing the ADA was the result of people with disabilities nationwide rising up, uniting, and seizing control of their destinies in an undertaking of passion and determination. The victory was hard-won, born out of a long, sordid history of discrimination, segregation, and dehumanization. It was a profoundly momentous occasion in civil rights history and the life of our country.

While the ADA's passage represents both a culmination and a beginning, essentially it provides a legal tool. The ADA does not, standing alone, ensure that people with disabilities will enjoy equality of opportunity. It provides a legal handle that in the hands of advocates can shape social progress. We have come a long way, and have a long way to go.

More than a decade before the ADA's enactment, MDLC was already playing a key role in the disability rights movement. We have achieved valuable progress in education, housing, health and mental health, transportation, and freedom from discrimination, institutionalization, and harm. These results also pave the way for greater social acceptance of people who have disabilities.

The U.S. Supreme Court's 1999 *Olmstead* decision strengthened the ADA's legal mandate. Again, the ruling did not by itself produce the needed changes for people with disabilities to achieve their rightful place in society; it improved the legal landscape to move community integration forward. We are excited that *Olmstead's* reach is expanding from where people live to how they spend their time.

MDLC remains fully committed to the vision of people with disabilities integrated into our communities, with equal opportunities, support, and self-determination. We relentlessly and vigorously pursue these goals, limited only by the lack of adequate resources and staff to respond to the tremendous challenges we grapple with every day, with and on behalf of our clients.

None of MDLC's success is possible without our supporters. We invite you during this ADA anniversary year to learn more about the disability rights movement, MDLC's work, and how you can help keep our vital efforts strong.

In partnership,



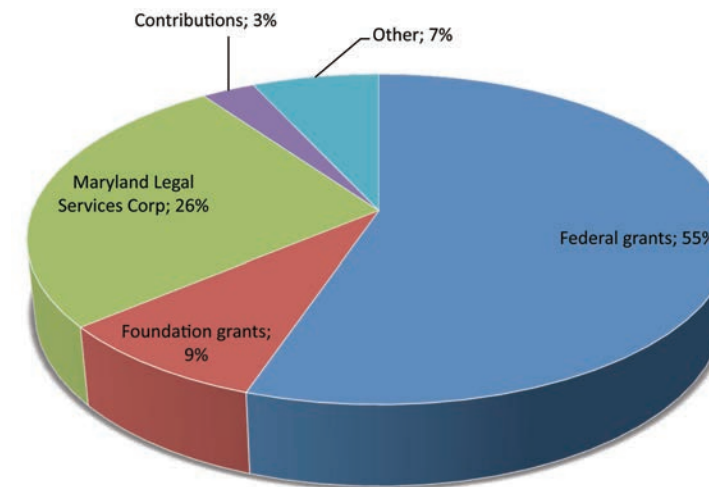
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Virginia Knowlton Marcus  
Executive Director



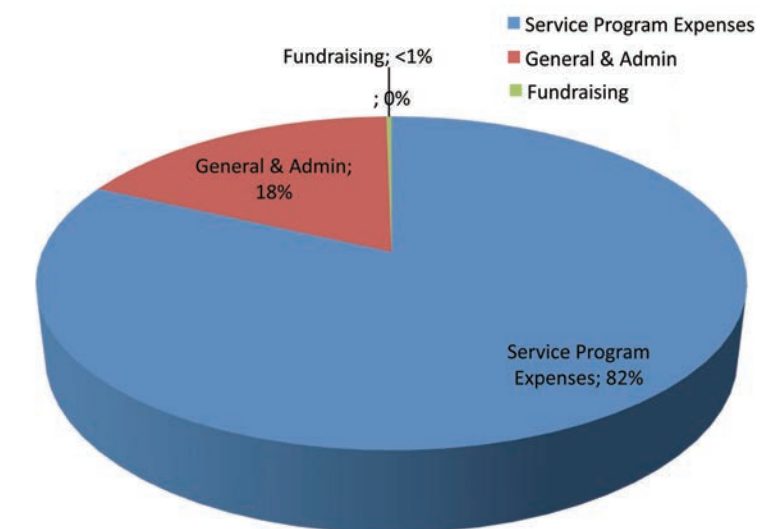
*Vicki Finkelstein*  
Vicki Finkelstein  
Board President

## Financial Overview

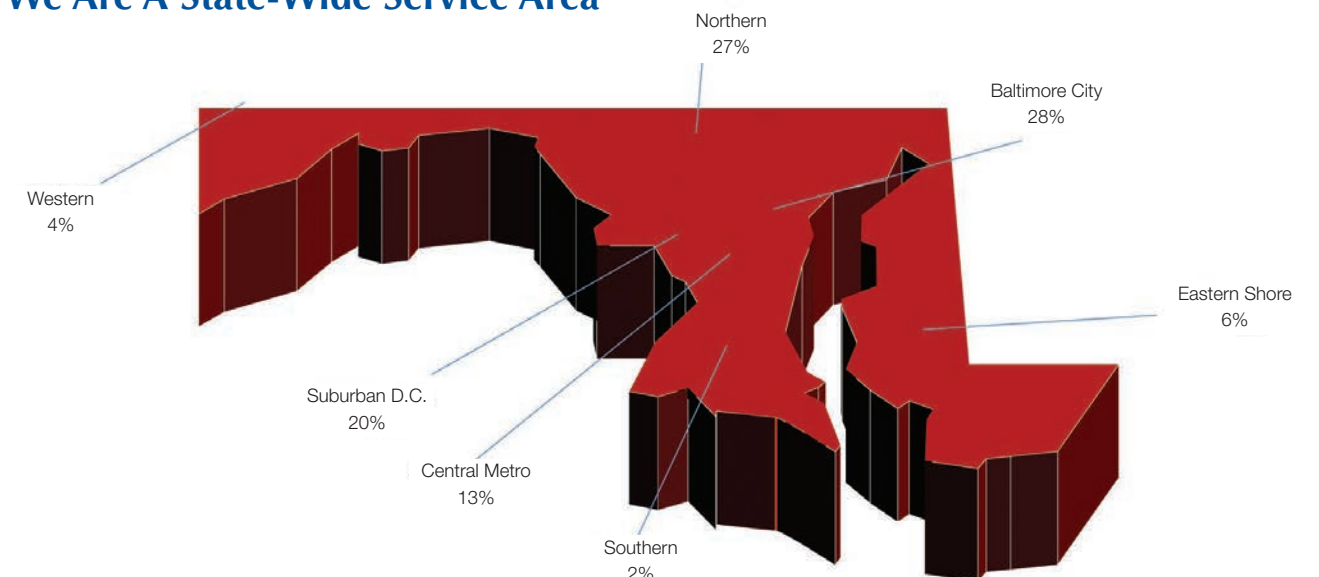
### Where Our Support Comes From



### How Our Funds Are Used



### We Are A State-Wide Service Area





# Developmental Disabilities

MDLC represented “Leila” who has an intellectual disability and has lived in her own home for 20 years. Leila receives support services from a community service provider who helps her manage finances. Two years ago, the provider started to charge Leila for residential care. Since she does not receive residential services from the provider, she does not owe that money. The provider collected thousands of dollars from Leila, then asked for more. Leila refused to pay and MDLC became involved. The provider agreed to stop collecting funds from Leila, but refused to refund the money it had already collected. MDLC sent a demand letter and ultimately had to file a small claims action. Leila finally received her money back.



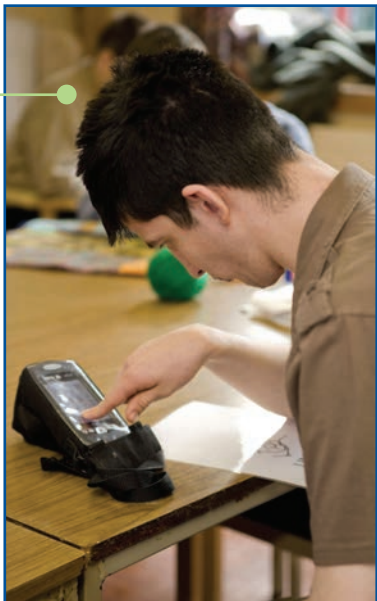
When youth with developmental disabilities transition from school to adult services near age 21, the State provides supported employment or a day program. However, young people who live in residential schools or foster care, or who need in-home supports, may need more services as they transition from childhood to adulthood. They are entitled to a complete package of needed services; however, the State was telling young people and their families that they were limited to a day program. After MDLC intervened, the State agreed that some youth could obtain the entire range of services they need when they transition to adult services. MDLC will continue to push for all youth with developmental disabilities to get the services they need, as we did in these case examples:



“Amma,” who has intellectual and emotional disabilities, was living at a residential treatment center (RTC) through the foster care system. When she turned 21, the State failed to offer the necessary supports and the RTC demanded that Amma’s mother take her home. When Amma’s mother was unable to meet her needs, the State placed her in a group home without the appropriate supports. MDLC intervened to ensure Amma had access to the full range of services she needs.

“Ted,” who has intellectual disability, autism and a vision impairment, lives at home and receives Autism Medicaid waiver services after school and on weekends. The State had no process for ensuring he has a seamless transition from the Autism Waiver (which only serves children) to the DDA Medicaid waiver (which serves people of all ages). While the State agrees that Ted qualifies for the highest category of need, they do not agree that he is entitled to receive the services he needs right away.

Though MDLC succeeded in getting Ted’s services sooner than he would have gotten them without our assistance, the gap in services during the transition from childhood to adulthood was a severe strain on his family. Our goal is to ensure that all individuals can begin planning early for a timely transition.



# Special Education



“Jalen” is a 12-year-old student with an emotional disability who was accused of assaulting a youth in his community. Based on a report of the incident, the school system removed him from school, providing him with only 6 hours of tutoring per week. Jalen’s parents wanted to appeal this decision, but the school system did not have a formal process for doing so even though one was legally required. As a result of MDLC’s advocacy, Jalen transitioned back to his middle school with appropriate services in place, and was awarded compensatory services for his missed instruction

and counseling services. Jalen’s success in school demonstrated to the juvenile court his ability to remain in the community instead of being removed to a residential placement. This case is an example of the value of MDLC’s Juvenile Justice work, as this individual case allowed us to identify a systemic problem - the lack of an appeal process.

*“Thank you for all your help. I feel like I just started my life! I'm going to get a job, go to the gym and to the library.”*

MDLC represented 5-year-old “Traviah” who was diagnosed with autism and attending a kindergarten program. Her parents sought MDLC’s assistance because the school system wanted to segregate Traviah in a class with only students with serious emotional and behavioral disabilities, but her parents wanted her to remain in a regular kindergarten class. MDLC connected this low-income military family with an education expert who volunteered technical assistance to help us prepare for a due process hearing. The school changed its position and allowed Traviah to remain in her general education kindergarten class.

*“Thank you for everything! It only took one meeting with you on our side to change the tone and willingness of our child’s school.”*



Case examples in this report represent composite profiles. Names and other identifying characteristics have been changed to protect confidentiality.



# AmeriCorps VISTA Volunteer, Ariel Brown

AmeriCorps VISTA is a national service program designed to fight poverty through the development of innovative programs. MDLC was fortunate to have national service member Ariel Brown with us for one year through an agreement with the Maryland Out of School Time (MOST) Network.

Ariel's project seeks to expand opportunities for low-income youth with disabilities to participate in Out of School Time (OST) Programs in Baltimore City. Her goal is to work closely with 20 OST programs that wish to become models of inclusive practice. These programs range from local, neighborhood and community programs to nationally recognized programs.

Through this project, MDLC will increase disability awareness and the capacity of OST programs to provide reasonable accommodations to young people as they participate in inclusive environments that embrace and support all children. This body of work complements MDLC's Open Society Institute (OSI) funded Attendance Project; participation in out-of-school programs has been shown to improve attendance outcomes.

"What I love most about this work is that we're making a big difference in the lives of youth. Small things can seem insignificant, but they can impact the future of our youth in very significant ways."



# Extraordinary Advocate

## Gayle Hafner (1953-2014)

Gayle Hafner was a Senior Attorney at Maryland Disability Law Center, where her primary role was helping people in nursing facilities find their way to freedom in the community. She did this work together with MDLC staff and the Sunshine Folk, a group of advocates with disabilities who conduct outreach to nursing facilities and ensure that facility residents are aware of their options to receive long term care and supports in their communities.

Gayle's zealous advocacy is legendary. She also co-founded Medicaid Matters Maryland and the Maryland chapter of ADAPT. She was a member of Not Dead Yet, the Maryland Civil Rights Coalition and too many other groups and advisory bodies to enumerate. She will also be remembered as a friend and mentor to many.

Our community lost this treasured, outspoken leader on March 22, 2014. Her life and advocacy left an indelible mark on the disability community and transformed countless lives. Gayle promoted and lived true to the mantra, "Free Our People!" She worked tirelessly to free people with disabilities from facilities, secure adequate community supports, and reclaim what she referred to as "stolen lives."

*She will forever be missed.*



# Open Society Institute - Baltimore Community Fellow, Kate Anderson



Kate Anderson joined MDLC in November 2013 as an Open Society Institute-Baltimore Community Fellow to work on an 18-month, grant funded project designed in response to ongoing problems with the Baltimore-area paratransit system that serves riders with disabilities. Kate empowered the disability community to address serious transportation access problems by convening a grass-roots advocacy group of public transit users with disabilities known as Consumers for Accessible Ride Services (CARS), and developing their knowledge and self-advocacy skills.

"During my prior internship with MDLC, I spoke with many individuals who were impacted by a lack of reliable transportation options, which is something so many people take for granted. One of the very first clients I worked with was suddenly ineligible for paratransit service and wasn't sure how she was going to get to work. She told me transportation represented freedom and she felt like her freedom was being taken away. That statement really stuck with me as I developed this project."



As a result of this advocacy, the Federal Transit Administration initiated an Americans with Disabilities Act compliance review, and MDLC, with AARP Foundation Litigation, recently filed a federal class action lawsuit against MTA.



## MDLC Staff

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Charmaine Glass,  
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Ariel Brown, VISTA volunteer  
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# 'Thurgood Marshall' Presents: MDLC!

In January 2014, at the University of Baltimore Student Center, University of Baltimore Distinguished Professor Lenneal Henderson treated us to an unforgettable and mesmerizing portrayal of civil rights giant Thurgood Marshall. University of Maryland School of Law Professor Larry Gibson portrayed himself, interviewing Justice Marshall as he had done many decades ago as a young researcher. Professor Gibson further highlighted the achievements of Justice Marshall by discussing and signing copies of his book: *Young Thurgood, The Making of a Supreme Court Justice*.

The struggle for integration and equality has deep roots in Maryland and MDLC continues the fight for civil justice on behalf of Marylanders with disabilities.

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## THE BUSINESS ALBUM



From left, Franklin Lee, partner at Tydings & Rosenberg, chats with Jessy Halaby, director of multicultural affairs, Garrison Forest School, and MDLC Board Treasurer John Halaby, vice president at T. Rowe Price.



From left, former Leadership Maryland classmates Jonathon Rondeau, president and CEO, Family League of Baltimore; Willy Moore, vice president/owner, Southway Builders; Jeanette Partlow, president, Maryland Chemical Co.; Michael Marcus, program director, The Harry & Jeanette Weinberg Foundation; Helene Rodriguez McConnell, president, SCIMEDCO; Maura Walden, director of corporate training, organization development and community programs, Johns Hopkins Health Care.

## Marshall, J.

UB, UM law professors captivate attendees at benefit for Maryland Disability Law Center

University of Baltimore Distinguished Professor Lenneal Henderson brought history to life for about 150 guests in a captivating portrayal of Justice Thurgood Marshall at a recent benefit for the Maryland Disability Law Center. University of Maryland Law School professor Larry Gibson, author of "Young Thurgood: the Making of a Supreme Court Justice," added remarks about writing the biography of the celebrated jurist, a native Marylander.

"The idea for tonight's event arose when we were seeking to replace funding for MDLC's special education work. We are continually flooded with requests for help with education because it is so critical to children's future success in life," said MDLC Executive Director Virginia Knowlton Marcus.

MDLC knows, as Thurgood Marshall did, that creation of an integrated society and equal opportunity begins with the schools. We take very seriously our responsibility to carry forward the ongoing struggle for civil rights, and wanted to highlight some of the rich civil rights history that lies right under our feet."

MDLC is the only organization exclusively focused on providing free legal advocacy services to people with all types of disabilities, of all ages, statewide. MDLC works toward full integration of people with disabilities and access to education, housing, health and mental health care, employment, transportation and more.

PHOTOS BY MICHAEL MARCUS AND VIRGINIA KNOWLTON MARCUS



Rhonda Neuhaus, government affairs/policy analyst for the Disability Rights Education & Defense Fund (left), and Joyce Leviton, assistant to U.S. Sen. Ben Cardin, enjoy the reception.



University of Maryland law professor and "Young Thurgood" author Larry Gibson interviews "Justice Thurgood Marshall" (University of Baltimore's Dr. Lenneal Henderson) before a live audience at UB's Wright Theater.

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December 2014

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MDLC sincerely thanks our Board of Directors for all they do to help improve the lives of people with disabilities.



# Assistive Technology



MDLC successfully obtained a gait trainer for “Natalie,” a 14-year-old girl with cerebral palsy who had previously been denied this durable medical equipment by Maryland Medical Assistance (MA). Natalie’s doctor and physical therapist determined that she needed a gait trainer for numerous health benefits such as stretching her muscles and improving bone density. The request was denied by MA as not being medically necessary. The night before the administrative hearing, MDLC entered into a settlement agreement whereby the state would loan Natalie the device for

3 months, and if after the rental period she was able to successfully complete various tasks, they would provide her the device. Working with her physical therapist and doctor, MDLC obtained documentation demonstrating that she had met the terms of the settlement agreement and MA agreed to provide the gait trainer.

*“MDLC was wonderful! Having the [communication tool] has transformed my life. It is not just useful in my communication, but also in my work too.”*



*Average rent for a one-bedroom apartment in Maryland is 150% of a full SSI check.*

*In October 2014, nearly 74,000 people signed up to be on the Section 8 waiting list in Baltimore City.*

# Housing

MDLC represents an older woman with physical disabilities in a lawsuit seeking to obtain a ramp and other accessibility modifications to her rental unit where she has lived since 1973. In 2004, our client had an amputation and asked her property manager for a wheelchair ramp. The property manager assured her in 2005 that the development was about to be renovated and a ramp would be provided, then in 2006 said that she would be given the opportunity to transfer to a new unit as soon as the renovations were completed. No ramp was ever provided. In 2010, she again requested the ramp, and was denied. MDLC was alerted and brought suit in U.S. District Court in 2012. The Defendants argued, and the Court agreed, that the claim was barred by the statute of limitations. With the assistance of pro bono counsel, MDLC appealed to the U.S. Court of Appeals for the Fourth Circuit, arguing that the new request should trigger a separate evaluation of what is reasonable and a new limitations period in which to file a claim. In August 2014, the Court of Appeals agreed, and found that each denial during the statutory period was actionable. The case was remanded back to District Court for trial on the merits. *Hill v. Hampstead Lester Morton Court*



*“MDLC's dedication and excellent representation have made a significant impact in my son's life.”*

MDLC assisted a low-income family with 2 boys who use wheelchairs when the mother let us know she had been asked to pay almost \$2,000 for a ramp, curb cut and other sidewalk improvements so her boys could access their apartment. At the time she rented the apartment using a housing voucher – almost a year before contacting MDLC – she was told these modifications would be made at no cost to her. MDLC worked with the Housing Authority and landlord to ensure that the modifications were completed quickly, to the mother’s satisfaction and at no extra cost per the contract between the Housing Authority and landlord.

The Housing Authority had also refused to provide the mother with important information in Spanish. As a result of MDLC’s advocacy on her behalf, the Housing Authority changed its language-access policies, potentially impacting hundreds of additional families. MDLC also helped the family obtain an increased utility allowance to accommodate the children's use of disability-related medical equipment.



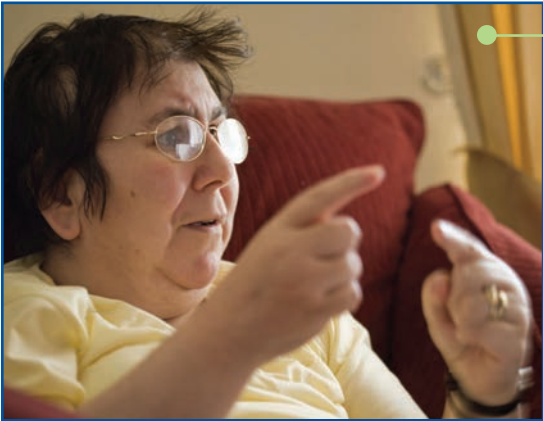
artwork by Lauren Siegel



# Medicaid

The Community First Choice (CFC) program is a new option under the Affordable Care Act that began in Maryland in January 2014. It allows some Medicaid beneficiaries to receive the nursing services they need at home, instead of living in a nursing facility. The CFC program provides an excellent opportunity for Maryland's Medicaid spending to be refocused on supporting people in the community rather than in facilities. However, there have been many challenges, including long delays in qualifying for the program, lack of individualized determinations leading to insufficient hours of attendant care, and proposed state regulations seeking to curtail children's services. MDLC has been monitoring the CFC program, working with stakeholders to improve it, informing our clients and obtaining needed services for them under this new program. Individual cases such as the examples below provide insight into common problems and inform our systemic advocacy efforts.

MDLC represented "Martin", a man with a traumatic brain injury (TBI) who was living independently with the help of 10 hours of daily personal assistance services under the Living At Home Waiver. Under the transition to CFC, the State decided to cut Martin's services to 5 hours per day. As a result, he was at risk of needing a nursing facility or entering a day program that would be detrimental to his physical rehabilitation process. MDLC investigated the case and filed an appeal. The State reconsidered Martin's case and approved him to continue receiving 10 hours of services under the CFC program.



MDLC represented "Sharon", a woman with developmental disabilities who was denied an increase of her New Directions waiver budget. She was able to illustrate her need for assistance with medication administration, doctor's appointments, grocery shopping, mathematical computing, and job coach. At the settlement conference, the state could not explain the rationale for the denial. We settled, the client reallocated her current budget, and was permitted an extension to request an increase for next fiscal year.

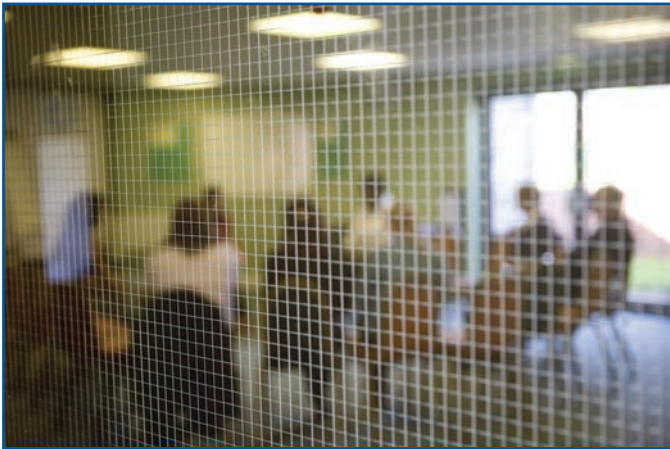
MDLC represented "Ethel", a woman with advanced Multiple Sclerosis who was participating in the Living At Home Waiver and receiving 8 hours of care per day. Upon the State's transition to CFC, she learned her budget would only allow her to receive 5 hours of care each day, putting her at risk of medical complications due to decreased services. MDLC investigated, assisted with a complaint to the State, and provided information emphasizing her doctor's letter stating that if her care hours were cut, she would face specific medical risks such as bedsores and infections. Ethel was approved to retain her 8 hours of daily care.



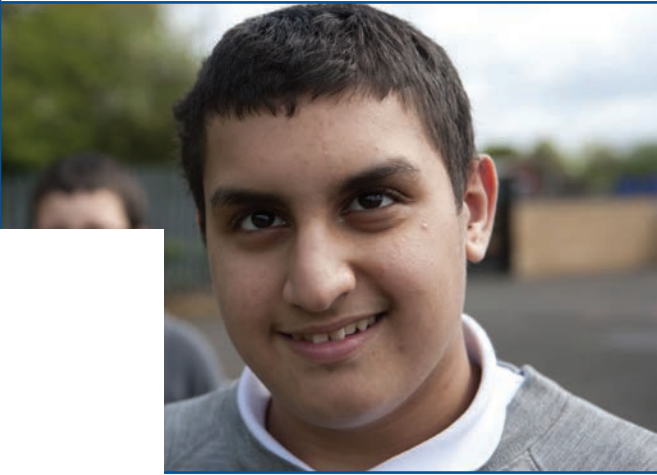
# Mental Health

MDLC investigated a staff member's assault of a patient at a state psychiatric hospital. During the investigation, we reviewed video surveillance tape that showed the patient calmly seated while the staff person stood over him and hit him across the face. The hospital advised MDLC that the staff member would continue to work on another unit with patients, and would not be terminated "unless convicted of the charge."

MDLC wrote a complaint letter to the State demanding that the staff person be immediately terminated and requesting that the State institute a policy requiring staff accused of patient abuse to be re-assigned to duties that do not involve patient contact pending the outcome of an investigation. The staff person entered a guilty plea and has been terminated. MDLC will take further action as necessary to protect patients from staff abuse.



*"We would like to thank MDLC for the work [you did for] our son. We're so happy with the quality and timeliness of your assistance."*



*"Thank you very much for all your help. You've been very helpful, professional, respectful and considerate. You are the best!"*



# Thank you

MDLC is grateful for the generosity of the donors who support our work. On behalf of the clients featured in this report, and the thousands of other individuals we assist each year, thank you.

## Pro Bono Services

MDLC thanks the following individuals and firms who donated pro bono services:

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Every attempt was made to ensure the accuracy of this list reflecting information through December 2014. Please contact MDLC if we have made an error.

### Leave a Bequest to MDLC

We envision an inclusive society that gives people with disabilities equal opportunity to participate and make their own choices. Despite our vigorous efforts, we realize this vision won’t happen in our lifetimes. Create a legacy for change by leaving a bequest to MDLC to continue our work. For more information, contact MDLC Executive Director Virginia Knowlton Marcus at 410-727-6352 ext. 2482.

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Maryland Disability Law Center  
1500 Union Avenue, Suite 2000  
Baltimore, Maryland 21211

Phone: 410.727.6352 • TTY: 410.235.5387  
Toll Free: 800.233.7201 • Fax: 410.727.6389

[www.mdclaw.org](http://www.mdclaw.org)