

Mid-Minnesota Legal Aid (MMLA)
Minnesota Disability Law Center (MDLC)
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2021 Statement of Priorities

Mid-Minnesota Legal Aid's (MMLA) Minnesota Disability Law Center (MDLC) provides free legal advice and representation for persons with disabilities in Minnesota. The mission of MDLC is to advance the dignity, self-determination, and equality of individuals with disabilities.

MMLA is designated, through executive order, as the Protection and Advocacy (P&A) System for Minnesotans with disabilities. MMLA performs this function through its statewide MDLC. The P&A has the authority to protect and advocate for the rights of persons with disabilities and to investigate incidents of abuse and neglect. MDLC recognizes the importance of taking action on the special concerns of persons of color, persons with multiple disabilities, and those with special language or communication concerns.

PROGRAM FUNDING: MDLC's advocacy is primarily funded by nine federally-mandated grants. Please see this document's last page for a list of these federal grants and their acronyms.

MDLC also receives funds from the Greater Twin Cities United Way, the Fund for the Legal Aid Society, the Legal Services Advisory Committee, individual donations, and several small grants.

MDLC SERVICES: MDLC's advocacy includes:

- providing individual and group legal advocacy for persons with disabilities;
- conducting monitoring visits and investigations to ensure safety and appropriate services;
- providing outreach to individuals with disabilities, their families, their advocates, and their service providers;
- delivering training and information on legal rights and self-advocacy; and
- educating policy makers on issues that affect people with disabilities.

MDLC STRATEGIC GOALS LINKED TO PRIORITIES

To guide its work, MDLC has adopted a five-year Strategic Plan that has four broad goals. Please contact MDLC for a copy of the plan.

MDLC's four strategic goals are to:

1. Eliminate Abuse and Neglect;
2. Increase Integration and Decrease Discrimination;
3. Increase Access to Appropriate Services; and
4. Increase Statewide Awareness of MDLC as an Advocacy Resource.

Every year, MDLC identifies important issues under the four strategic goals that affect people with disabilities. These important issues then become the priorities (focus areas) of MDLC's annual work.

CRITERIA FOR CASE SELECTION

With our limited resources, MDLC may not be able to serve everyone who contacts us on issues that fall within our priority areas. To decide which cases to take, MDLC uses the following general selection criteria:

1. Is the individual we would represent eligible for services under federal and other funding source program requirements?
2. Does the issue in the matter arise because of the person's disability?
3. Is there a legal conflict with another case or client that would prevent MMLA from representing the person?
4. Is there an adequate basis in fact and law to proceed with the case?
5. Are resources other than MDLC available to assist the person or to address the issue, including the person's ability to pay a private attorney for representation and the availability of private, publicly-funded, pro bono attorneys or other advocacy organizations knowledgeable in the area?
6. Would our advocacy likely result in services being provided in a more integrated setting or manner?
7. Would our involvement significantly increase the possibility that other persons with disabilities and their families would obtain comparable benefits?
8. Is the person with a disability also subject to barriers as a member of another **protected class** that impair the person's ability to receive disability-related services or other legal representation? MDLC acknowledges the values within the Minnesota Human Rights Act (MHRA). Under the MHRA, MDLC recognizes that disability status may intersect with other protected classes including, but not limited to, a client's race, color, creed, religion, national origin, sex, gender, marital status, disability, public assistance, age, sexual orientation, and familial status. MMLA and MDLC are committed to diversity, inclusion, and equity. To that end, MMLA and MDLC created the Racial Justice Values Statement to guide our work. Under this guidance document, MDLC prioritizes cases and issues that seek to advance the cause of racial justice. See <https://mylegalaid.org/news/article/legal-aid-introduces-its-racial-justice-values-statement>.
9. Can the case be handled given the existing workload of MDLC staff and available resources?

CASES MDLC CANNOT ACCEPT

Due to program restrictions and limited funds, MDLC cannot address all legal issues that affect individuals with disabilities. The areas in which we do not generally provide direct representation include, but are not limited to: criminal defense, juvenile delinquency, guardianship, civil commitment, child protection, parental fee disputes, Social Security Disability appeals, and family law.

MDLC also does not generally litigate employment discrimination claims or handle private insurance matters, particularly those governed by the Employment Retirement Income Security Act (ERISA).

However, despite these limits, information and referral services are offered to everyone who contacts MDLC for help with a disability-related issue. People with a problem that is not included within MDLC's priorities may receive self-help advice and materials.

MDLC PRIORITIES FOR 2020

The order in which the following four priorities are listed does not imply higher or lower ranking.

PRIORITY 1: Eliminate Abuse and Neglect

- **For individuals with disabilities:** MDLC helps clients whose health or safety is at risk because of abuse, such as physical assault, sexual assault, chemical restraint (e.g., the wrong type/dose of psychotropic medications), restraint or seclusion, and neglect, such as failure to provide adequate medical care, required supervision, or other necessities. MDLC assists clients who are financially exploited and those whose residential/treatment providers are not providing or are denying them access to critical care or supports.
- **For groups of people with disabilities:** MDLC conducts monitoring visits to facilities where persons with disabilities reside, learn, or receive services. MDLC conducts investigations when it has cause to believe that abuse or neglect has occurred in a program or facility serving a group of individuals with disabilities.

Funding: MDLC's services under this priority are primarily funded by PADD, PAIMI, PAIR, PATBI, and SPSSB.

PRIORITY 2: Increase Integration and Decrease Discrimination

Increase integration for individuals with disabilities:

MDLC advocates for individuals in four key areas: special education, housing, employment, and other community activities.

- **Special Education:** MDLC helps children and youth who are excluded from day care, pre-school, or K-12 schools because of conduct that is related to their disabilities. MDLC advocates for young clients to obtain positive behavior interventions instead of being inappropriately disciplined. MDLC also helps children get access to special education and related services in the least restrictive setting.
- **Housing:** MDLC advocates for people with disabilities to obtain or keep the housing of their choice in the most integrated setting that meets their needs.
- **Employment:** MDLC helps clients get full services from Vocational Rehabilitation Services, State Services for the Blind, and Independent Living Centers. MDLC works to ensure that students with disabilities get the services they need to transition from school to employment. MDLC helps Social Security Disability beneficiaries (i.e., people who receive SSI and/or SSDI) who are engaged in return to work efforts or in securing, maintaining, or regaining employment and who need consultation or legal advocacy.
- **Other Community Activities:** MDLC advocates for people with disabilities to obtain or retain access to activities in the community of their choice in the most integrated setting that meets their needs.

Decrease discrimination for individuals with disabilities:

MDLC works to protect clients' civil rights, including voting rights, and to eliminate discrimination in the four areas listed above (special education, housing, employment, and other community activities) as well as access to:

- public services (services provided by local, county, or state government, including correctional settings); and
- public accommodations (businesses serving the public).

For groups of people with disabilities:

MDLC works on solutions to problems that affect many persons with disabilities through group advocacy such as class actions, policy work, and other systemic efforts. MDLC also conducts outreach about the rights of persons with disabilities to participate in the electoral (voting) process.

Funding: MDLC's services under this priority are primarily funded by PADD, PAIMI, PAIR, PAAT, PATBI, PAVA, PABSS, and CAP.

PRIORITY 3: Increase Access to Appropriate Services

MDLC's advocacy focuses on:

- maximizing clients' choice among appropriate services and supports;
- increasing opportunities for clients to self-direct their services and supports;
- improving provider capacity to meet clients' needs;
- maintaining and increasing funding available to meet clients' services and support needs; and
- improving physical access and removing barriers to community services.

For individuals with disabilities:

MDLC helps persons with disabilities access and maintain services and supports in the following five areas: special education, housing, employment, other community activities, and health care.

- **Special Education:** MDLC helps clients to obtain sufficient supports and accommodations in their school plans, specialized behavior plans, and overall school experiences that they need to fully access educational, developmental, extracurricular, school-to-work transition, and social opportunities in the most integrated setting.
- **Housing:** MDLC advocates for people with disabilities to obtain or keep the housing of their choice in the most integrated setting that meets their needs.
- **Employment:** MDLC helps clients who are recipients of Social Security benefits, Rehabilitation Services, State Services for the Blind, and/or clients of Independent Living

Centers and who need legal advocacy to receive the full array of available services to achieve their vocational or independent living goals. MDLC also assists school age and young adults who are served within state, school, and county service systems to fully participate in independent or supported employment to the maximum extent feasible.

- **Other Community Activities:** MDLC advocates for people with disabilities to obtain or retain access to activities in the community of their choice in the most integrated setting that meets their needs.
- **Health Care:** MDLC helps clients to get the services they need to live in the community, move from restrictive to integrated settings, obtain access to health care programs, and get Assistive Technology.

For groups of people with disabilities:

MDLC works on solutions to problems that affect many persons with disabilities through group advocacy such as class actions, policy work, and other systemic efforts.

Funding: MDLC's services under this priority are primarily funded by PADD, PAIMI, PAIR, PAAT, PATBI, PABSS, and CAP.

PRIORITY 4: Increase Awareness of MDLC as a Statewide Resource

MDLC strives to provide high quality advocacy services to persons with disabilities across the state of Minnesota. General outreach and targeted in-reach are needed to ensure that people with disabilities, their families, and service providers are aware of MDLC's assistance.

For individuals with disabilities and their families, service providers, and community groups, MDLC will:

- conduct targeted in-reach to historically underserved communities, including communities of color;
- develop partnerships and relationships with key contacts and service providers in these communities;
- participate in outreach events sponsored by other local, regional, and statewide disability groups and other partners; and
- deliver presentations on disability law issues to self-advocacy and community groups.

Funding: MDLC's services under this priority are funded by all of MDLC's federal and non-federal funding sources.

Specific Focus of MDLC's PADD and PAIMI Advocacy

MDLC's PADD and PAIMI funds are used for the specific activities below that fit with MDLC's four main priorities and with the funders' requirements.

MDLC uses PADD funds to serve people with both intellectual and developmental disabilities. PADD funds are used to:

1. Conduct monitoring visits to increase safety; identify, and/or address instances of abuse or neglect of people with intellectual and developmental disabilities (I/DD); and promote opportunities for community inclusion.
2. Provide individual advocacy to people with I/DD to enforce their rights, especially in cases involving serious abuse or neglect, isolation, inadequate behavior support services, use of restraints, and other rights restrictions.
3. Promote integration and inclusion by providing advocacy that enables persons with I/DD to move from unduly restrictive residential settings to more integrated and individualized settings or to gain, retain, or increase the array of health care and supports they receive to live as independently as possible in the community.
4. Eliminate discrimination in community settings against people with I/DD. Conduct outreach to and deliver presentations that provide people with I/DD, their family members, advocates, and service providers with information about available community-based services and supports and information about the rights of people with I/DD, including to people with I/DD from diverse communities, their family members, and providers that serve populations of color.
5. Improve the service delivery systems for persons with I/DD by engaging in public policy or systemic advocacy efforts to preserve, maintain, or expand access to health care and community-based services and supports.
6. Increase rights protections for persons with I/DD, including those under guardianship, to make informed choices about their living situations, treatment, and services.
7. Reduce and remove barriers that persons with I/DD encounter in accessing government benefits, services, and public accommodations in the most integrated settings, consistent with their needs and preferences.
8. Increase opportunities for transition-aged students and adults served by state and county services systems for people with I/DD to obtain appropriate and inclusive day and employment supports, including maximizing competitive and integrated employment, consistent with their needs and preferences.
9. Reduce abuse such as physical or sexual assault and use of inappropriate aversive or deprivation procedures including restraint or seclusion, inappropriate placements in more

restrictive settings, and inappropriate discipline procedures (including long-term removals, expulsion and exclusion proceedings) for disability-related conduct in education and juvenile justice settings, by increasing access to positive behavior interventions and supports and accommodations in the least restrictive environment through individual case advocacy, group/systemic approaches, state task forces, and/or educating policy makers.

10. Improve access to school-age transition services, early childhood education, and appropriate evaluations and services in order to live, learn, work, and play as independently as possible and ensure that services, opportunities, facilities, and supports are available in a manner consistent with non-discrimination principles in education and juvenile justice settings through individual case advocacy, group/systemic approaches, state task forces, and/or educating policy makers.
11. Conduct outreach and deliver presentations that provide students with I/DD, their family members, school staff, and providers with information about their rights under state and federal special education laws, including to students with I/DD from diverse communities, their family members, or to organizations that serve populations of color.

MDLC uses PAIMI funds to serve people with mental illness. PAIMI funds are used to:

1. Provide PAIMI-eligible individuals with information and referral, technical assistance, short-term assistance, or representation in cases involving:
 - abuse or neglect;
 - self-determination;
 - the right to reside in the most integrated community setting;
 - discrimination and rights violations; and
 - the rights of students to receive educational services consistent with state and federal requirements, including ensuring they are not excluded, restrained, or secluded for conduct that is directly related to their mental illness.
2. Advocate for the reduction of the inappropriate use of restraints and seclusion used against PAIMI-eligible individuals;
3. Monitor and investigate facilities that serve persons with mental illness;
4. Pursue public policy or systemic advocacy focused on health care coverage, community-based services and supports, and the special education needs of PAIMI-eligible K-12 students; and
5. Deliver presentations to increase awareness of the rights of individuals with mental illness.

Federal Grants and Acronyms: MDLC's advocacy is primarily funded by these *nine* federally-mandated grants.

- **Client Assistance Project (CAP):** Advocacy for persons with any disability having problems with agencies funded under the Rehabilitation Act (e.g., Rehabilitation Services, State Services for the Blind); funded by the Rehabilitation Services Administration.
- **Protection and Advocacy for Beneficiaries of Social Security (PABSS):** Advocacy for persons with disabilities who are Social Security beneficiaries (SSI or SSDI) seeking to secure, maintain, or regain employment; funded by the Social Security Administration.
- **Protection and Advocacy for Assistive Technology (PAAT):** Advocacy for persons with disabilities having problems with Assistive Technology devices or services; funded by the Administration on Community Living.
- **Protection and Advocacy for Persons with Developmental Disabilities (PADD):** Advocacy for persons with intellectual and developmental disabilities; funded by the Administration on Intellectual and Developmental Disabilities under the Developmental Disabilities Act.
- **Protection and Advocacy for Individuals with Mental Illness (PAIMI):** Advocacy for persons with mental illness, with service priority for persons residing in care or treatment facilities; funded by the Center for Mental Health Services.
- **Protection and Advocacy for Individual Rights (PAIR):** Advocacy for persons with disabilities not covered by other P&A grants; funded by the Rehabilitation Services Administration under the federal Rehabilitation Act.
- **Protection and Advocacy for Traumatic Brain Injury (PATBI):** Advocacy for persons with traumatic brain injury; funded by the Administration on Community Living.
- **Protection and Advocacy for Voting Access (PAVA):** Voting-related advocacy and outreach under the Help America Vote Act; funded by the Administration on Intellectual and Developmental Disabilities.
- **Strengthening Protections for Social Security Beneficiaries (SPSSB):** Advocacy for persons receiving social security benefits through oversight activities and monitoring visits to facilities that act as representative beneficiaries.