

## NDRN 2020 P&A/CAP Virtual Annual Conference

### CLE Identified Sessions

Session Name	Date	Start Time	End Time	Session Description	Objectives	Speakers
<b>Access Authority and Records</b>	6/17/2020	4:00 PM	5:15 PM	A common reason for denying P&A access to records is the peer review privilege. Speakers will discuss the various peer review exception laws, both at the state and the federal levels. Additionally, there will be a discussion of the various ways that P&As have used to obtain these records with their authority. A special focus will be records covered by the Patient Safety and Quality Improvement Act (PSQIA).	<ol style="list-style-type: none"> <li>1. Recognize situations in which P&amp;A access authority can be successfully used to obtain records for an investigation</li> <li>2. Analyze various peer review situations and decide whether P&amp;A access will apply</li> <li>3. Prepare for successful challenges to access authority with respect to peer review and PSQIA</li> </ol>	David Boyer, Managing Attorney, National Disability Rights Network; Kathryn Rucker, Attorney, Center for Public Representation; Kristine Sullivan, Supervising Attorney, Disability Rights North Carolina
<b>Approaches to Investigations in Institutions and the Community (3 Sessions)</b>	6/8/2020	1:00 PM 2:30 PM 4:00 PM	2:00 PM 3:30 PM 5:15 PM	This institute will discuss skills and strategies for monitoring a facility or service provider and investigating abuse and neglect. Speakers will also address techniques used to communicate the results of such efforts. Presentations will focus on developing the skills to plan and conduct monitoring and investigations. Participants will be expected to have a basic understanding of the P&A access authority prior to the institute.	<ol style="list-style-type: none"> <li>1. Develop a strategy that combines the investigatory needs of your state based on P&amp;A capacity and goals</li> <li>2. Discover the requirements of probable cause and how that relates to access authority</li> <li>3. Execute initial planning steps to include records requests, notice to the facility, and developing assessment plans</li> </ol>	Amy Price, Abuse & Neglect Team Leader, Disability Rights Ohio; David Boyer, Managing Attorney, National Disability Rights Network; Kristine Sullivan, Supervising Attorney, Disability Rights North Carolina; Philip Fornaci, Staff Attorney, National Disability Rights Network; Emily Cooper, Legal Director, Disability Rights Oregon

<p><b>Assisted Living - Housing with Services</b></p>	<p>6/18/2020 2:30 PM 3:30 PM</p>	<p>More and more states are putting Medicaid dollars into assisted living programs and facilities. Are they truly integrated housing? What rights do applicants and residents have? Learn about recent cases applying the Fair Housing Act, ADA, and landlord-tenant law to individual Assisted Living residences &amp;mdash; and how courts have invalidated state laws themselves for discriminating against people with disabilities.</p>	<ol style="list-style-type: none"> <li>1. Analyze assisted living facilities with respect to Olmstead and other community integration mandates</li> <li>2. Identify recent case law regarding discriminatory housing practices</li> <li>3. Select areas of interest from within the assisted living topic area that could drive P&amp;A work</li> </ol>	<p>Kenneth Shiotani, Senior Staff Attorney, National Disability Rights Network; Susan Ann Silverstein, Senior Attorney, AARP Foundation Litigation</p>
<p><b>Avoiding New Threats to Medicaid Enforcement</b></p>	<p>6/17/2020 2:30 PM 3:30 PM</p>	<p>Individual enforcement of the Medicaid Law has eroded year-by-year and provision-by-provision for two decades. This year we experienced&amp;nbsp;a successful challenge to reasonable promptness, one of the most commonly used provisions by P&amp;As. This session will review where we stand and how to carefully plead to avoid and respond to enforcement challenges.</p>	<ol style="list-style-type: none"> <li>1. Recognize which provisions of the Medicaid Act have had enforceability challenged by federal courts</li> <li>2. Write complaints that avoid an enforceability challenge</li> <li>3. Respond to enforceability challenges</li> </ol>	<p>Elizabeth Priaulx, Senior Disability Legal Specialist, National Disability Rights Network; Jane Perkins, Legal Director, National Health Law Program; Sarah Somers; Managing Attorney, National Health Law Program</p>

**Building Relationships:  
Effective Education  
Advocacy in American  
Indian Communities**

6/15/2020 1:00 PM 2:00 PM

This session will focus on developing strategies to build relationships in American Indian communities to advocate effectively for Native students with disabilities. Drawing upon their own experiences working with communities in the Four Corners, the presenters will guide participants through an understanding of how principles of disability and critical race theory intersect and inform the way in which we provide services to our American Indian communities. Participants will identify strategies to utilize in building relationships with communities in their geographic areas, understand the unique challenges special education advocates may encounter when working with American Indian families, and understand the importance of individual and historical trauma as it impacts these communities.

1. Discuss the importance of understanding how one's own identity (race, gender, ethnicity, dis/ability, etc) affects the lens through which we view and interact with the communities in which we are providing services
2. Identify three strategies to utilize in building a working relationship with American Indian communities and concrete examples to begin working in American Indian communities in your geographic service area
3. Identify three unique challenges that special education advocates may encounter when working with American Indian families
4. Recognize the importance of taking into account individual and historical trauma when working within American Indian communities, while also focusing on positive growth

Donald Chee, Advocate, Native American Disability Law Center;  
Heather Hoechst, Staff Attorney, Native American Disability Law Center;  
Ron Hager; Managing Attorney, National Disability Rights Network

<p><b>Competitive Integrated Employment - The Time is Now</b></p>	<p>6/8/2020 2:30 PM 3:30 PM</p>	<p>This session will provide attendees with an overview of competitive integrated employment (CIE) in the Workforce Innovation and Opportunity Act and its implementing regulations and discuss concerns at the federal level that the regulations may be opened to change the definition of CIE. Attendees will also hear from Disability Law Colorado about their efforts to get a bill introduced and passed that would phase out sub-minimum wages for workers with disabilities in the state and create a new/improved community connector and job training services under Colorado's Medicaid waiver.</p>	<ol style="list-style-type: none"> <li>1. Define competitive integrated employment</li> <li>2. Discuss concerns related to the potential opening of the WIOA regulations and identify resources available to stay informed of the latest developments</li> <li>3. Apply knowledge gained from the experiences of Disability Law Colorado's efforts in the state legislature around CIE to your own P&amp;A advocacy activity</li> </ol>	<p>Alison Butler, Director of Legal Services, Disability Law Colorado; Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network; Amy Schere, Staff Attorney, National Disability Rights Network</p>
<p><b>Considering Intersectional Claims in Disability Discrimination</b></p>	<p>6/9/2020 1:00 PM 2:00 PM</p>	<p>Clients with disabilities often experience multiple and intersecting forms of discrimination. This session will explore the ways in which disability-related claims may overlap with other civil rights claims, using one recent lawsuit brought by Disability Rights California (DR-CA) and three other nonprofits as a lens for discussion. In Black Parallel School Board et al. vs. Sacramento City Unified School District, et al., DR-CA's clients seek to eliminate widespread race- and disability-based discrimination in one of California's largest school districts, which has resulted in unlawful segregation and removal of students with disabilities, particularly Black students with disabilities.</p>	<ol style="list-style-type: none"> <li>1. Consider areas of the law that intersect with disability rights when planning case strategy</li> <li>2. Assess potential co-counsel's qualification based on co-counsel's experience and credibility in intersectional area</li> <li>3. Utilize an array of possible data sources, including individual client experiences, to identify claims and craft a meaningful complaint narrative</li> <li>4. Anticipate possible tensions and challenges with intersectional cases</li> <li>5. Articulate to colleagues the importance of intentional intersectional casework</li> </ol>	<p>Bridget Claycomb, Staff Attorney, Disability Rights California; David Boyer; Managing Attorney, National Disability Rights Network; Lauren Lystrup, Staff Attorney, Disability Rights California</p>

<p><b>Continuing Issues In VR</b></p>	<p>6/15/2020 4:00 PM 5:15 PM</p>	<p>A variety of issues repeatedly emerge during the vocational rehabilitation (VR) process. This session discusses some of the year's "hot topics" as identified by the presenters. Participants will interact with the presenters to discuss problematic issues and learn ways to address them.</p>	<ol style="list-style-type: none"> <li>1. Identify at least two major VR-related advocacy issues</li> <li>2. Analyze the relevant laws and regulations related to each identified issue</li> <li>3. Apply strategies to address and overcome these critical issues to assist unserved and underserved populations</li> </ol>	<p>Amy Scherer, Staff Attorney, National Disability Rights Network; Emily Munson, Attorney, Indiana Disability Rights; Kari Branham, CAP Director, Illinois Client Assistance Program</p>
<p><b>COVID-19 in Justice Settings</b></p>	<p>6/3/2020 1:00 PM 2:00 PM</p>	<p>The news media is packed with stories about COVID infection in jails, prisons and other secure detention facilities. P&amp;As monitor and investigate health conditions in these settings under normal circumstances. What can we do now to improve conditions and how can we plan now to help prevent future outbreaks?</p>	<ol style="list-style-type: none"> <li>1. Use data to explain the critical need to prevent medical abuse and neglect in forensic facilities, including those clients who are members of more than one protected class</li> <li>2. Develop skills to monitor and investigate medical abuse and neglect in forensic facilities</li> <li>3. Acquire information they can use to advocate at the state and local level for improved infection control and treatment practices going forward</li> </ol>	<p>Diane Howard, Managing Attorney, National Disability Rights Network; Philip Fornaci, Staff Attorney, National Disability Rights Network; Mark Murphy, Senior Attorney, Center for Public Representation</p>

<p><b>Developing Agreements to Promote Juvenile Justice Diversion of Youth with Disabilities</b></p>	<p>6/16/2020 1:00 PM 2:00 PM</p>	<p>Agreements with government can be used to prevent incarceration of youth with disabilities on a systemic level. Informed by the work of P&amp;A recipients on the Ford Misincarceration grant project, this session will cover what P&amp;As, planning to or working with government, need to know to create a successful diversion project.</p>	<ol style="list-style-type: none"> <li>1. Recognize the benefits of developing diversion agreements with government for juveniles with disabilities</li> <li>2. Consider models of collaboration for your own use at the state and local level</li> <li>3) Implement these agreements at the state and local level to protect youth, including those who are members of more than one protected class</li> </ol>	<p>Diane Howard, Managing Attorney, National Disability Rights Network; Philip Fornaci, Staff Attorney, National Disability Rights Network; Sarah Beebe, Supervising Attorney, Disability Rights Texas</p>
<p><b>Disability and Aging, Aging and Disability</b></p>	<p>6/12/2020 2:30 PM 3:30 PM</p>	<p>Who is meeting the needs of the disability community as they age? For instance, what is the unique profile of needs and potential solutions? In addition, the likelihood of disability increases with age and by 75 many need help with at least one Activities of Daily Life. Yet, adequate housing options are lacking, discrimination against people with disabilities is widespread, and the housing with services that exists often "creams" among applicants or targets just a few functional needs. This session will both review the requirements of the anti-discrimination laws, the data behind the needs, and discuss ideas for future advocacy.</p>	<ol style="list-style-type: none"> <li>1. List several types of discrimination, based on disability, that can exist within the employment context.</li> <li>2. Describe under what circumstances an individual with disabilities should request "reasonable accommodation."</li> <li>3. Recognize which disabilities elicit stereotypical stigma and reluctance to hire on the part of an employer.</li> </ol>	<p>Kenneth Shiotani, Senior Staff Attorney, National Disability Rights Network; Susan Ann Silverstein, Senior Attorney, AARP Foundation Litigation</p>

<p><b>Disability Identity and Navigating the Hiring Process</b></p>	<p>6/16/2020 1:00 PM 2:00 PM</p>	<p>More and more individuals are "owning their disability" with pride as they openly and vocally self-identify in person and through social media outlets. This may have a profound impact on potential employment opportunities. This session will explore the do's and don'ts of disclosure and will help advocates prepare beneficiaries for those inevitably challenging interview questions without setting themselves up for discriminatory claims.</p>	<p>1.List several types of discrimination, based on disability, that can exist within the employment context. 2.Describe under what circumstances an individual with disabilities should request "reasonable accommodation." 3.Recognize which disabilities elicit stereotypical stigma and reluctance to hire on the part of an employer.</p>	<p>Cheryl Bates-Harris, Senior Disability Advocacy Specialist, National Disability Rights Network; Jennifer Mathis, Director of Programs, Bazelon Center for Mental Health Law</p>
<p><b>Drafting Effective OCR Complaints</b></p>	<p>6/18/2020 4:00 PM 5:15 PM</p>	<p>"I hate OCR" is a common reaction for advocates who have filed complaints with federal offices of civil rights (OCR). OCR complaints can be an effective advocacy tool resulting in positive individual outcomes and systemic change. This session will explore strategies to make the Department of Education (Ed.) and Health and Human Services (HHS) OCR complaint process more effective, including the use of OCR complaints in response to the COVID-19 pandemic.</p>	<p>1.Recognize situations when it is appropriate to file a complaint with OCR 2.Develop a strategy to maximize the effectiveness of an OCR complaint 3.Draft effective OCR complaints 4.Influence the direction of the OCR complaint investigation after filing</p>	<p>Alison Barkoff, Director of Avocacy, Center for Public Representation; Kelly Darr, Legal Dirrctor, Disability Rights Pennsylvania; Robert Borelle, Supervising Attorney, Disability Rights California; Ron Hager, Managing Attorney, National Disability Rights Network</p>

<p><b>Due Process - (5 Sessions)</b></p>	<p>6/8/2020 6/9/2020 6/10/2020 4:00 PM 5:15 PM 6/11/2020 6/12/2020</p>	<p>This multi-session institute is designed to provide an introduction to the skills needed by attorneys and advocates who handle, or may handle, administrative hearings such as special education or vocational rehabilitation (VR) due process hearings. Through discussion, simulation and role play it will work through the stages of a due process hearing. Using a core hypothetical involving a person who is an assistive technology user, there will be both common sessions for all of the institute attendees as well as sessions specifically on preparing for a special education or a VR hearing.</p>	<ol style="list-style-type: none"> <li>1. Improve skills in these specific pre-hearing activities - legal and factual investigation, developing a theory of the case, pre-hearing conferences, and hearing requests</li> <li>2. Recognize and be able to respond to at least three of the tactics used by defendants to complicate the hearing process</li> <li>3. Improve skills in developing and delivering opening/closing statements, direct and cross examination of lay and expert witnesses, and responding to objections</li> <li>4. Be better equipped to advocate for the needs of an AT user in an administrative hearing</li> </ol>	<p>Amy Scherer, Staff Attorney, National Disability Rights Network; Erica Molina, CAP &amp; PABSS Director, Disability Rights New York; Ron Hager, Managing Attorney, National Disability Rights Network; Thomas Nichols, Legal Director, Disability Rights Arkansas; Dustin Rynders, Supervising Attorney, Disability Rights Texas</p>
<p><b>Elections, Access, and COVID-19 (1)</b></p>	<p>6/1/2020 2:30 PM 3:30 PM</p>	<p>America's electoral system is, and has always been, inaccessible for people with disabilities. Coupled with the global pandemic, elections officials are scrambling to create safe options for voting that highlight, and even exacerbate, inaccessibility in how we cast our ballots. The first segment of this institute will explore how COVID-19 is changing the way voters interact with electoral systems. Participants will hear the perspectives of elections administrators and P&amp;As in meeting the challenges of COVID-19 to ensure safe and accessible elections.</p>	<ol style="list-style-type: none"> <li>1. Describe the impact of the COVID-19 pandemic on options for voters</li> <li>2. Identify accessibility risks and opportunities in vote by mail systems</li> <li>3. List at least three ways that P&amp;As can advocate for accessible elections during the pandemic</li> </ol>	<p>David Zoellner, Managing Attorney, Protection &amp; Advocacy for People with Disabilities SC; Erin Haire, Director of Voting &amp; Outreach, Protection and Advocacy for People with Disabilities, SC; Lori Augino, Director of Elections, Office of the Secretary of State - Washington; Michelle Bishop, Voting Rights Specialist, National Disability Rights Network</p>

<p><b>Elections, Access, and COVID-19 (2)</b></p>	<p>6/1/2020 4:00 PM 5:15 PM</p>	<p>Voting from home has been increasing in popularity nationwide, as a handful of states that have all but eliminated in person voting lead the charge. Now that elections administrators find themselves tasked with ensuring the safety of voters amidst the COVID-19 pandemic, the option of voting by mail has become the solution of choice. During the second segment of this institute, hear how federal law applies to absentee and vote by mail systems, best practices for scaling up vote by mail quickly, and how vote by mail does (and does not) improve accessibility.</p>	<ol style="list-style-type: none"> <li>1. Describe the impact of the COVID-19 pandemic on options for voters</li> <li>2. Identify accessibility risks and opportunities in vote by mail systems</li> <li>3. List at least three ways that P&amp;As can advocate for accessible elections during the pandemic</li> </ol>	<p>Amber McReynolds, Chief Executive Officer, Vote at Home; Jessica Weber, Partner, Brown, Goldstein &amp; Levy, LLP; Lou Ann Blake, Deputy Executive Director, National Federation of the Blind; Michelle Bishop, Voting Rights Specialist, National Disability Rights Network</p>
<p><b>Elections, Access, and COVID-19 (3)</b></p>	<p>6/2/2020 1:00 PM 2:00 PM</p>	<p>The work of the P&amp;As is important now more than ever to ensure access to the vote as elections administrators hastily adjust their timelines and processes in reaction to the COVID-19 pandemic. In this final segment of the institute, participants will hear from P&amp;As and our allies on advocacy options for P&amp;As in their states/territories.</p>	<ol style="list-style-type: none"> <li>1. Describe the impact of the COVID-19 pandemic on options for voters</li> <li>2. Identify accessibility risks and opportunities in vote by mail systems</li> <li>3. List at least three ways that P&amp;As can advocate for accessible elections during the pandemic</li> </ol>	<p>Courtney Holthus, Advocacy Director, DisAbility Rights Idaho; Maggie Hart, Counsel, Washington Lawyers' Committee for Civil Rights; Michelle Bishop, Voting Rights Specialist, National Disability Rights Network</p>
<p><b>Enforcing Elections Accessibility</b></p>	<p>6/19/2020 11:30 AM 12:30 PM</p>	<p>The US Department of Justice (DOJ) is a primary line of defense in ensuring elections officials comply with the ADA. Hear from the DOJ how federal law applies to elections and is being enforced. The session will include Q&amp;A and opportunities to raise state-specific issues.</p>	<ol style="list-style-type: none"> <li>1. Name contacts at the DOJ Disability Rights Section working on elections access.</li> <li>2. Describe how federal access law applies to various ballot casting methods.</li> <li>3. Identify opportunities to advocate for more accessible elections.</li> </ol>	<p>Charlotte Lanvers, Trial Attorney, USDOJ; Elizabeth Johnson, Trial Attorney, USDOJ; Michelle Bishop, Voting Rights Specialist, National Disability Rights Network</p>

<p><b>Ensuring In-Home Services for Children with Medically Fragile Conditions</b></p>	<p>6/19/2020 2:30 PM 3:30 PM</p>	<p>P&amp;As are having success litigating cases to improve access to in-home nursing services (e.g., private-duty nursing) for children with medically fragile conditions. However, the formulation of these cases raises numerous issues, including the interplay between Medicaid (EPSDT and reasonable promptness), disability laws (ADA/504/1557), and notice and hearing rights (constitutional and statutory). Class certification/definition and the nature of relief can also be challenging. This session will explore these issues from a case conduct perspective, using a hypothetical situation involving a group of children with medically fragile conditions.</p>	<ol style="list-style-type: none"> <li>1. Articulate potential claims for accessing in-home nursing for kids and case precedent in this area</li> <li>2. Identify strategies for avoiding potential pitfalls with legal claims to access in-home services for kids</li> <li>3. Develop a litigation plan for accessing in-home supports for kids</li> </ol>	<p>Amitai Heller, Staff Attorney, Advocacy Center; Elizabeth Prialux, Senior Disability Legal Specialist, National Disability Rights Network; Jane Perkins, Legal Director, National Health Law Program; Sarah Somers, Managing Attorney, National Health Law Program</p>
<p><b>Financial Needs Issues and VR: Questions and Answers</b></p>	<p>6/4/2020 2:30 PM 3:30 PM</p>	<p>The application of a Financial Needs Test is a critical step in the VR process because it determines how much a client must contribute to the cost of services. But, there is often much confusion among attorneys, advocates and VR agencies about the correct implementation of this step. This session will address these issues from a variety of angles using both the federal regulations and case scenarios.</p>	<ol style="list-style-type: none"> <li>1. Describe the process that VR agencies must follow when implementing a Financial Needs Test</li> <li>2. Describe why the role of SSI/SSDI beneficiaries in this process is distinctly different</li> <li>3. Apply the principles discussed throughout the presentation to specific case scenarios</li> </ol>	<p>Amy Scherer, Staff Attorney, National Disability Rights Network; Ron Hager; Managing Attorney, National Disability Rights Network</p>
<p><b>Guardianship &amp; The Right to Vote</b></p>	<p>6/10/2020 2:30 PM 3:30 PM</p>	<p>This breakout session will explore how state laws around guardianship and voter competency impact the right to vote for people with intellectual disabilities and mental illness, as well as opportunities for P&amp;As to advocate for people with disabilities to retain the right to vote.</p>	<ol style="list-style-type: none"> <li>1. Locate and analyze voter competency laws that impact the right to vote at the state level</li> <li>2. List resources available to P&amp;As, voters, and their families to protect the right to vote</li> <li>3. Identify opportunities for individual and systems advocacy to protect the right to vote, particularly for autistic and other underrepresented voters</li> </ol>	<p>Fred Nisen, Supervising Attorney for Voting Rights, Disability Rights California; Julia Bascom, Executive Director, Autistic Self-Advocacy Network; Michelle Bishop, Voting Rights Specialist, National Disability Rights Network; Morgan Whitlatch, Legal Director, Quality Trust for Individuals with Disabilities</p>

<p><b>Implementing Lessons Learned from SDM Pilot Projects</b></p>	<p>6/9/2020 2:30 PM 3:30 PM</p>	<p>The use of Supported Decision Making (SDM) continues to progress across a number of states as an alternative to guardianship and conservatorship. Based on the results of several SDM pilot projects, participants will be able to identify the key legal and practical elements necessary for SDM to succeed. Participants will develop advocacy strategies to expand the use of SDM by persons with intellectual and mental health disabilities, and reduce the number of plenary guardianship/conservatorships within their state.</p>	<ol style="list-style-type: none"> <li>1. Describe how SDM can prevent a guardianship through the outcomes learned from pilot projects.</li> <li>2. Formulate a legal and advocacy strategy to increase the use of SDM in your state</li> <li>3. Discuss new ideas to expand the use of SDM for persons with disabilities at risk of guardianship/conservatorship</li> </ol>	<p>Cathy Costanzo, Executive Director, Center for Public Representation; David Hutt, Deputy Executive Director for Legal Services, National Disability Rights Network; Morgan Whitlatch; Legal Director, Quality Trust for Individuals with Disabilities</p>
<p><b>Legal Directors Meeting - (3 Sessions)</b></p>	<p>6/15/2020 1:00 PM 2:00 PM 2:30 PM 3:30 PM 4:00 PM 5:15 PM</p>	<p>Protection and Advocacy legal managers face complex challenges to provide leadership for P&amp;A legal and litigation strategies, while ensuring the delivery of quality legal advocacy services. The annual Legal Director's Meeting provides a setting for senior P&amp;A legal managers (including legal directors, litigation directors, managing and senior supervisory attorneys) to participate in facilitated discussions with peers. This year's half day remote meeting, while smaller in scope, provides a unique opportunity for the entire network to share common concerns, explore strategies regarding emerging issues and common P&amp;As, and work collectively to advance the mandate of the P&amp;A network.</p>	<ol style="list-style-type: none"> <li>1. Recognize recent challenges in Olmstead litigation involving choice and ways to address such challenges</li> <li>2. Discuss disability rights initiatives with federal enforcement partners including the Department of Justice Disability Rights Section</li> <li>3. Identify techniques and opportunities for the recruitment and retention of qualified attorneys</li> </ol>	<p>David Hutt, Deputy Executive Director for Legal Services, National Disability Rights Network; Cathy Costanzo, Executive Director, Center for Public Representation; Steven Schwartz, Executive Director, Center for Public Representation; Rebecca Bond, Chief, USDOJ, Disability Rights Section</p>

**Olmstead and Choice**

6/10/2020 4:00 PM 5:15 PM

Choice will be explored from numerous angles. First, how to ensure that planning and preparations prior to moving to community settings work to achieve individual choice and that choice is maintained once in the community. Second, we will discuss the politics of choice and how P&As can prepare for this threat. Specifically, using the words of choice to subvert community integration into choice to remain in a segregated setting.

1. Recognize the numerous sides of "choice" that P&As are challenged with when helping individuals move to appropriate community settings
2. Develop strategies to achieve individual's choices during the transition planning process
3. Describe how to use the HCBS settings rule to achieve choice for individuals living in community settings
4. Respond to the "politics of choice" - the heavy influence of groups who subvert the "choice of community based options into the choice to remain in segregated settings"

Cathy Costanzo, Executive Director, Center for Public Representation;  
Elizabeth Priaulx, Senior Disability Legal Specialist, National Disability Rights Network;  
Steven Schwartz, Executive Director, Center for Public Representation

<p><b>Olmstead in States without Large Institutions</b></p>	<p>6/11/2020 2:30 PM 3:30 PM</p>	<p>Discuss effective efforts to document and analyze concerns of people with mental health conditions held up in emergency departments and inpatient psychiatric units, and other units as well, despite being appropriate for less restrictive, community-based care. Vermont has limited large institutions to place people in and has a reputation for a robust community-based service system, however still people are unnecessarily institutionalized due to lack of capacity in the community to properly support them. Disability Rights Vermont's effort to publicize their fact finding initiative, work with stakeholders and experts, and plan to issue a report that may lead to litigation, will all be discussed with an eye towards replicating this initiative in other states and territories.</p>	<p>1. Articulate the concerns facing people with disabilities stuck in psychiatric units of hospitals, Emergency Departments, and restricted residential programs because of lack of adequate community supports in state's without large institutional capacity  2. Develop strategies to effectively intervene on individual cases as well as systemically in order to prevent unnecessary institutionalization  3. Consider whether strategies used in Vermont would also work in your state</p>	<p>AJ Ruben, Supervising Attorney, AJ Ruben Disability Rights Vermont; Elizabeth Priaulx, Senior Disability Legal Specialist, National Disability Rights Network; Jennifer Mathis, Director of Programs, Bazelon Center for Mental Health Law</p>
<p><b>Olmstead Litigation in Nursing Facilities</b></p>	<p>6/16/2020 4:00 PM 5:15 PM</p>	<p>P&amp;As are having great success moving people from nursing facilities into appropriate integrated community settings. However, there are many potential pitfalls during the process and litigation requires careful planning to survive challenges to class certification, challenges of fundamental alteration, and more. Speakers will review current Olmstead litigation in this area and discuss how to design and implement a litigation plan to anticipate and respond to these pitfalls.</p>	<p>1. Describe likely challenges to Olmstead litigation in nursing facilities  2. Analyze recent Olmstead caselaw and how it impacts your P&amp;As litigation plans  3. Prepare an Olmstead litigation plan that avoids some of the common Olmstead defenses</p>	<p>Elizabeth Priaulx, Senior Disability Legal Specialist, National Disability Rights Network; Mark Murphy, Senior Attorney, Center for Public Representation; Steven Schwartz, Executive Director, Center for Public Representation</p>

<p><b>P&amp;A Advocacy and the HCBS Settings Rule</b></p>	<p>6/18/2020 1:00 PM 2:00 PM</p>	<p>In March 2019, CMS revised its guidance on implementation of the Medicaid HCBS Settings Rule, particularly around identifying residential and employment settings that are presumptuously institutional and evaluating whether those settings can overcome the presumption and meet all of the Rule's requirements. The new guidance specifically mentions P&amp;As and long-term care ombudsman and elevates the role they have in the "heightened scrutiny" process for evaluating whether residential and employment settings meet HCBS rule requirements. Speakers will explain the new guidance, identify its implications for P&amp;As, and offer tips for P&amp;As to conduct reviews and prepare comments to the state.</p>	<ol style="list-style-type: none"> <li>1. Describe the requirements of the heightened scrutiny process and the special role of the P&amp;As</li> <li>2. Identify presumptively institutional settings in your state that should be submitted for a heightened scrutiny review</li> <li>3. Develop strategies for reviewing state heightened scrutiny evidence packets and identifying concerns that the P&amp;A should send in comments to their state</li> </ol>	<p>Elizabeth Priaulx, Senior Disability Legal Specialist, National Disability Rights Network; Alison Barkoff, Director of Advocacy, Center for Public Representation; Katrina Ringrose, Staff Attorney, Disability Rights Maine</p>
<p><b>Preventing Adult Mis-Incarceration: Community Based Service Models and Advocacy for Jail Inmates</b></p>	<p>6/9/2020 2:30 PM 3:30 PM</p>	<p>This session is the result of 1) work completed at last year's annual conference, 2) feedback from conferees and network members since the conference, 3) feedback on the Ford and Vera grant project. People with disabilities often encounter police and enter the criminal justice system due to behavior related to a lack of treatment or a failure on the part of a service system. These individuals are "Mis-incarcerated." P&amp;As encounter mis-incarceration cases at the individual and systemic level and in all steps in the continuum - arrest, detention/jail, processing, adjudication, incarceration, release planning, and re-entry among others. This session will provide information intended to help P&amp;As work to prevent the mis-incarceration cycle.</p>	<ol style="list-style-type: none"> <li>1. Identify factors that lead to over- and mis-incarceration of people with disabilities.</li> <li>2. Develop comprehensive understanding of the disproportionate impact of mis-incarceration on people of color with disabilities and on people with mental illness diagnoses o</li> <li>3. Participants will learn about strategies for elevating community programming and interventions to limit mis-incarceration of people with disabilities</li> </ol>	<p>Aaron Fischer, Disability Rights California Mark Murphy, Senior Attorney, Center for Public Representation; Philip Fornaci, Staff Attorney, National Disability Rights Network; Steven Schwartz, Executive Director, Center for Public Representation;</p>

<p><b>Promising Practices in Fair Housing</b></p>	<p>6/10/2020 1:00 PM 2:00 PM</p>	<p>The Fair Housing Act governs the rights of people with disabilities in housing. This session will provide an overview of basic coverage and protections as well as discuss some emerging issues in fair housing law for people with disabilities.</p>	<ol style="list-style-type: none"> <li>1. Review the various laws and regulations related to the Fair Housing Act</li> <li>2. Discuss recent developments in both regulatory schemes and in case law that relate to housing</li> <li>3. Identify implications of the Fair Housing Act and its associated case law and how this could assist in advocacy for persons with disabilities</li> </ol>	<p>Kenneth Shiotani, Senior Staff Attorney, National Disability Rights Network; Susan Ann Silverstein, Senior Attorney, AARP Foundation Litigation</p>
<p><b>Protecting Student Rights In An Atmosphere of Fear</b></p>	<p>6/10/2020 2:30 PM 3:30 PM</p>	<p>P&amp;As are addressing a new rash of school removals of students with disabilities, due in part to abuse of the Threat Assessment processes put in place after the school shooting in Parkland, Florida. Other disability-related concerns that stem from school hardening techniques include physical barriers that are not accessible, social media monitoring, registries, and anonymous tipping.&amp;nbsp; Join this session to learn what P&amp;As are doing and can do to fight back.</p>	<ol style="list-style-type: none"> <li>1. Understand the ways in which school shootings have changed the landscape of civil rights protections for students</li> <li>2. Develop skills to advocate for children who are members of more than one protected class and who encounter rights violations related to this change</li> <li>3. Develop advocacy skills on behalf of individual students and groups of students who have experienced rights violations</li> </ol>	<p>Dan Stewart, Legal Director, Minnesota Disability Law Center; Diane Howard, Managing Attorney, National Disability Rights Network; Jennifer Mathis, Director of Programs, Bazelon Center for Mental Health Law</p>
<p><b>Responding to Illegal Restraints</b></p>	<p>6/12/2020 2:30 PM 3:30 PM</p>	<p>A core P&amp;A requirement is the ability to identify and respond to a physical or chemical restraint of a person with a disability which fails to comply with applicable laws. Participants will learn to create a strategy on how to respond to the use of restraints once identified as a potential abuse and neglect issue.</p>	<ol style="list-style-type: none"> <li>1. Design a plan to monitor and investigate for physical and criminal restraints.</li> <li>2. Recognize the use of certain restraints as violations of applicable laws.</li> <li>3. Create strategies to address restraints which fail to comply with applicable laws</li> </ol>	<p>David Boyer, Managing Attorney, National Disability Rights Network; David Hutt, Deputy Executive Director for Legal Services, National Disability Rights Network; Philip Fornaci, Staff Attorney, National Disability Rights Network; Liz Logsdon, Managing Attorney, Disability Rights California; Beth Mitchell, Supervising Attorney, Disability Rights Texas</p>

**Service Animals**

6/11/2020 4:00 PM 5:15 PM

Issues involving service animals and other assistance animals continue to be a common issue for people with disabilities who have them. The U.S. Department of Transportation has proposed new regulations under the Air Carrier Access Act and the U.S. Department of Housing and Urban Development is proposing new policies for animals in housing.

1. Discover the details and complexities of the law, regulations and agency guidance concerning service animals in different situations.
2. Analyze the new proposed regulations under both the Air Carrier Access Act and the new HUD fair housing guidance.
3. Process how the changes in these laws will impact P&A clients and other people with disabilities.

Heather Ansley, Associate Executive Director of Government Relations, Paralyzed Veterans of America;  
Kenneth Shiotani, Senior Staff Attorney, National Disability Rights Network;  
Lynn Grosso, Director of Enforcement, Office of Fair Housing and Equal Opportunity, HUD

<p><b>Special Education in the Time of COVID-19</b></p>	<p>6/16/2020 4:00 PM 5:15 PM</p>	<p>During this extraordinary time of universal school closings due to the COVID pandemic, we have seen some schools doing some extraordinary work to meet the needs of students with disabilities. On the other hand, we have also seen some school districts fall far short in their efforts, such as:</p> <ul style="list-style-type: none"> <li>-providing no services out of a false sense that this would shield them from liability</li> <li>-failing to meet needs based on a variety of factors such as providing minimal services, failing to provide appropriate accommodations or not accounting for the lack of technology access</li> <li>-compelling parents to sign waiver forms before providing services</li> <li>-fast IEP changes without true parental consent</li> <li>-inventing new rules, unsupported in the law, such as modifying the FAPE standard and the definition of compensatory education.</li> </ul> <p>This session will explore these issues and the steps P&amp;As can take to address them. It will also look at steps to take as students return to school, including addressing compensatory education needs, and making sure students are prepared to re-acclimate to in-school learning.</p>	<p>At the end of this session, participants will:</p> <ol style="list-style-type: none"> <li>1. Identify at least three strategies to address school district failures to meet the needs of students with disabilities.</li> <li>2. Name at least 3 other advocacy groups with whom to coordinate to address the needs of students with disabilities as a result of COVID.</li> <li>3. List 3 steps necessary to develop an action plan to ensure school districts are adequately prepared to address student needs when they return to school.</li> </ol>	<p>Amanda Hess, Equal Access Team Attorney, Protection and Advocacy for People with Disabilities, SC;  Karen Rosenberg, Senior Staff Attorney, Disability Rights Center NH;  Ron Hager, Managing Attorney, National Disability Rights Network</p>
<p><b>Supreme Court and Circuit Court Update</b></p>	<p>6/30/2020 2:00 PM 3:15 PM</p>	<p>This session provides an overview of Supreme Court decisions from the current term and recent Circuit Court decisions. Cases focus on disability and related civil rights, as well as access issues to the federal courts that impact litigation on behalf of people with disabilities.</p>	<ol style="list-style-type: none"> <li>1. Discover new developments in the law based on Supreme Court and Circuit Court decisions from the past year.</li> <li>2. Assess the effects that these cases have on the present and future of advocacy for persons with disabilities.</li> <li>3. Identify potential difficulties in the ability of people with disabilities to access the court system.</li> </ol>	<p>Samuel Bagenstos, Professor, University of Michigan Law School;  Kenneith Shiotani, Senior Staff Attorney, National Disability Rights Network</p>

<p><b>Tackling Medicaid Waiver Cuts and Waiting Lists: Part 1</b></p>	<p>6/2/2020 2:30 PM 3:30 PM</p>	<p>This Institute will be covered in four 60 minute webinars and will help P&amp;As tackle two common waiver problems in states across the nation - cuts in waiver eligibility and services and intractable waiver waiting lists. P&amp;As who have used policy and the courts will discuss policy options and considerations pre and during litigation. Part 1 will cover identifying the problems and the challenges from navigating a system made up of multiple and overlapping authorities; sources of data; use of reports, media and grassroots.</p>	<p>1. Identify common waiver litigation issues and potential claims 2. Evaluate the pros and cons of potential claims 3. List strategies for overcoming Medicaid and ADA defenses</p>	<p>Amitai Heller, Staff Attorney, Advocacy Center; Elizabeth Prialux, Senior Disability Legal Specialist, National Disability Rights Network; Elizabeth Edwards, Senior Attorney, National Health Law Program; Jane Perkins, Legal Director, National Health Law Program; Lisa Grafstein, Attorney, Disability Rights North Carolina; Sarah Somers, Managing Attorney, National Health Law Program</p>
<p><b>Tackling Medicaid Waiver Cuts and Waiting Lists: Part 2</b></p>	<p>6/2/2020 4:00 PM 5:15 PM</p>	<p>This Institute will be covered in four 60 minute webinars and will help P&amp;As tackle two common waiver problems in states across the nation - cuts in waiver eligibility and services and intractable waiver waiting lists. P&amp;As who have used policy and the courts will discuss policy options and considerations pre and during litigation. Part 2 will cover common litigation issues, among them limits and access and the interplay between Medicaid &amp; ADA.</p>	<p>1. Articulate the issues that lead to service cuts and waiting lists; 2. List sources of data on service cuts and waiting lists; 3. Identify the use of, and potential limitations of, reports, media and grassroots.</p>	<p>Amitai Heller, Staff Attorney, Advocacy Center; Elizabeth Prialux, Senior Disability Legal Specialist, National Disability Rights Network; Elizabeth Edwards, Senior Attorney, National Health Law Program; Jane Perkins, Legal Director, National Health Law Program; Lisa Grafstein, Attorney, Disability Rights North Carolina; Sarah Somers, Managing Attorney, National Health Law Program</p>

<p><b>Tackling Medicaid Waiver Cuts and Waiting Lists: Part 3</b></p>	<p>6/3/2020 2:30 PM 3:30 PM</p>	<p>This Institute will be covered in four 60 minute webinars and will help P&amp;As tackle two common waiver problems in states across the nation - cuts in waiver eligibility and services and intractable waiver waiting lists. P&amp;As who have used policy and the courts will discuss policy options and considerations pre and during litigation. Part 3 will cover due process issues, such as what constitutes a request; lack of notice; enforceability issues; and discouragement.</p>	<p>1. Assess whether clients have received appropriate notice and appeal information; 2. Develop strategies for responding to enforceability challenges; 3. Draft pleadings that avoid common defenses</p>	<p>Amitai Heller, Staff Attorney, Advocacy Center; Elizabeth Prialux, Senior Disability Legal Specialist, National Disability Rights Network; Elizabeth Edwards, Senior Attorney, National Health Law Program; Jane Perkins, Legal Director, National Health Law Program; Lisa Grafstein, Attorney, Disability Rights North Carolina; Sarah Somers, Managing Attorney, National Health Law Program</p>
<p><b>Tackling Medicaid Waiver Cuts and Waiting Lists: Part 4</b></p>	<p>6/3/2020 4:00 PM 5:15 PM</p>	<p>Part 4 of this four part webinar series will cover developing a litigation plan. Topics include identifying the outcomes you want; choice of forum; exploring remedies; review of existing settlements and caselaw; and litigation issues certain to arise.</p>	<p>1. Be able to develop a litigation plan; 2. Evaluate pros and cons of various remedies, plaintiffs and forums; 3. List strategies for responding to defenses related to class cert; enforceability; and termination of consent decrees and substantial compliance.</p>	<p>Amitai Heller, Staff Attorney, Advocacy Center; Elizabeth Prialux, Senior Disability Legal Specialist, National Disability Rights Network; Elizabeth Edwards, Senior Attorney, National Health Law Program; Jane Perkins, Legal Director, National Health Law Program; Lisa Grafstein, Attorney, Disability Rights North Carolina; Sarah Somers, Managing Attorney, National Health Law Program</p>

<p><b>The Americans with Disabilities Act in Prison</b></p>	<p>6/4/2020 4:00 PM 5:15 PM</p>	<p>Although Pennsylvania Department of Corrections v. Yeskey was decided in 1998, many prisons and jails continue to fail to meet the requirements of the Americans with Disabilities Act. This session will outline the requirements of the ADA as it applies to correctional settings, strategies to respond to common defenses and discussion about how advocates can ensure that individuals with disabilities who are incarcerated have access to programs and services by discussing hypothetical issues for group consideration.</p>	<p>1)Identify the requirements under the Americans with Disabilities Act as it applies to correctional facilities to ensure individuals with disabilities who are incarcerated have access to programming and a method to request accommodations.  2)Determine whether a request for accommodation is a valid ADA request or a medical care request and evaluate how to address those requests.  3)Evaluate the impact of an aging prison population on a correctional system, specifically as it concerns the clustering of individuals with disabilities within facilities.</p>	<p>Ashley Austin, Staff Attorney, Alabama Disabilities Advocacy Program;  Diane Howard, Managing Attorney, National Disability Rights Network;  Philip Fornaci, Staff Attorney, National Disability Rights Network;  Samantha Reed, Staff Attorney, Equip for Equality;  William Van Der Pol, Jr., Senior Trial Counsel, Alabama Disabilities Advocacy Center</p>
<p><b>When the P&amp;A is the Plaintiff: Issues Related to Standing</b></p>	<p>6/9/2020 4:00 PM 5:30 PM</p>	<p>P&amp;As are often called upon to act as the plaintiff in impact litigation. While there are benefits to this use of standing, there are also risks. Speakers will focus on these risks and benefits, especially in light of recent decisions. Topics will focus on legal strategy and will include organizational vs. representational standing, mootness, and the use of additional plaintiffs. Lastly, speakers will discuss depositions of the organizational representative.</p>	<p>1. Analyze the benefits and risks of using P&amp;A organizational standing  2. Assess various advocacy opportunities with respect to the effectiveness of P&amp;A standing  3. Discover various ways that P&amp;As have used organizational standing</p>	<p>David Boyer, Managing Attorney, National Disability Rights Network;  Lisa Grafstein, Attorney, Disability Rights North Carolina;  Ronald Lospennato, Director of Legal Services &amp; Litigation, Advocacy Center;  William Van Der Pol, Jr., Senior Trial Counsel, Alabama Disabilities Advocacy Center</p>