

Suffolk University School of Management

PAD 834 Public Service Law: Legal Environments of Disability and Public Policy

Fall-winter, 2013-3014

Fridays 1:30-5pm

Instructors: Jim Gleason, Lee Vorderer
Email: James.gleason@umassmed.edu 774-455-4030
Lee.Vorderer@umassmed.edu 781-275-5230

Office Hours: Generally Fridays before and after class. By appointment.

Course Overview and Purpose:

The purpose of this course is to provide an opportunity to examine and understand the legal processes, public policy and social issues that affect the lives of persons with developmental disabilities and their families. With an understanding of local, regional, state, and national forces and trends, practitioners and future leaders in the field of developmental disabilities will have improved capacity to assist persons with disabilities and their families in achieving desired goals and outcomes. Our ability to provide effective leadership, support and assistance is dependent upon a broad and thorough understanding of laws, regulations, and their implementation by public and private organizations attempting to serve persons with disability, and the role that law can play in facilitating (or frustrating) the goals of health care institutions, social institutions, and service providers. Current and future services to persons with disability and their families must respect and support principles of self-determination and maximum participation of persons with disability in planning, and implementation. During the course, we'll analyze the Context, Constituency Activities, Principles and Ideas, Actors and Institutions, Media Presentations, Research and other factors in the development of law, public policy and practice on the lives of families and children with disability.

Throughout this course, we will examine many aspects of public policy/practice in the lives of families and children with developmental disabilities, including the evolution and current discussions about the definition of disability, developmental disability and mental retardation; legislation that has provided for civil rights in public access, employment, education and health; the issues that people with disabilities feel are most important at the current time; and the factors that came together to achieve success in the past. We'll have the benefit of speakers from the disability field who will help guide our thinking about the legal environment in which disability policy and legislation develops.

This course is designed to provide learning opportunities through class discussion and interaction with guest presenters who are leaders in the field, preparation of class papers and presentations.

Course Objectives: Upon completion of this course, you will be able to:

- Describe key pieces of legislation impacting the rights and opportunities of persons with disability, why these laws were needed, and how these have impacted the lives of persons with disability.
- Describe limitations in the legal process in relation to laws, policies and regulations affecting the lives of persons with disability.
- Advocate for improvements in public policy that will have an impact on people with disability

- Evaluate influences in the public policy process to understand why some bills or regulations expire, are not passed, or implemented.

LEND competencies addressed in this course:

Competency
2. Display effective interpersonal leadership skills
3. Use research findings to inform practice and policy
4. Describe social, economic, and political forces that influence past and current social and medical services and supports
5. Consider the ethical dilemmas inherent in human services, science and/or technology fields
7. Identify services/supports gaps from a child-family/consumer point of view
8. Analyze organizational behavior to achieve desired goals
11. Discuss interaction between legislation, policy, practice, and resources
12. Use working knowledge of disability law to promote policy and practical change
15. Explain Healthy People 2020 goals and objectives and their roles in comprehensive care for children with neurodevelopmental disabilities.
17. Describe elements of strategic and long-range planning, including financial and human resources management, program planning, and evaluation.
19. Identify your own ethics and values
20. Write and speak effectively for a variety of audiences
21. Engage in team building activities and promote team development and collaboration

Course Requirements:

1. **Participation in class.** Each class provides the opportunity to interact with and discuss important issues with fellow class participants, class instructors and guest presenters. Guest presenters will also bring their insights in to their leadership experiences and future leadership challenges. We'll take time each week to examine the leadership aspects of the issues. It is expected that each fellow will both initiate and respond to issues that are raised on a regular basis. *30% of the grade reflects participation.*
2. **The Morning report: Reading the newspaper or other news sources (your choice) and reporting on your legislative work**– Each week, wander through your favorite newspapers, looking for material about legislation affecting the civil rights of people with disability and related issues. Come to class prepared to share any articles that you find, giving a very short -3 minute summary. In working with your legislator(s), this first part of each class provides a place for you to report to us all about what kinds of connections you are making, issues you are involved with, or work you are doing as you continue the legislative connections you built during US Health Systems.
3. **Completing two Public Policy Analyses of current legislative topics, examining how it affects families and children with disability. Thinking from different point of view:** Good leaders are able to appreciate the motivations of others with differing or opposite points of view. They also have to be thoroughly familiar with the issues involved and be able to work with others around those issues. Throughout this course, Fellows will be asked to think about a range of legal and policy issues from positions (political and otherwise) that may be unfamiliar and to share comments in classes that represent those points of view. Fellows will also collaborate in teams to learn about legislation. Here's how it will work:

- a. Each fellow will be looking in detail at two pieces of legislation as assigned in class, one a piece of legislation at the state level and one a national (or possibly international if you have a team and can make a compelling case for it) piece of legislation. State legislation will be the focus on the first four weeks of the class. For state legislation, you can check out bills that your legislators are sponsoring, bills that local advocacy organizations (like ARC/MA and the DD Council) are involved in, or any bills that address a particular interest of your own. While each bill should have a disability connection, it is not required that the bill only address disability; for example, you may focus on a housing bill, a component of which relates to housing for people with disability. **Each fellow is expected to attend at least one hearing of a bill, either the one the team is working on (best case) or another disability related bill, during the course.** This will give each fellow personal experience with the way information about bills is presented, and the way legislators and their aides respond to material provided at a hearing. If appropriate, fellows are encouraged to offer testimony as well.

For the last half of the course, fellows will focus at the federal level. While it may not be possible to talk with the legislators involved in your bill/legislation, please plan to try to connect with an aide or at least find all the material you can to read about what's going on. A good place to start looking at federal legislation is the AUCD website, the section that addresses federal legislative issues. (<http://www.aucd.org/template/page.cfm?id=27>). You should also feel free to gather information at the state level about your federal issue, perhaps with your local members of Congress, with local advocates, etc.

- b. Fellows will work on legislation in teams. Each fellow will be assigned to two teams (one with a state focus, one with a federal focus), and each team will be made up of three people (or two if absolutely necessary). Our expectation is that the team assignment will give each fellow a chance to broaden his or her legislative knowledge; it should also give each fellow experience making and working in functional teams. We'll be creating the teams in class, **Dec 20, 2013**.
- c. In the course of learning about your issue/legislation, each team will be expected to pull together information about the history of the legislation or bill to create a context for the other information you'll be collecting. Please plan to assess a variety of political points of view/agendas (as relevant) about the bill/legislation: Democratic, Republican, Green, Libertarian, (other?). Insofar as possible, strive to learn about various issues directly from appropriate political source materials. Also, teams should seek to understand the points of view of supporters/advocates for the issue/legislation, as well as the points of view of opponents. The final element of your work should include the impact or effect of this issue/legislation on the lives of people with disability.

4. **Sharing what you learn: Presentations to the LEND Program:** For class five and class ten, (Jan 24 and March 7), teams will make presentations to the other LEND Fellows about one of the pieces of legislation/issues they've been studying. Teams will present a piece of work at the state level on Jan 24, and teams will present a piece of federally focused work on Mar. 7. The first set of presentations should be about 20 minutes long (Jan 24) and should include about 10 slides; the second set of presentations should each be about 45 minutes long (Mar 7) , with appropriate handouts, visual aids (about 15 slides to tell the story), etc. The presentation should cover these areas:

- A general presentation of the issue/ legislation, giving history where appropriate, and explaining why the legislation/issue is important to people with neurodevelopmental and related disabilities and their families or to the service provider community.
- A comparison of supporter/opponents (and if relevant, political party) viewpoints about the legislation or issue, as informed by our work and the team's explorations during the semester, along with indications of sources of information where relevant
- The team's suggestions for resolving the issue or moving the legislation forward. These suggestions should reflect the concerns that were raised in the general part of the presentation, along with reflecting concerns opponents/other parties might have about specific components of the issue/legislation.
- A review of at least 2 court decisions or case law descriptions that speak to court decisions related to this topic, if any.
- *If you plan to use PowerPoint, you should prepare a handout of your PowerPoint slides. If you are not using PowerPoint, please prepare a handout listing the major points of your presentation. Audience members find this helpful.*

Topics may include: housing, employment, welfare and benefits, civil rights, estate planning, education early intervention, The Able Act, Combating Autism Act, Medicaid, as well as others that are of interest to you.

Feedback: Each team will receive feedback about the presentation, both in terms of the information included and the way it was presented. Presentation skills are an important part of your leadership toolkit, and we want to be sure that you have an opportunity to hone these skills during this course.

5. **Readings:** Some classes will require reading of handout materials provided the week before the topic date. We are working with guests to provide materials to us in advance, so that you'll have them before any guest presentation. At some time during this class, please take time to read about specific pieces of legislation, as follows: The Americans with Disabilities Act, The Individuals with Disabilities Education Act (Part C – 10/19, Part B), Section 504 of the Rehabilitation Act of 1973. This is considered basic information for all of the fellows, even if teams end up addressing these topics in their presentations, we'd like everyone to be familiar with what these three laws require.

The following websites may be of assistance.

ADA:	http://www.state.ma.us/mod/MSDISLAW.html#ADAgeneral http://www.usdoj.gov/crt/ada/adahom1.htm
AUCD Public Policy:	http://www.aucd.org/template/page.cfm?id=27
DD Act:	http://www.acf.hhs.gov/programs/add/ddact/DDACT2.html
IDEA	http://www.aucd.org/template/page.cfm?id=479
Rehab. Act of 1973:	http://www.ed.gov/policy/speced/reg/narrative.html
*Thomas	http://thomas.loc.gov/
U.S. Dept. of Justice	http://www.usdoj.gov/crt/ada/cguide.htm

Guides to Becoming Effective Disability Policy Change Agents, By Bobby Silverstein,
http://www.bcm.edu/ilru/html/publications/bookshelf/change_agents.html

* THOMAS is the Federal government's legislative tracking service. From here you can download the text of bills (search by bill number or by text), search the congressional record or committee reports.

There are three texts that we both find very helpful and recommend to you, as sources of general information about legislation and the legislative process. There is a copy of each in the Library area:

Kingdon, J.W. (2003). *Agendas, alternatives, and public policies*. New York: Longman Classics.

McDonough, J. E. .(2000). *Experiencing politics*. Berkeley, CA: University of California Press.

Stone, D. (2002). *Policy paradox: The art of political decision making*. New York: W Norton Company.

Grading:

Your final grade for this course will reflect your participation in class and the quality of your work. The weights of various aspects of the work will be as follows:

Participation = 30%. This is based on the effort you put in to the class and the quality of your contributions. The volume or number of comments is not important. Concise and thoughtful comments and questions are appreciated.

Presentation on Public Policy Analysis =70% (or 35% for each presentation)

Presentation criteria for grading:

- Presenter stayed within the timelines given.
 - Handouts were clear, useful and complete.
 - Media were relevant, useful, useable by the audience, and contributed to the content.
 - All of the topic areas were addressed (if there is no content in an area, identify why).
 - Time for questions and answers is budgeted.
 - Information is presented clearly.
 - Main issues are covered.
- (and Jim and Lee will do an assessment of each team member's presentation style)

Grading:	Numerical	Letter	Meaning	Grade Point Score
	95-100	A	Exceptional Work	4.0
	90-94	A-	Excellent Work	3.7
	87-89	B+	Good Work	3.3
	84-86	B	Acceptable Work	3.0
	80-83	B-	Less than acceptable work	2.7
	75-79	C+	Less than acceptable work	2.3
	Below 75	F	Failure	0.0

NOTE: Due dates for all assignments are real. Unless prior arrangements are made with Jim and/or Lee, late submissions of work will not be accepted and will receive no credit. Incompletes will *only be given* under special circumstances (e.g. illness, family crisis) with prior approval of the instructors.

Policy on Plagiarism and Academic Dishonesty

Sadly, Suffolk has had several recent problems with plagiarism. Some were clearly intentional; others a result of not understanding what plagiarism is.

All references must be properly noted. Suffolk has adopted the APA style as the format for references. If you are not sure of this style, purchase the APA guide on this, go to the APA website, or ask for a copy of materials used in our introductory courses.

Plagiarism also includes but is not limited to submission of:

- a work by another author;
- a work from the web;
- a substantial portion of a paper submitted for another class at Suffolk or elsewhere;
- a paper or substantial portion of a paper written for you by someone else.

Sharing of ideas, review of grammar and editing by others of your work is encouraged, particularly if your English writing is weak.

If in doubt, check with the professor. Penalties can be as great as expulsion from the university and the Shriver program!

Special Needs:

Suffolk University and the E.K. Shriver Center, University of Massachusetts Medical School are dedicated to full university education for all its students and is prepared to ensure that all students have access to needed services. Students needing accommodation should let the instructor(s) know their needs by the end of the second class. In order to request specific accommodations, students with physical or learning disabilities must notify and provide documentation to the Dean of students. For students for whom English is a second language, or who would like additional tutoring and other classroom assistance, the International Students' Office and the Ballotti Learning Center provide excellent supportive resources.

Required Course Materials:

The E.K. Shriver Center, University of Massachusetts Medical School, will provide copies of course readings to the LEND fellows at least one week prior to the class for which they are needed. Fellows are expected to use their own initiative to use websites and other computer based information resources to access information on the topic areas prior to each class. Specific legislation can be accessed on line and should be read prior to the assigned classes as noted above.

Class Topics, Speakers, and Assignments

Class	Date	Topic/Assignments
1	Dec 20	<p>Introduction and overview of course What is law and what does it mean to people’s daily life? What is the DD ACT/ The Combating Autism Act? What is The DD Network in MA and other states? How does a bill become a law?</p> <p>We’ll build the teams for the course.</p> <p>Assignment: Come to class with a list of three legislative topics in which you are interested, as well as thoughts about team make-up.</p>
2	Jan 3	<p>Where does law come from? Analysis of the Public Policy Process.</p> <p>We’ll begin to highlight major family/child legislation; look at definitions; discussion of current laws, as examples of the evolution of law.</p> <p>Readings and Websites: Use the Web to look up definitions of disability, developmental disability, and examine the AUCD Website</p>
3	Jan 10	<p>Public Policy and the Legislative Process: Advocacy at the state Level</p> <p>Guest: Dan Shannon, Executive Director, MDDC, Kristin Britton, Public Policy Director, MDDC. John Chappell, President of the Disability Policy Consortium, and Leo Sarkissian, Executive Director, ARC/MA, will discuss their organizations and the bills that each is interested in in this legislative session.</p>
4	Jan 17	<p>The influence of Public law Centers on public policy</p> <p>Guest: Christine Griffin, executive director, Disability Law Center Examining the issues that The Law Center is dealing with</p>
5	Jan 24	<p>First set of presentations – state legislation</p>
6	Jan 31	<p>The Federal Landscape: important disability work going on now.</p> <p>Guest: Kim Musheno, Legislative Affairs Director, AUCD (Note time: 11-2:30)</p>

- 7 Feb 7 **LEND legislative experience: The story of Massachusetts' autism bill**
- Guests:** Amy Weinstock, Judith Ursitti, and others
- Assignment:** The following is a little assignment to do in preparation for next week's class, when we're looking at special education. It's a chance to do a little exploring of the impacts state and federal law, so come to class next week having done the following, with a few little notes for yourself so you can share what you find out. What are the critical issues in special ed right now? You might visit the KCS Legal website, talk with people you know, or think about the issues that affect you and your own family.
- 8 Feb 14 **Public Policy and school policy and practice**
- Guests:** Robert Crabtree, Kotin Crabtree and Strong
Richard Robison, Executive Director, Federation for Children with Special Needs
- As prominent special education attorney, Robert Crabtree has experience with both the current state of special education and its trajectory from implementation of state and federal laws to modifications through case law and policy. As executive director of the Federation for Children with Special Needs, a parent of two young adults with special needs, and long time member of his town's School Committee, Mr. Robison brings a special perspective to the issues that parents and towns struggle with.
- 9 Feb 28 **System change: thinking about how it happens**
How does system change happen? How can it be supported? Exploring activities that promote system change, emerging from consulting with DD agencies; looking at structures within teams
- 10 Mar 7 **Second set of presentations by teams (slightly longer presentations) – legislation at the federal level**

READINGS:

Crabtree, R. Various articles from the Kotin, Crabtree & Strong Website:
<http://www.kcslegal.com/articles.html>

University of Minnesota UCEDD: Institute on Community Integration:
<http://ici.umn.edu/welcome/network.html>

Massachusetts Department of Public Health, Division for Special Health Care Needs, Target Population.

Hastings, R.P (1994). On “good” terms: Labeling people with mental retardation. Mental Retardation, 32, 363-365.

Somogyi, K.M. (1995). Letters to the Editor: Two responses to Hastings on Labeling. Mental Retardation, 33, 63.

Johnson, R.J. (1995).). Letters to the Editor: Two responses to Hastings on Labeling. Mental Retardation, 33, 63.