



DISABILITY RIGHTS TN

DISABILITY SENSITIVITY

HOW DOES IT APPLY TO ME?



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Topics to Cover

- Disability Rights Tennessee
 - Overview
 - Areas of Work
 - Services
- Training Subject Matter
 - Legal Requirements
 - Disability Etiquette

Disclaimer

- This presentation is sponsored by Disability Rights Tennessee (DRT).
- This presentation is intended to provide you with some general information about disability sensitivity issues and related legal issues. Nothing in this presentation is legal advice.
- For advice regarding a specific situation, contact your attorney.



DISABILITY RIGHTS TN

What is Disability Rights Tennessee?

Disability Rights Tennessee (DRT)

- Disability Rights Tennessee (DRT) is a statewide nonprofit legal services organization dedicated to protecting the rights of Tennesseans with disabilities.
- DRT is part of the National Protection & Advocacy System (P&A)—network of 57 federally mandated legally based disability rights agencies.
- The P&A system helps ensure compliance with federal disability rights laws.

DRT Areas of Work

- Abuse and Neglect in Institutions and Community Settings
- Access to Vocational Rehabilitation (VR) Services
- Access to Competitive Employment
- School Issues related to:
 - Appropriate Implementation of IEP's and 504 Plans
 - Appropriate Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP)
- Access to Assistive Technology
- Traumatic Brain Injury Resources
- Voting Accessibility
- Community Services
- Communication Barriers in Healthcare, Business and Government settings
- Discriminatory Policies & Practices



And then there's the law...

Legal requirements related to disability sensitivity

Two key laws that prohibit discrimination due to disability are:

Americans with Disabilities Act (ADA):

Applies to private businesses and state/local government entities

Rehabilitation Act:

Applies to federal government entities and other public and private entities which are recipients of federal funds; Interpreted the same as the ADA

Definition of disability

A mental or physical impairment....

which substantially limits one or more major life activities

OR

A history of such an impairment

OR

Regarded as having such an impairment

Disability related discrimination

It is almost always discrimination to treat someone in a different negative way solely due to his or her disability.

Example: It would likely be discrimination for a RMHI to allow all residents except those who use wheelchairs to participate in Bingo night. This would be the case even if the Bingo table is located in a building that is not accessible to wheelchairs.

The overlap...

Legal requirements meet disability discrimination

Examples:

Providing effective communication to a person with a disability is both the sensitive thing to do and required by law.

Respecting the rights of patients with mental illness to make choices about their treatment is required by law and also an example of sensitivity.

NOTE: Not everything discussed today is legally required, but being sensitive to the needs of people with disabilities will make it less likely that you will violate disability discrimination laws.



Let's talk about disability etiquette...



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Stigma

- Negative stigma attached to disability makes some people view people with disabilities as “different” or “other” and find it difficult or frightening when they begin to interact with people with disabilities.
- Media portrayals reflect negatively on those with mental illness.
- Not as much stigma exists today as in the past, but mental illness still has a high level of stigma attached to it.

Hidden disabilities

- Many disabilities are hidden disabilities meaning that we do not know someone has a disability until he or she tells us.

Examples: Mental Illness, Epilepsy, Learning Disabilities, Traumatic Brain Injury, Hard of Hearing, Visual Disability, Autism Spectrum Diagnoses

More about hidden disabilities

- Mental illness is fairly common. Approximately 1 in 4 adults (25%) have a diagnosable mental illness. (*The Numbers Count: Mental Disorders in America*, National Institute of Mental Health, 2006)
- People with mental illness usually do not identify as people with disabilities. They are protected by disability rights laws anyway.

People First Language

Remember...

- people with disabilities are first and foremost PEOPLE!
- language is important when we talk about disabilities and people with disabilities.
- People First Language ensures the person is emphasized first, not his or her disability.
- People First Language helps us avoid using outdated or negative terms such as “handicapped,” “disabled,” and “crazy”

Understanding people first language

People First Language (Describes)

- Person with a disability
- People with disabilities
- Uses a wheelchair
- Has/with

Examples: Child with autism, Friend with mental illness, etc...

Language to Avoid (Defines)

- Disabled
- The handicapped
- Wheelchair bound
- Victim of/suffers from/is

Examples: Child who suffers from autism, Friend who suffers from mental illness, he is mental

Eye contact?

- It is generally polite to maintain appropriate eye contact when speaking with a person with a disability.
- Staring is rude.
- Looking away is rude.
- The rudeness of these behaviors does not change just because a person is blind.
- If possible sit down to maintain eye contact when speaking with someone in a wheelchair for more than a few minutes.

EXCEPTION: People with some disabilities such as autism or PTSD

NOTE: Take your lead from the person with a disability

Offering assistance

- Generally, it is polite to ask a person with a disability whether he/she needs assistance instead of simply assuming so and providing it.
- Asking ensures you have the person's consent, but also ensures that your "help" does not occur in a manner that is offensive or harmful to the person.

Communication etiquette

- Ask how the person communicates. Follow their lead.
- Getting attention
- Maintain eye contact
- Do not yell or slow down speech
- Use gestures as appropriate
- Speak to the individual, not the interpreter or companion

And another thing...

Shouting:

- It is not polite, nor is it generally helpful to shout at a person with a disability. A person who is deaf will not hear you no matter how loudly you shout and shouting at someone who is blind will not help that person see you any better.
- Only raise your voice when speaking to a person who is hard of hearing *IF* that person asks you to.

General communication issues

- Flexibility is important when communicating. People communicate in different ways and with different complexity. It is important to adjust your language both written and verbal to meet the individual's communication needs.
- ADA and related laws require businesses and government programs/services to provide effective communication to people with disabilities.

Communication Devices

- If a person uses a communication board or augmentative communication device, do not take those away. Removing the device is like covering someone's mouth.
- Allow patients/participants to bring communication devices along to meetings.
- Using a device can slow down communication. Be patient. Do not try to fill in the blanks.

Navigation Assistance

- Sighted guide is a technique originally developed for people who are blind. It is also useful for those with low vision who are unsure of their bearings in an unfamiliar environment.
- Always ask if any help is needed- not everyone needs or wants sighted guide assistance
- The person who is blind should always set the pace
- Give verbal cues

www.sightconnection.org/wp-content/uploads/sighted-guide.pdf

Need Help?

- Contact the Intake Team
 - 800.342.1660
 - gethelp@disabilityrightstn.org
- Be ready to answer questions about your issue
- There is no cost for services
- Your issue will be sent to the Review Team.
One of the following can happen:
 - You may receive information/referral
 - Your issue may be opened as a case

Thank You!

CONTACT US

Website: **www.disabilityrightstn.org**

Phone: **1-800-342-1660**

E-mail: **GetHelp@disabilityrightstn.org**