



Massachusetts Office on Disability

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The Massachusetts Office on Disability

The primary mission of the Massachusetts Office on Disability (MOD) is to ensure the full and equal participation of all people with disabilities in all aspects of life by working to advance legal rights, maximum opportunities, supportive services, accommodations and accessibility in a manner that fosters dignity and self determination. It is the only disability umbrella agency, serving individuals with disabilities of all ages any place in the Commonwealth.

MOD was created in 1981 under Chapter 6, Section 185 of the Massachusetts General Laws. It is an agency within, not of, the Executive Office of Administration and Finance. It is located there to ensure its independence and oversight authority, both of which assure that the unique needs of the over one million people with disabilities in MA are represented and served fairly. MOD is a low-cost, efficient organization. It has historically served as ombudsman, conscience, and critic of state government.

MOD has three major programs: Client Services, Community Services, and Government Services. It is the ADA (Americans with Disabilities Act) Coordinator for the Commonwealth.

The Client Services Program yearly assists approximately 10,000 people with disabilities of any age throughout the state, to receive services to which they are entitled to help them live as independently as possible. This program grew out of a federal Client Assistance Program (CAP) Grant which mandates that each state which has a Vocational Rehabilitation Program be monitored by a non-service providing agency. Adherence to this mandate permits the Commonwealth to be eligible for federal vocational rehabilitation and independent living funds in excess of \$40 million. By using a portion of its state appropriation to augment the federal funds it receives for the CAP MOD has created a full service advocacy system that includes a civil rights unit and the Commonwealth's largest information and referral program for consumers, other state and local agencies, and individuals outside the system. The Client Services Program serves people of all ages and disabilities and is a free, confidential service.

The Community Services Program interacts with approximately 10,000 people per year. Through training and technical assistance, it helps ensure that people with disabilities learn of their rights and responsibilities and that state and local entities, as well as places of public accommodation, know how to comply with their non-discrimination responsibilities. It works to provide on-going support and technical assistance to local Commissions on Disability that interact in their communities to provide local leadership for issues of importance to people with disabilities. It runs the nationally acclaimed and replicated Community Access Monitor Program which trains people about the state access law, the Federal Americans with Disabilities Act, and other pertinent laws.

The Government Services Program ensures that Massachusetts' policies and practices are consistent with state and federal laws protecting the rights of people with disabilities. A primary goal of the Agency is to resolve problems before they turn into crises.

Through the Client Services Program and the Community Services Program the Office on Disability knows first-hand the problems people with disabilities encounter as well as how government works. It works closely with state agencies and consumers to craft policy that is fair, effectively maximizes state dollars, and meets the needs of the community. Systemic planning and policy are integrated in the work of two entities that are administered and staffed by MOD: the Inter-Agency Disability Services Coordinating Council and the Governor's Special Advisory Commission on Disability Policy.

In its role as ADA Coordinator for the Commonwealth, MOD provides technical assistance to approximately 150 entities of state government, and regularly assists members of the Legislature on disability related issues. MOD is the primary resource within state government to ensure compliance with state and federal disability rights legislation. It has become a trusted ally to state agencies that have faced or are currently facing disability related discrimination lawsuits. The goal of the agency is to ensure people with disabilities are treated fairly. When agencies are provided timely guidance for meeting their obligations, people with disabilities receive fair treatment and costly lawsuits are avoided. This really is a win-win situation for everyone. The following is intended to help better clarify MOD's role within state government.

MOD's recent impact on state government:

Division of Capital Asset Management

- Currently the Commonwealth is defending two lawsuits based on access to the Courts. A third lawsuit is very possible as is evidenced by the rally that took place Friday, June 14 in Pittsfield. The Judicial system is a program of the state. The buildings housing this program are either owned or leased by the state. MOD has been called upon to provide technical assistance to The Office of the Attorney General, The Division of Capital Asset Management, and the Administrative Office of the Trial Court in an effort to resolve these lawsuits and try to avoid additional ones.
- A tremendous amount of money is spent constructing and renovating state buildings. Errors in either design or construction are very costly since they must be corrected. MOD has been providing technical assistance on future projects to help avoid these errors and their associated costs.

Administrative Office of the Trial Court

- In addition to providing technical assistance for the resolution of the current lawsuits, MOD has been working with AOTC proactively to develop a plan that ensures people with disabilities have access to justice. AOTC has now identified ADA Coordinators for each of their facilities. These people have been trained by MOD and future trainings are intended that will provide every court employee who has access to the public the opportunity to learn the appropriate ways to interact with people with disabilities.

The Massachusetts Bay Transportation Authority

- The extension of the Commuter Rail Line was at a standstill. THE MBTA's proposal for providing access to the cars was not compliant with state access laws. They claimed it was the best they could do, people with disabilities stated their proposal was not enough. The line was stalled. The situation was headed to court. MOD brokered a meeting of the effected parties. A memorandum of Understanding was agreed upon and the line went forward.
- Currently the opening of the Ashland, Southborough and Westboro stations along this line are in jeopardy due to non-compliant access features. Once again MOD has brought the parties together to help resolve the issues in order for the stations to open on time.

The Department of Housing and Community Development

- MOD was contacted to provide technical assistance. The Department realized it was providing some municipalities money in noncompliance with HUD regulations. MOD's on going technical assistance has ensured the continued receipt of approximately \$32 million in federal Community Development Block Grant money that is distributed to non-entitlement communities.

Massachusetts Highway Department

- Hundreds of miles of new sidewalks and curb cuts are constructed with state money every year. MOD is often called by citizens of the Commonwealth who have encountered problems, such as telephone poles in the middle of the sidewalk or lack of curb cuts. In all cases, these people have wanted to file against the state. MOD has been successful in resolving these issues.

Office of the Secretary of State

- A fundamental right of citizenship is to be able to vote, yet it was realized that many of the state's polling places were not accessible to people with disabilities. MOD devised a process of surveying polling places, trained with the Secretary of States Office and helped avoid the potential lawsuits being proposed by people who couldn't get into their polling places.
- Currently MOD is working with the Office to add accessible voting machines to the list of voting equipment eligible to be purchased by cities and towns.

Registry of Motor Vehicles

- When the newly designed HP placards began reaching people MOD heard some people were planning to sue the Commonwealth. They believed the picture on the front of the placard breached their right to privacy. MOD brokered a solution. The Registry developed a sleeve to place over the picture. No lawsuit was filed.

Department of Social Services

- Several DSS employees contacted MOD. The new computer systems being installed by DSS were projected to not be compatible with screen readers. These employees would end up losing their jobs and had threatened to sue. MOD worked with DSS, the Commission for the Blind, and the manufactures of both the screen reader and the case management programs to resolve the technological difficulties. No suit was filed.

- An individual complaint of disability discrimination filed against a battered women's shelter resulted in MOD working with DSS to educate providers about their responsibilities to fully serve battered women with disabilities. This resulted in major policy changes in many shelters that had been turning away women with disabilities.

Mass.gov Portal

- MOD has been a key player in making sure the Commonwealth's web presence works for all its citizens since long before the portal became part of our collective consciousness. We recommended that the ITD standards be amended to ensure that the Commonwealth acquired hardware and software that is capable of being adapted for use by a person with a disability.
- Provided technical assistance on development of the Commonwealth's web accessibility Guidelines.
- Co-chaired the Digital Divide Subcommittee of the eGovernment Task Force that resulted in the development of Mass.Gov.
- Has contributed hundreds of hours to the development of the content of the Portal to ensure content completeness in all areas that touch upon disability.

In addition:

- MOD has been the consultant on disability related access issues in the new Saltonstall renovation project.
- We were able to notify Mass Housing Finance Authority of a property owner who was inaccurately claiming compliance in order to receive funding. MOD's intervention avoided a potential lawsuit being planned against the vendor and the Commonwealth.

Examples of MOD's Cases:

A working middle-class woman had been so badly abused by her spouse that she developed epilepsy. She finally managed to break away from her spouse, only to find out that the state funded battered women's shelter where she had been referred would not let her have her prescription medication while at the shelter. She was told this was because of a no drugs policy. Without her medication, she becomes very ill. With nowhere to go, she turned to MOD. We were successful in not only correcting the individual situation, but the investigation that it triggered resulted in major reforms and system-wide disability rights training in the battered women's shelter programs. The individual has since relocated and is a very successfully employed taxpayer.

People with disabilities in one local community were denied access to their polling place because of architectural barriers. They were directed to sit in their cars in front of the polling place and honk their horns in hopes that some one would hear them and bring out a ballot. MOD worked along with the Secretary of State's Office to train all city & town clerks to survey their polling places to determine if architectural barriers exist. Polling places either had barriers removed or the locations have been changed so that every citizen of the Commonwealth has the opportunity to participate in this basic right.

A 36-year-old man with a mental health disability received a letter from a state agency stipulating that he must take psychiatric medication as a prerequisite to receiving services. Such a requirement is a violation of the client's civil rights under Massachusetts law. MOD called the local office director, regional director, ombudsperson and two members of the legal staff in unsuccessful attempts to obtain a retraction. MOD filed a formal appeal request with the agency and a civil rights complaint with the Massachusetts Commission Against Discrimination. At that juncture, the agency retracted the medication requirement.

Three federal lawsuits have been filed against the Commonwealth. Individuals in different parts of the state have each claimed lack of access to our courts. By working with the Department of Capital Asset Management and the Administrative Office of the Trial Courts, a proactive plan is being designed to ensure access to justice for all our citizens.

A Regional Transit Authority who is required to provide paratransit services to people with disabilities, in an attempt to cut costs, initiated new eligibility and service limits on the users of its program. It determined that many of the subscribers who had been eligible in the past were now only eligible for services in extreme weather conditions. There was no definition of what constitutes extreme weather as it pertains to each individual and no plan should the weather forecast change after the required 24-hour advance registration requirement. Those facing this reevaluation included one person with quadriplegia, another with paraplegia who lived in an area without sidewalks, and another who is blind who is not able to see a bus approaching so that it could be flagged down at a stop. This case is still in negotiation.