



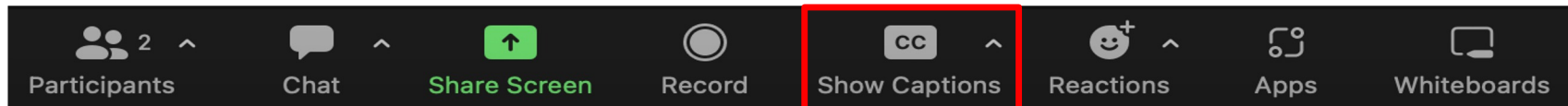
THE PARTNERSHIP
FOR INCLUSIVE DISASTER STRATEGIES

Disability Rights in Disasters for CIL of South Florida

— www.disasterstrategies.org —

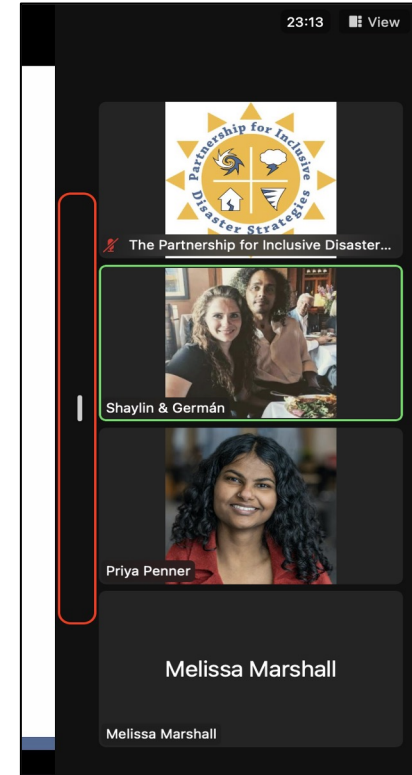
Accessibility for this Presentation

- This training is recorded. An archived recording of the presentation will be available.
- You will also receive an accessible slide deck of the presentation used today.
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 - Click the button at the bottom of the screen with the “CC” icon to start captions.



Accessibility for this Presentation

- The ASL interpreters are already spotlighted.
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Reminders for this Presentation

If the chat is not accessible to you, please email your questions to info@disasterstrategies.org.

To Participate:

- Asking/responding to questions via Zoom:
 - Use the “raise your hand” button, type in chat, or unmute and talk at appropriate times.
- For technical assistance or to alert us to an issue, type in chat/raise hand.
 - Ex. “Slow down, please.”

Reminders for this Presentation

Friendly reminders:

- Please identify yourself before speaking.
 - Ex. “This is Priya, and...”
- Please avoid speaking while others are speaking.
- Please keep yourself on mute when not talking.
- Please define any acronyms you use.

Welcome and About Us

Who We Are: The Partnership

The Partnership for Inclusive Disaster Strategies is the only U.S. disability-led organization with a focused mission on equity for people with disabilities and people with access and functional needs throughout all planning, programs, services and procedures before, during and after disasters and emergencies.

Your Disability & Disaster Hub



Agreements and Goals

Group Agreements

- Maintain confidentiality
- Ask questions
- Have fun!

Today's Goals

Building your confidence in understanding:

- People with disabilities have rights in disasters;
- What some of those rights are; and
- How to advocate for your rights.

What You Can/Cannot Expect From This Training

You won't:

- Become an expert on disability rights in disasters

You will:

- Have an idea of what some of your rights are in disasters
- Know where to get answers to questions about your rights
- Have an opportunity to practice advocating for your rights

Your Goals

What would YOU like to know about rights of people with disabilities?

Disability Rights Laws

Question for You

How informed do you feel about the rights of disabled people throughout disasters in Florida and the U.S.?

1. Very informed
2. Kinda informed
3. Not informed

Why It Is Important to Understand Our Rights

- We can't protect our rights if we don't know them.
- Others misunderstand or ignore our rights decades after the signing of the ADA and 50 years after the signing of the Rehabilitation Act.
- Disability rights will not solve everything, but knowing something about them can help you stay independent.

Realities

Disasters in Florida and everywhere are increasing in numbers and severity. Knowing your rights in disasters can help keep you alive, out of nursing facilities, and stay independent in the community.

- It isn't "fair" that disabled people have to learn about the law.

What are Civil Rights?

Disability Rights are Civil Rights

“Civil Rights are personal rights guaranteed and protected by the U.S. Constitution and federal laws enacted by Congress, such as the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. Civil rights include protection from unlawful discrimination.”

**Civil rights of people with
disabilities are never
suspended, including
during disasters!**

Disability Rights Brainstorm

What do we mean by disability rights and what some of those rights are in disasters?

Rights We Have:

Right to shelters (with service animal)

Right to evacuation

ASL interpreters + Effective Communication

Assistive Technology

Not Rights Yet:

Representation

Laws that Protect People with Disabilities

These laws protect disabled people during disasters and everyday:

- The Rehabilitation Act, Section 504
- The Americans with Disabilities Act

Section 504 of the Rehabilitation Act

Section 504

Section 504 of the Rehabilitation Act applies to any agency/organization that gets money from the federal government, such as:

- State agencies
- Local government agencies (i.e., cities, towns, counties)
- Businesses
- Nonprofits or other organizations

Section 504

- If an organization, business or agency gets federal money, it cannot discriminate against people with disabilities.
- Programs and services must be accessible to people with disabilities.
- Section 504 obligations are nearly identical to Title II of the ADA.

Americans with Disabilities Act

Americans with Disabilities Act

Sections of the ADA:

- **Title I:** Employment
- **Title II: State and Local Government Entities**
- **Title III: Places of Public Accommodation**
- **Title IV:** Telecommunications
- **Title V:** Miscellaneous

Today, we are just discussing Tiles II and III.

Americans with Disabilities Act

The ADA:

- Was passed in 1990
- Protects the civil rights of people with disabilities even when there is no federal government money involved

Comparison: Section 504 and ADA

Section 504:

- Prohibits federally funded agencies, programs, and activities from discriminating against people with disabilities.

ADA:

- **Federal funds do not have to be spent** to trigger ADA.
- Title II (state and local government, including public schools) provides the same protections as section 504.

Goals of the ADA and Rehab Act (504)

The goal of the ADA and Section 504 of the Rehab Act is to create a level playing field for people with disabilities through:

- Integration
- Full participation
- Equal opportunity

Definition of Disability

Who has a disability?

Under the ADA and section 504, you have a disability if you:

- Are substantially limited in one or more major life activities,
- Have a history or record of such an impairment, or
- Are regarded by others as having such an impairment.

Even if you don't identify as a person with a disability, you may have protections under the ADA/504.

Definition of Disability

Under the ADA Amendment Acts of 2008, major life activities include:

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working
- Major bodily functions

Definition of Disability

The ADA Amendment Acts of 2008, clarified that major life activities include major bodily functions including:

- Functions of the immune system;
- Normal cell growth; and,
- Digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Rights in Disasters

**Disaster-related programs
and services must not
discriminate against
people with disabilities!**

Emergency and Disaster-Related Programs and Services

Programs and services include:

- Planning meetings
- Early emergency alerts
- Transportation
- Shelters
- Disaster Recovery Centers (DRCs)
- Exercises and drills

Equal Access to Disaster-Related Programs and Services

Notification:

- Notifications **should** be interpreted into ASL and **must** be live captioned.
- Alternatives to door knocks must be used.
- Maps must be accessible.

Emergency and Disaster-Related Programs and Services

Disaster shelters, Disaster Recovery Centers, and points of distribution of food and water must be accessible to people with disabilities.

There must be ADA compliant:

- Paths of travel
- Entrances and exits
- Registration
- Sleeping areas
- Eating areas
- Restrooms, including showers

Emergency and Disaster-Related Programs and Services

Programs and services must provide equally effective communication.

This includes providing:

- Sign language interpreters, including for DeafBlind people
- Video Relay Interpreting (VRI)
- Accessible electronic material
- Large print

Equal Access to Disaster-Related Programs and Services

Programs and services must make reasonable modifications to policies and practices. This could include:

- Providing quiet areas
- Admitting service animals
- Allowing and/or providing personal assistance services
- Providing dietary accommodations
- Plain language and pictograms

Nondiscrimination During Disasters

It is discrimination to:

- Charge for accommodations or modifications.
- Have eligibility criteria that screen out disabled people.
- Otherwise not provide equal access to disaster-related programs and services.

Scenario 1

You are Deaf and checking into a disaster shelter. Shelter staff indicate that you will have to communicate using notes. They ask the person with you if they can interpret.

What should you do?

Is it required that there be sign language interpreters/video remote interpreting?

Scenario 2

You are told that you cannot check into a disaster shelter with your service dog because the shelter does not allow pets.

What should you do?

Who should you contact?

Scenario 3

You have celiac disease, which causes you to get very ill when you eat food that contains gluten. You are told that there is no gluten-free food available in the shelter you are staying in.

What should you do?

Questions?

Break!

10 minutes

“Special Needs” Registries and Shelters

Special Needs Registries and Shelters

Disclaimers and clarifications:

- The Partnership does not support the idea of “special” registries for disabled people in disasters.
- The Partnership does not support the outdated term “special needs.”
- Florida has a law that requires special needs registries.
 - Florida is the only state that mandates a “special” registry for disabled people in disasters.

Florida Special Needs Registries and Shelters

Main purpose of special needs registry and shelters include:

- Access to transportation to shelter
- Guaranteed power
- Special needs shelters can provide additional medical services that general population shelters may not have

Florida Special Needs Registry

In Florida, to get access to a “special needs shelter,” people should be registered on the [Florida Special Needs Registry](#).

Completing the Florida Special Needs Registry does not mean you will automatically qualify for a special needs shelter.

People with disabilities are encouraged to register before an event to try to ensure transportation, but if a disabled person shows up at a special needs shelter they shouldn't be turned away and the individual should be added to the registry on the spot.

Florida Special Needs Registry

“... During an emergency, the government and other agencies may not be able to meet your needs. You should be prepared to take care of yourself and loved ones for a minimum of 72 hours. Those individuals with a special need are encouraged to identify an emergency support network and to build a disaster supply kit.

Registering on this website is not a guarantee that emergency officials will be able to assist you in an emergency.”

Florida Special Needs Shelters

Eligibility for Special Needs Shelters

- “People with special medical needs
- People whose care exceeds the basic first aid provided at general population shelters
- People with impairments or disabilities who are medically stable and do not require medical care
- People with disabilities are not required to go to a Special Needs Shelter. Some people with disabilities can be safely accommodated in a general population shelter.”

Special Needs Registries and Shelters

- Promote segregated services
- Contradict ADA integration requirements
- Increase institutionalization

Registries are...

- Costly
- Not always used in disasters, nationwide
- Based on the assumption that disabled people are always at home

Registries create false expectations.

Scenario 4

You have been evacuated from your home because it was damaged from a hurricane. Your local shelter tells you to go to a “special needs” shelter. You want to stay at the local shelter with your family.

What do you do?

Who do you contact?

Scenario 5

You live independently at home. You use a ventilator while sleeping. You have registered for the special needs shelter. When you try to check into the shelter they tell you that you are too “medically involved” and that you should temporarily go to a nursing facility.

What should you do?

Who do you contact?

Questions?

Institutionalization During and After Disasters

Brainstorm

Why are institutions bad for people with disabilities?

- Unsafe
- form of discrimination and isolating people from society
- Rids them of their independence
- Take away your rights to self determination
- Uneducated
- Unnecessary duress
- Unable to get employed
- people are not able to thrive

Why Institutions Are Bad for People with Disabilities

People in institutions:

- Lose independence
- Lose jobs
- Lose homes
- Lose community connections, social networks
- Get sick
- Die earlier

Institutionalization During and After Disasters

People can be institutionalized:

- Under 1135 waivers from:
 - Their homes if they call 911 because they don't have a personal assistant
 - Emergency rooms / departments
 - Hospital rooms if it will benefit another patient
- By civil commitment under the Baker Act
- From shelters

**People with disabilities
have the right to services
in the most integrated
setting appropriate to
their needs.**

Scenario 6

You have quadriplegia and use a power wheelchair for mobility. You need a personal assistant to assist you in transferring and you need an accessible cot. You are told that you can sleep in your chair or go to a nursing facility.

What should you do?

Who do you contact?

Scenario 7

You are told by local authorities that they will “Baker Act” you if you do not evacuate due to a hurricane. You feel that if you go to a shelter you will also be committed because your behavior in stressful situations may make others feel uncomfortable.

What do you?

Who do you contact?

Disability Rights During Disasters Review

Disability Rights in Disasters: Review

Whenever disaster-related programs and services are provided to the general public, they must be accessible to and inclusive of people with disabilities.

- Shelters cannot deny you entry because you're disabled.
- You have the right to physically accessible and otherwise ADA compliant shelters.
- You have the right to equally effective communication.
 - Examples: ASL interpreters, large print, Braille, assistive technology

Disability Rights in Disasters: Review

- You have the right to request reasonable modifications of policies or practices.
- You have the right to bring your service animal with you in a shelter, disaster recovery center, or other public places providing disaster-related programs and services.
- You have the right not to go into a facility if you don't want.

Disability rights are NEVER suspended in disasters!

Tips to Stay Out of a Special Needs Shelter During a Disaster

- Know your rights. You have the right not to go into a special needs shelter if you don't want.
- If you go to a special needs shelter, don't separate from loved ones.
- Keep a contact list of friends, family, neighbors, and advocates with you.
- Have a plan for non-institutional places you can evacuate to in a disaster.

Questions?

Resources

- [CIL of South Florida](#)
- [Disability Rights Florida](#)
- [Southeast ADA Center](#)
- [Red Cross of Central Florida](#)
- [211 / United Way](#)
- [FL Division of Emergency Management \(DEM\)](#)
- [FL DEM Access and Functional Needs Planning](#)
- [FL Voluntary Organizations Active in Disasters \(VOAD\)](#)



Resources

- [Disability Rights and Immigrant Rights in Disasters](#)
- [How to File Civil Rights Complaint](#)
- [Redirecting Emergency Registries: Community Driven Solutions](#)
- [Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and after Disasters \(NCD\)](#)
- [Disability & Disaster Hotline](#)

Questions for You

- What is the most important thing you learned today?
- What are some other facts you have learned in this training?



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Thank you!

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