

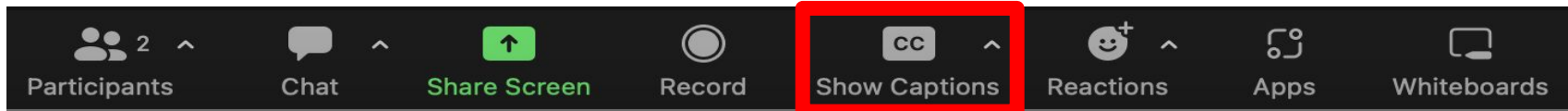
THE PARTNERSHIP
FOR INCLUSIVE DISASTER STRATEGIES

Disability Rights in Disasters:
Protecting Our Civil Rights During
the Worst Circumstances

— www.disasterstrategies.org —

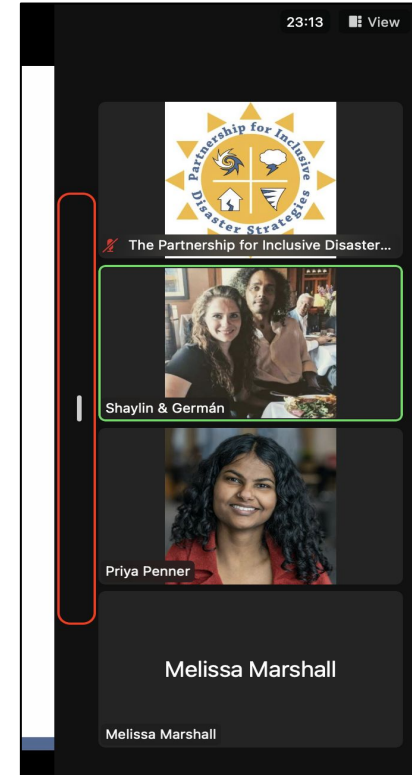
Accessibility for this Presentation

- 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.
- To access the AI captions:
 - 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.
- To adjust the size of the slides and speakers/interpreters in Zoom:
 - Drag the divider, inside in the red vertical rectangle in the screenshot to the right, that separates the speakers/interpreters from the slides.



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 Shaylin, 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



Ground Rules

- 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 disability rights when interacting with local, county, tribal, state, and federal emergency management officials.

Today's Goals

Do you have any goals that you would like to add?

Question for You

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

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

Civil Rights Obligations

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

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 33 years after the signing of the ADA and 50 years after the signing of the Rehabilitation Act.
- By claiming our rights, we may be able to mitigate some of the effects of systemic ableism.

Civil Rights Protections

Some federal laws that protect disabled people:

Rehabilitation Act of 1973 (Rehab Act)

29 U.S.C. § 701 et seq.

Section 504

Creates the obligation not to discriminate against people with disabilities for recipients and subrecipients of federal funds.

Civil Rights Protections

Supreme Court Decision that protects disabled people:

Olmstead Decision (1999)

Olmstead v. L. C., 527 U.S. 581

Supreme Court decision that stated people with disabilities must receive services in the most integrated setting that meets their needs.

Definition of Disability

Under the ADA and Rehabilitation Act an individual has a disability if they

- 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 but are not limited to:

- 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

Under the ADA Amendment Acts of 2008, major bodily functions include but are not limited to:

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

Questions for You

Under the ADA/Section 504, do people have a disability if they:

- have asthma?
- are neurodivergent?
- are Deaf?

Questions?

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

Nondiscrimination During Disasters

Under federal civil rights laws:

- Sheltering services and facilities must be accessible to children and adults with disabilities.
- Sheltering and temporary housing of persons with disabilities must take place in the most integrated setting appropriate to the needs of the person.
 - [U.S. Department of Homeland Security \(DHS\)](#)

Nondiscrimination During Disasters

Ensure effective communication with impacted populations during response and recovery activities.

This includes, but is not limited to:

- Providing print materials in large print and Braille
- Website accessibility
- Open captioning of videos
- Qualified sign language interpreters

- [U.S. Department of Homeland Security \(DHS\)](#)

Nondiscrimination During Disasters

It is discrimination to:

- Place surcharges on a disabled person
- Have eligibility criteria that screen out disabled people
- Otherwise not provide equal access to disaster-related programs and services

Emergency and Disaster-Related Programs and Services

Programs and must be not discriminate, including:

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

Emergency and Disaster-Related Programs and Services

Programs and services must provide equally effective communication, including using:

- Sign-language, including tactile, interpreters
- Video Relay Interpreting (VRI)
- Electronic material that is accessible
- Large Print

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

Equal Access to Disaster-Related Programs and Services

Evacuation:

- Building evacuation
- Geographic area evacuation

Equal Access to Disaster-Related Programs and Services

This includes:

- Physical accessibility
 - Includes ADA compliant path of travel, toilets, shower, cots, registration, and all spaces
- Equally effective communication
 - Video/on-site interpreters, print materials in multiple formats, signage alternatives, announcements, etc.

Equal Access to Disaster-Related Programs and Services

This includes:

- Reasonable modifications to policies and practices could include:
 - Providing quiet areas
 - Admitting service animals
 - Allowing and/or providing personal assistance services
 - Providing dietary accommodations
 - Plain language and pictograms

Questions for You

What are some examples of disaster-related programs and services?

What they must do to make sure that they don't discriminate against disabled people under the ADA/Section 504?

Special Needs Registries and Shelters

Disclaimers and clarifications

- The Partnership does not support the concept 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 Registry

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

- 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.

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

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.”

Florida Special Needs Registries and Shelters

Main purpose of special needs registry and shelters

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

Special Needs Registries and Shelters

- Promote segregated services
- Contradict the *Olmstead* integration mandate
- Increase institutionalization
- **Provide an advocacy opportunity**

Registries are...

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

Registries create false expectations.

Questions?

Institutionalization During and After Disasters

Institutional Bias

Institutional Bias: The unconscious or conscious belief that people with disabilities belong, or are are better off, in institutions, including nursing facilities.

Ageism is often, but not always, a factor.

Institutionalization During and After Disasters

Examples of waivers that express institutional bias.

- In recent disasters, Centers for Medicare and Medicaid Services (CMS) issued blanket 1135 waivers so that a 3-day hospital stay is no longer required for a period of time before a person is transferred to a long-term care facility.
 - Nursing facility pre-admission screening and minimum data set (MDS) are waived.

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

Institutionalization During and After Disasters

Consequences of institutionalization:

- People lose their independence
- People get lost
- People get sick
- People lose their social networks, jobs, and homes
- People die

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 enter shelters that are physically accessible and ADA compliant.
- You have the right to equally effective communication.
 - E.g., 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!

The Charity Model in Disasters

Charity Model

The charity model in disaster response is the traditional approach of providing aid to disaster-affected communities primarily through donations, relief supplies, nonprofits, and emergency services.

The charity model often leaves out people with disabilities.

Charity in Disasters

Organizations that respond in times of disasters:

- VOAD: Voluntary Organizations Active in Disasters
- COAD: Community Organizations Active in Disasters

They are coalitions of organizations that respond to disasters. Their goal is to facilitate cooperation, communication, coordination, and collaboration.

- [Florida VOAD](#)
- [Volusia COAD](#)

Charity in Disasters

Disability-related needs are left to volunteers:

Durable medical equipment, consumable medical supplies, and other disaster resources are referred for donations and charitable solutions.

We should not have to rely on charity to maintain our health and independence.

Questions?

Scenarios

Scenario 1

You are blind. At the disaster recovery center (DRC), there are no materials that are in accessible format.

What do you do?

Scenario 2

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

What should you do?

Scenario 3

You have a mental health condition and are uncomfortable evacuating to a shelter before an impending Category 5 hurricane.

What should you do?

Scenario 4

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?

Scenario 5

You have a mental health condition that causes anxiety around animals. Shelter staff tells you that they must admit service animals and cannot put you in a different area of the shelter from them. They suggest that your needs might be better met in a psychiatric facility.

What should you do?

Scenario 6

You live independently at home. You use a vent 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?

Scenario 7

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?

Scenario 8

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?

Scenario 9

You have autism and you stim by pacing and flapping your arms. Shelter staff tells you that another shelter resident has complained that your “unusual” behavior disturbs them. Shelter staff tells you that you must leave if you don’t stop.

What should you do?

Resources

- [FL Division of Emergency Management](#)
- [FL DEM Access and Functional Needs Planning](#)
- [FL Department of Health Access and Functional Needs Resources](#)
- [FL VOAD](#)
- [Red Cross of Central Florida](#)
- [211 / United Way](#)
- [311](#)

Resources

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



THE PARTNERSHIP
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Thank you!

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