

FREEDOM



Freedom Resource Center for Independent Living, Inc.

Spring 2004
Volume 12
Issue 2

Mission Statement

The mission of Freedom Resource Center for Independent Living is to work toward equality and inclusion for people with disabilities through programs of empowerment, community education and systems change.

Vision Statement

We envision a society where ALL individuals are valued, respected and have an equal opportunity, access, responsibility, and freedom of choice in all aspects of life.

HEY!!!

by Chuck Stebbins

We have been trying, off and on, to get some kind of response from the readership of this fine publication, and the only thing we could seem to get was a reaction to a petty little word related to relieving yourself....it obviously lacked any kind of substance or real opinion, but I guess it was a reaction nonetheless. Now, we know you people out there have an opinion on what we put in this newsletter; and unless you have been living in a cave, there are things going on that you must be aware of. Things are going on that will profoundly affect the disability community.

In an effort to try and improve what you are holding in your hot little hands, we are going to run some regular features starting with this issue. Feature number one: What's wrong with this picture? This is a nifty little piece from our new operations manager designed to show the silly mistakes people make regarding accessibility or anything else we can expose as a great big "oops."

Feature number two: This was another idea that came from our new operations manager. We are going to call it, "Ask Bob." Now, who is Bob, you may ask. Well, we're not sure just yet. There seems to be a difference of opinion on who should be doing this one, but we're highly paid professionals, we'll figure it out. Every day we meet with individuals and help them to find as much independence in their lives as possible. Maybe this column will help to do that for a wider spectrum of individuals. We will be waiting for your letters. This one could be fun.

Send your letters to: Ask Bob
Freedom Resource Center
2701 9th Ave SW
Fargo ND 58103

Or e-mail to: chucks@freedomrc.org

Feature number three: Our executive director's rant and rave. We've given him space before, so this is not like it's new or anything. After all, he does have the last say on what goes in this thing. Y'all know this man has too many "A's" in his name don't ya?

Inside...

- ◆ New staff
- ◆ Legislative updates
- ◆ ND Labor Dept. lawsuit
- ◆ What's wrong with this picture?
- ◆ Transition corner
- ◆ Consumer stories

Feature number four: Something on civil rights and the things going on that push it all forward- updates on what we have been doing to rattle the cages of those who forget that there are laws against discrimination.

Feature number five: Youth with disabilities. We targeted this population because these guys and gals are the future of pretty much everything, so we need to keep pace with it. Besides, if we didn't run this one, Donene would beat us brutally about the neck and shoulders, and we certainly don't want that.

Feature number six: Current disability news.

So, there you have it, a nice little layout for one great newsletter. So, get those cards and letters coming, and help us out a bit here. This isn't some drab, boring old, regurgitated stuff somebody else already did newsletter we're putting out here.

Thank you for your time and attention.

What's wrong with this picture?



Answer: The cut will be blocked by the vehicle using the accessible parking space.

TITLE: [Freedom Focus](#)

FREQUENCY: Published Quarterly

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ISSUE: Vol. 12 No. 2

Alternate formats available upon request.

FUNDING FOR THIS PUBLICATION WAS PROVIDED BY THE MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT, REHABILITATION SERVICES FROM THE STATE'S GENERAL FUND AND THE FEDERAL DEPARTMENT OF EDUCATION.

From where I sit

by Nate Aalgaard, executive director

I am discriminated against on a regular basis. So are lots of other people with disabilities. There's plenty of proof to bear this out. Of all the people who called the Fargo Human Relations Commission to report incidents during 2003, 14 percent were people with disabilities. During 2001-02, the North Dakota Human Rights Division reports that 24 percent of complaints were by people with disabilities, second only to those based on race or color, which constituted 29 percent.

I've also heard people with disabilities say that they haven't ever felt discriminated against. Now, that would seem to be good news, right? I guess it all depends on how you define discrimination.

Here's the way I look at it. If it appears that a business has the resources to do something as simple as put in the required number of parking spaces designated for people with mobility impairments, and does not make any effort, I think that's discrimination. And in this case, the ignorance excuse cannot apply. Who, in this day and age, does not know what those blue-lined spots with the signs with wheelchairs on them are for?

There are many other examples of discriminatory treatment that I've seen or heard: A person asks for a reasonable accommodation in order to perform his main job duties and finds his hours are cut way down, and then he's fired. Someone has a prescription from her doctor for a therapeutic pet and is harassed by her apartment manager. A person who is Deaf is denied a sign language interpreter for a court hearing.

Not only is discriminatory treatment common, the remedy is slow, if ever, in coming. People who file complaints with federal enforcement entities can wait as many as two to five years for anything to happen. Many people don't bother to file in the first place. For others, the system grinds them down to the point where they just give up.

A recently-filed lawsuit in North Dakota concerns this very issue. In it, the North Dakota Human Rights Coalition and an individual from Hillsboro are suing the Department of Labor for not enforcing the state's Human Rights Act. They allege that the Department does not make a probable cause determination, nor does it bring complaints to an administrative hearing. The outcome of this case could have a big impact on future enforcement actions in the state.

I, and some of my colleagues, have begun to use the process that has been established by the legislature for

addressing discrimination. We filed two complaints with the Department of Labor and are working with the Fargo Police Department to enforce the requirement for businesses to have properly signed and marked accessible parking.

There's another issue that has been bothering me as well. I applied for life insurance last July. I was denied. I returned the forms the company provided in order to get them to send me, or my doctor, the specific reason they denied me. To date, following at least three additional requests by my agent, no information has been sent. Here are the facts: I am a healthy 44-year-old male who does not smoke. My parents have high blood pressure but I do not. There are no other chronic ailments or disease in my immediate family. So why do you suppose I got denied? I wonder too. Oh yeah, one more thing; I have a spinal cord injury.

I intend to pursue this issue. I'll let you know how it turns out.

ND Labor Department Challenged

From a press release sent March 23, 2004

The North Dakota Human Rights Coalition has joined in a class action lawsuit against the North Dakota Department of Labor (Division of Human Rights).

"The Division of Human Rights in the North Dakota Department of Labor is the enforcement agency for discrimination complaints in North Dakota," said Cheryl Bergian, Director of the North Dakota Human Rights Coalition. "But, they've refused to enforce the North Dakota Human Rights Act for people who file complaints of discrimination, and need to be held accountable for that failure."

"Since August, 2001, the Labor Commissioner has had the mandatory obligation to take meritable complaints of discrimination to an administrative hearing so that an independent Administrative Law Judge can rule on the claim and determine an appropriate remedy," said Mark Schneider, the attorney for the North Dakota Human Rights Coalition and Rick Folstrom. "Despite having this mandatory duty for over two and one-half years, Commissioner Bachmeier has not taken one case to an administrative hearing, as required by the North Dakota Human Rights Act. The Labor Commissioner is also required to make a 'probable cause' determination on each complaint filed to determine whether the complaint has merit. Commissioner Bachmeier has refused to make 'probable cause' determinations regarding

the vast majority of complaints filed with his office. Without the 'probable cause' determinations, neither the complaining party nor the person accused of discrimination have the benefit of the Commissioner of Labor's opinion as to whether the complaint has merit," said Schneider.

The North Dakota Human Rights Coalition has advocated for better enforcement of the North Dakota Human Rights Act in the last several legislative sessions through a North Dakota Commission on Human Rights, to no avail. "If the legislature had created a North Dakota Commission on Human Rights, this class action lawsuit against the state could have been avoided," said Allan Peterson, Chair of the North Dakota Human Rights Coalition Board of Directors. The North Dakota Human Rights Coalition has asked that there be an Advisory Committee created for the Division of Human Rights in the Department of Labor; Governor Hoeven has refused to create that Advisory Committee. "If Governor Hoeven had created an Advisory Committee for the Division of Human Rights, there could have been better enforcement of the North Dakota Human Rights Act than we've seen to date," according to Peterson.

If anyone out there has filed a complaint with the Human Rights Division of the Labor Department and received a determination that is favorable (whether mediation took place or not), but have never been given an administrative hearing, you could be part of this lawsuit. Also, if you have filed a complaint and have never received a determination (whether mediation took place or not), you could also be part of this lawsuit. You can contact Mark Schneider at 701-235-4481 for more information.

The NDHRC is a diverse group of approximately 30 organizations, with additional individual members, all of whom embrace the mission of the NDHRC, to: "work to effect change so that all people in North Dakota enjoy full human rights." More information on the North Dakota Human Rights Coalition can be found at www.ndhrc.org.

No, cases have gone to an administrative hearing since that requirement was added to the law in 2001. Most get settled before reaching that point, Bachmeier said. Some cases are still under investigation, and others are settled or dropped before a probable cause finding is issued, Bachmeier said.

"We take our responsibilities here very seriously, and I believe we have established an effective record," he said, noting his "disappointment" to learn about the lawsuit.

From an article in The Forum, March 24, 2004.

Transition Corner

by Donene Feist

The Transition Corner: In this section we will place an article submitted by youth or have resources that will be helpful for youth and their families. We hope this will be a place for youth to speak up and out. We are **very** excited about this and want to encourage all youth to submit an article.

Submitted by Tyler

The most difficult thing for me about having a disability is trying to concentrate. A lot of things distract me. People walking by or people talking can catch my attention easily. It is easier working with my hands because I can be more active.

One of the most helpful things is getting help from teachers so they can help me do what I need. The resource room helps me out with a lot of things.

Some advice I have for others is that if they need help you should ask. Don't start to fall behind before you ask for help.

Thanks Tyler for your help in getting the Transition Corner started!

The week of May 10-14th, 2004 the Senate passed the IDEA reauthorization (S. 1248).

Here are some highlights of amendments added during the debate:

- Sen. Clinton (D-NY)-the Dept. of Education will be among federal agencies who participate in a long-term study of child development and the impact of environmental causes of disability.
- Sen. Murray (D-WA)-new provisions to assure that special education students who are homeless, wards of the state or who are part of military families are assured FAPE when they move to a new school district.
- Sen. Gregg (R-NH)-allowing judges to grant states or local school systems attorney's fees from the attorney of a parent. Which has filed a complaint or action that is frivolous, unreasonable or without foundation, or from a said attorney or the parent. If the complaint or action was presented for any improper purpose such as to harass or to

cause unnecessary delay or needlessly increase the cost of litigation

- Sen. Santorum (R-PA)-allowing several states to obtain waivers to reduce paperwork requirements (very controversial, many families believe that this could dismantle protections guaranteed under law).

Conferees must now be appointed to reconcile the differences between this version and the House version (HR 1350) that passed last April. The conferees have an enormous challenge ahead due to the vast differences in these reauthorization bills. This reauthorization continues to be very controversial. Freedom staff will continue to monitor this process.

FOR SALE:

2004 Chrysler Town and Country Van – automatic door and ramp – Red color – front driver's seat removable.

Asking price \$39,000.

Power wheelchair – new – asking price \$5000.

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addresses to freedom@freedomrc.org.*

The PASS plan works

by Darrin Loken

The Plan To Achieve Self Support (PASS) got me the best computer available at the time. I have set up a web design business thanks to this PASS plan. I first found out about the PASS in 1997 when I went back to school and needed a vehicle. I was working with VR at the time but they would not help with buying a vehicle. They did help with tuition, tools, and fees. At the time I had only heard about this thing, but was not aware of what the plan would do. So I didn't pursue it any longer. About a year later I heard about it again from a friend, who lived in the same building where I lived, and who had gotten a computer using the PASS. I was dabbling a bit at that time with some web design using WEBTV. It was mostly self taught up to that point, I started getting more involved with the languages and building WebPages. I had built my own website and had done a few pages for other people.

In 2001, I decided to seriously look at starting a web design business, but I did not have the financial resources to build the pages that I would like to build, because WEBTV was very old and very limited. I started to look more at a PASS Plan. I asked my VR counselor if they could help write one. They said they don't write them, but they knew who did. They sent me over to Freedom Resource Center, where there was a guy who did write them. The process took a bit longer than I would have liked, but the Plan was finally submitted and approved by the PASS cadre out in Denver. The PASS gave me the financial resource to start this business without putting me in a financial bind. Without the PASS and the help from Freedom, I wouldn't have been able to get this business up and going. My site is up and running at www.nd-kid.com and am looking for clients who are filthy rotten stinken rich to build WebPages for. Just kidding, I'll build pages for anyone. I am currently partnered up with a guy I taught a few years back to help with the flash banner making. I am currently in the process of marketing my business, Affordable Web Designs, and trying to take more classes in scripting to enable me to make better pages. Freedom was very helpful in making this happen.

Darin Loken

www.nd-kid.com

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1st Annual Assistive Technology Expo



We had a great turnout for our first AT Expo. Nearly 300 people attended the event on April 15 at the Fargo Civic. We had a variety of booths and numerous speakers. We are planning the 2nd Annual Assistive Technology Expo for April 14th, 2005. Speakers, booths and attendees will be needed. Please mark your calendars!!

Supreme Court rules in favor of ADA

The Supreme Court has upheld the rights of people with disabilities under the Americans with Disabilities Act. In a ruling by the Supreme Court on May 17th, a paraplegic who crawled up the steps of a small-town courthouse in Tennessee can now sue over the lack of an elevator.

The ADA properly gives a private citizen such as George Lane the right to seek money in court if a state fails to live up to the law's requirements. The issue was the right of private citizens to try to pursue alleged violations of the ADA. Advocates for the disabled claimed that the fear of damage awards was a powerful tool to force state governments to follow the requirements of the ADA.

"The unequal treatment of disabled persons in the administration of judicial services has a long history" that has persisted despite anti-discrimination laws, wrote Justice Stevens; for himself and Justices O'Connor, Souter, Ginsburg, and Bryer.

The case began when Lane tried to sue the state of Tennessee for up to \$100,000 for what he claimed was humiliating treatment violating the ADA. Tennessee did not dispute that the courthouse lacked an elevator, or that the state has a duty to make its services available to all. The state argued, however, that Lane's constitutional rights were not violated and that he had no right to take the state to court.

The state claimed that Congress went too far in writing the ADA. Justice Stevens said Congress had ample evidence of discrimination when it wrote the part of the law at issue in Lane's case. Title II guarantees that the disabled will have access to government services." It is not difficult to perceive the harm that Title II is designed to address," Stevens wrote. Congress enacted Title II against a backdrop of pervasive unequal treatment in the administration of state services and programs, including systematic deprivations of fundamental rights."

Local writers get published

Recently two essays were published by a couple of people with disabilities near and dear to Freedom's heart.

Pat Danielson lives in Grand Forks. She is an advocate for the civil rights of people with disabilities. She testifies at the state capitol and writes letters concerning legislation. She works on the board of directors for Options Center for Independent Living, and is a past president of the North Dakota Statewide Independent Living Council. Pat's experience as a child with Juvenile Rheumatoid Arthritis taught her the value of starting early teaching kids with disabilities how to be their best selves. She holds a BS in Education from the University of Missouri at Columbia. She loves telling everyday stories of people and aspires to be a published author of nonfiction.

Pat has been published in the following:

Reflections from a Different Journey What Adults with Disabilities Wish All Parents Knew

Stanley D. Klein, Ph.D., and John D. Kemp, Co-Editors McGraw-Hill (2004): \$18.95

Contact: Stan Klein,

33 Pond Avenue, Brookline, MA 02445

(617) 879-0397 stan@disabilitiesbooks.com

"This book is a wonderful celebration of diversity. The essays have important messages for all of us as we strive to make our world a more caring, loving and peaceful place for all children and families."

-From the Foreword by Marlee Matlin

Chuck Stebbins lives in Fargo, North Dakota. He works as the systems change advocate at Freedom Resource Center. Chuck has an essay in a book called **"From There To Here"** stories of adjustment to spinal cord injury. Available at NewMobility.com, or by calling 888.850.0344 x209.

"A far cry from Hollywood's disability-of-the-week victim movies!"

— John Callahan

Both are available on amazon.com as well.

New staff added to Freedom

by Mark Bourdon



As many of you know, after 13 years with FirstLINK, I changed employment and am now working for Freedom Resource Center. I look forward to continued contact with each of you. Freedom is an exciting organization, offers incredible services, and has great potential. I look forward to representing this organization. I also ask you to continue to support FirstLINK as they continue their attempts to dialogue with United Way of Cass Clay. Your support has and will help the HotLine survive in our community.

This was the e-mail I sent out to many of my colleagues when I joined Freedom Resource Center as the Operations Manager, March 1, 2004. Freedom was one of only a handful of organizations that I would have considered working for. There were a couple of reasons why I felt this way. One was Nate Aalgaard, Freedom Resource Center's executive director. I have a great deal of respect for Nate and I felt that he was an executive director I could work for. The other reason Freedom was on my short list of possible employers was the services we provide and the philosophy that drives how the services are provided: equal access to programs, services, and employment; enforcement of civil rights; equal opportunities and responsibilities; and most importantly the belief that ALL PEOPLE ARE VALUED.

As I write this, I have worked for Freedom for 54 days. I love coming to work each and every day. This is an incredible organization, with an incredible staff, that is committed to assisting people with any type of disability, identify and access services that will enable you to live independently. Thanks for giving me the opportunity to "change society" together.

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Check Out our New Look

www.freedomrc.org update

We are in the process of updating our website so that we can better serve you. We are adding disability-related resource links and information about Freedom Resource Center and the services we offer. We are also adding a Classified Ad's section where you can post (for free) items you want to sell or items that you need.

The goal of our website is to be the first point of contact for disability-related information. You can help us with this by providing information on what you would like us to include on our web page.

Opportunities to serve

- ❖ Freedom Resource Center will hold an election for new board members at its annual meeting in September. If you are interested or want more information, please call the Fargo office. The board meets every other month, and has four standing committees.
- ❖ The North Dakota Statewide Independent Living Council plans for and guides the Independent Living program in the state. It needs members, from across the state, who can help lead this movement. Freedom has applications and information.