

My perspective is that of a person active in the wave of social innovation in GA from the early '70s to the mid '80s. Since then my engagement in GA has been primarily as an interested citizen.

I see some important differences between the period of social innovation & today.

I see some continuities in GA's environment that those who want to build the Beloved Community have consistently resisted.

I see some practices that I believe tend to work for those who sense & respond to the deep-seated human desire for equal partnership among citizens who journey in the spirit of **more**.

*Bliss it was in that dawn to be alive
But to be young was very heaven.*
—Wm Wordsworth
The Prelude

Disability History Symposium
1 Nov 2017

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This file includes some content skipped
in the interest of time.

Times were changing

Conflicts around injustice driven by racism, sexism & economic inequality created a climate of activism & provided a frame for the articulation of disability rights.

Institutional conditions & the near complete lack of local services defined a claim on government that many citizens say as legitimate. Strong alliances between legislators & skilled citizen lobbyists organized locally by state & local ARCs advanced this claim..

Governor Maddox had opened the way to use of a growing flow of federal funding for social & health services.

Governor Carter created DHR with a vision of comprehensive, local *Help for Troubled Georgians*. Local service development mobilized communities & brought in new people with a stake in change.

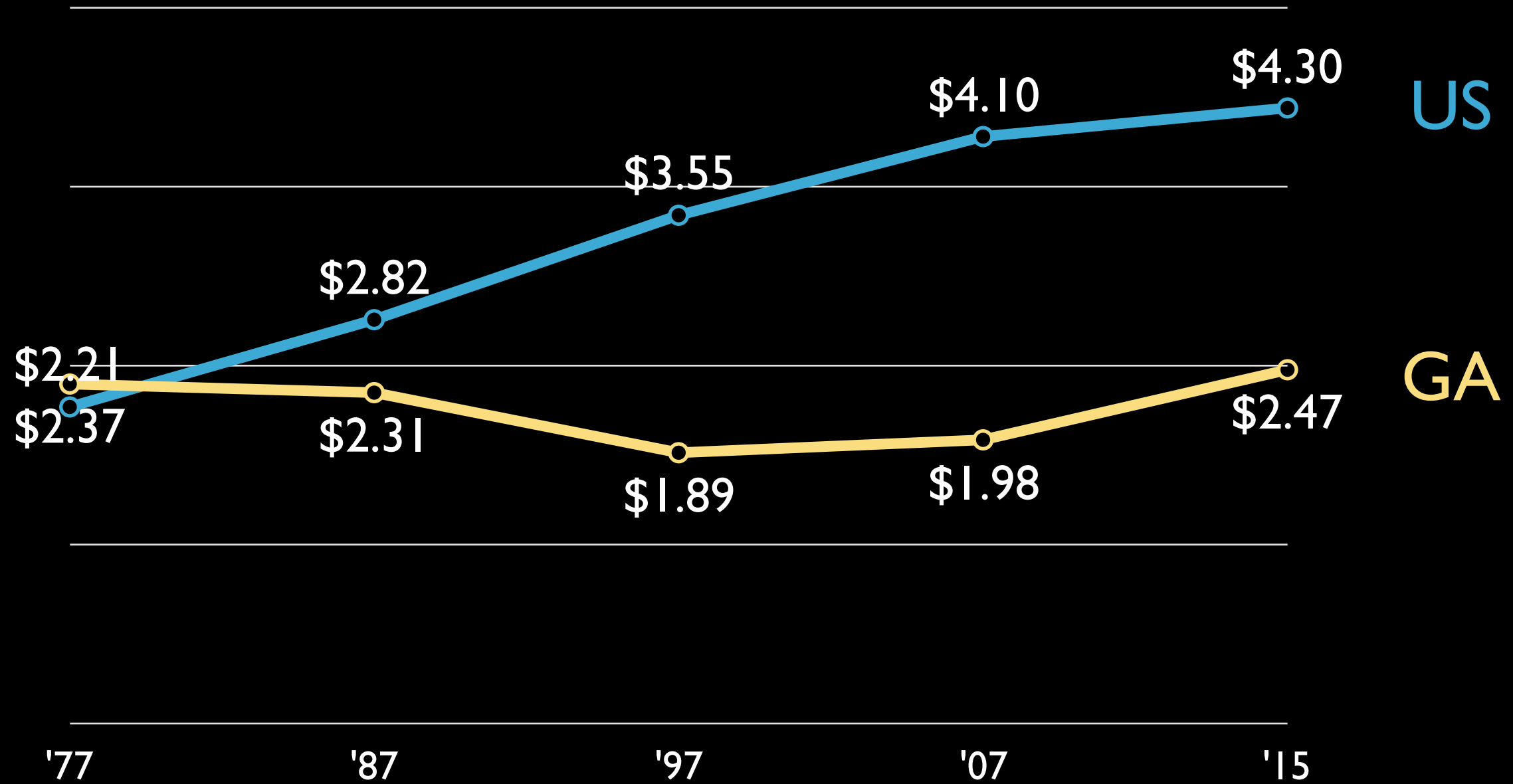
Federal champions directed attention & investment to improving & extending services to people with DD.

Federal judges responded to institutional conditions as violations of civil rights.

International experience demonstrated that practices developed from clear human values made institutions unnecessary.

Early Days	Today
Title XX (Social Service) Local effort	Title XIX (Medicaid)
Local governance of service provision	DCH MA control Compliance regime
ARCs powerful political & thought leadership	Struggle for influence on fundamental issues Multiple organizations
Progressive legislation: Community Services Act; Education for All	Dominance of Federal agendas: DoJ; Medicaid
Multiple areas of significant innovation	?
Active network of innovators	?

Chronic Underinvestment



Fiscal Effort for ID/DD Services

Spending per \$1,000 Personal Income

Resistance & inertia in response to policy establishing rights

OCTOBER TERM, 1998

581

Syllabus

OLMSTEAD, COMMISSIONER, GEORGIA DEPARTMENT OF HUMAN RESOURCES, ET AL. v. L. C.,
BY ZIMRING, GUARDIAN AD LITEM AND NEXT
FRIEND, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT

No. 98-536. Argued April 21, 1999—Decided June 22, 1999

In the Americans with Disabilities Act of 1990 (ADA), Congress described the isolation and segregation of individuals with disabilities as a serious and pervasive form of discrimination. 42 U.S.C. §§ 12101(a)(2), (5). Title II of the ADA, which proscribes discrimination in the provision of public services, specifies, *inter alia*, that no qualified individual with a disability shall, “by reason of such disability,” be excluded from participation in, or be denied the benefits of, any program, activity, or service. § 12102. Congress also requires the regulations implementing Title II to “make reasonable modifications” to avoid “discrimination on the basis of disability.” See § 12134(a). One such “integration regulation,” requires a “public entity” to “make the most integrated setting appropriate to the needs of qualified individuals with disabilities.” 28 C.F.R. § 35.130(d). A further prescription, here called the “reasonable-modifications regulation,” requires public entities to “make reasonable modifications” to avoid “discrimination on the basis of disability,” but does not require measures that would “fundamentally alter” the nature of the entity’s programs. § 35.130(b)(7).

Respondents L. C. and E. W. are mentally retarded women; L. C. has also been diagnosed with schizophrenia, and E. W., with a personality disorder. Both women were voluntarily admitted to Georgia Regional Hospital at Atlanta (GRH), where they were confined for treatment in a psychiatric unit. Although their treatment professionals eventually concluded that each of the women could be cared for appropriately in a community-based program, the women remained institutionalized at GRH. Seeking placement in community care, L. C. filed this suit against petitioner state officials (collectively, the State) under 42 U.S.C. § 1983 and Title II. She alleged that the State violated Title II in failing to place her in a community-based program once her treating professionals determined that such placement was appropriate. E. W. intervened, stating an identical claim. The District Court granted partial summary judgment for the women, ordering their

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF GEORGIA, et al.,

Defendants.

CIVIL ACTION NO.
1:10-CV-249-CAP

SETTLEMENT AGREEMENT

I. Introduction
The United States brought this action by the filing of a complaint seeking declaratory and injunctive relief against Defendants based upon alleged violations of the Title II of Americans with Disabilities Act, codified at 42 U.S.C. § 12101 (“ADA”), and implementing regulations at 28 C.F.R. Part 35, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. Part 84 (“Section 504”).

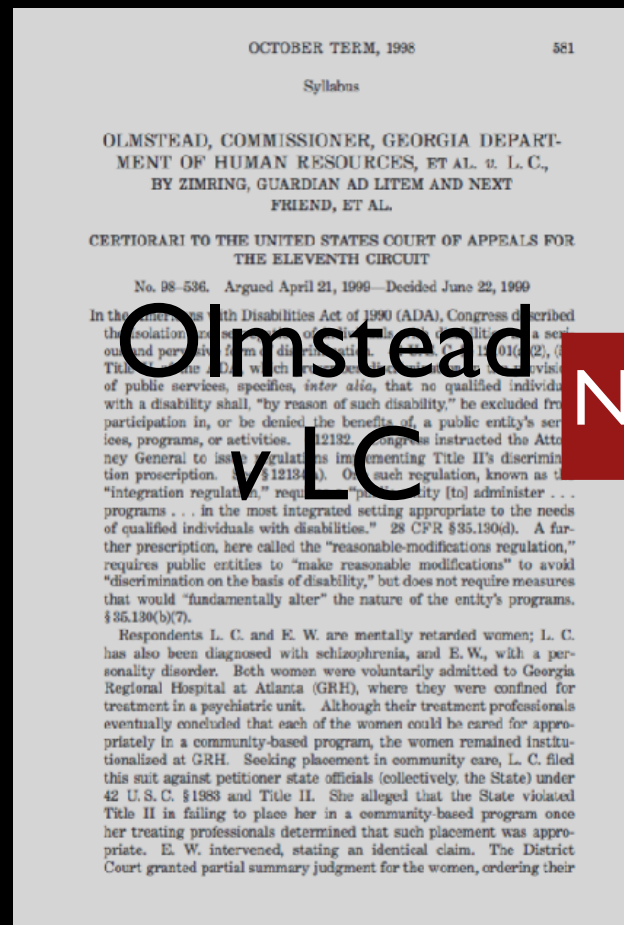
- B. In order to resolve all issues pending between these parties without the expense, risks, delays, and uncertainties of a trial and any appeals that might follow such a trial, the United States and Defendants agree to the terms of this Settlement Agreement as stated below.
- C. On January 15, 2009, the United States Department of Justice (“DOJ”) and the State entered into a settlement agreement which the United States District Court for the Northern District of Georgia entered as an order of the Court on September 24, 2010, in Civil Action No. 1:09-CV-119-CAP. This Settlement Agreement does not affect the validity of the January 15, 2009 agreement between the parties.
- D. On July 1, 2008, the State entered a Voluntary Compliance Agreement (“VCA”) with the United States Department of Health and Human Services’ Office for Civil Rights (“OCR”). This agreement supersedes the VCA.

Olmstead v LC
1999

Noncompliance

Settlement Agreement
with DOJ
2010—Ongoing

Enduring



Olmstead v L.C.

Noncompliance

Systemic Incompetence

Decreasing capacity for innovation



Settlement Agreement

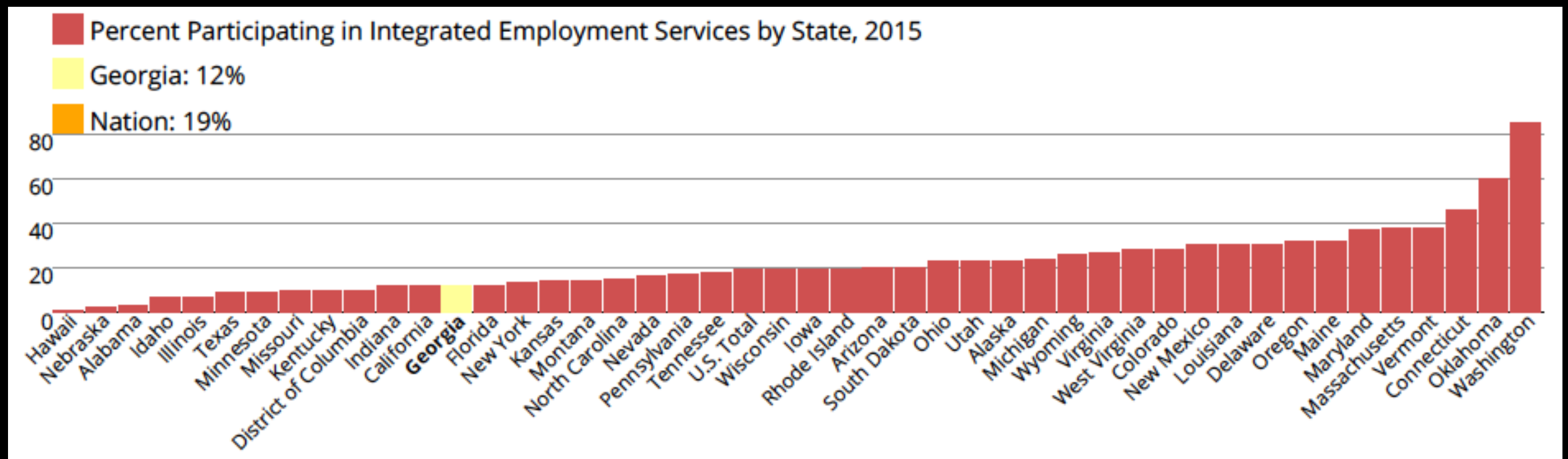
Increasing focus on compliance

Development controlled by effects of past injustice vs a vision of inclusive community

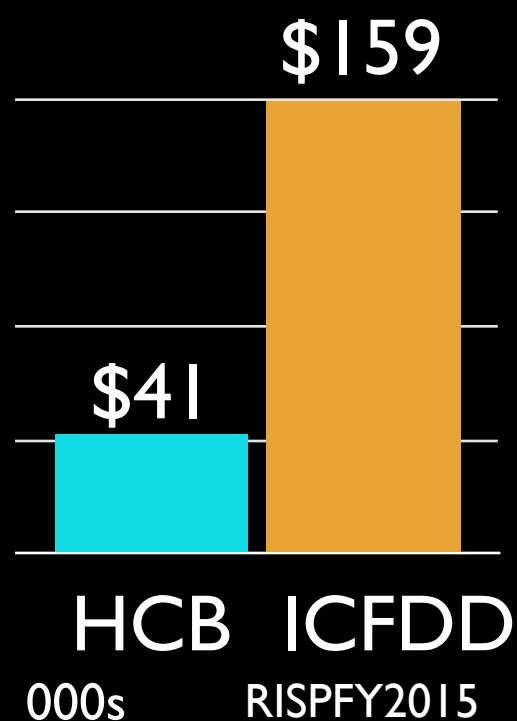
By the late '70s GA was a national leader in supported employment & reduction in facility based day services.

Medicaid expansion, no longer under DHR control,
created incentives for congregation & community
unemployment

Today GA lags the leaders X 5 or more and is 7% below
the national average in integrated employment.



Tenacious attachment to segregation & subjugation*



*Subjugation means others control your life.
E.g you can't go to the ADAP Action unless
your staff says you can.

Enduring

And



Redrawing boundaries
Opening opportunities
for contribution
Building community

It Is Not Enough To Call For Change

It is not enough to call for change
Change is forever imminent
and change will come
But only when that life
now lived as death
rejects its pain and sings
its own resolve and
of itself insists that there is
more

And takes it's rightful place as
partner on a Journey,
full and equal.



Mari Evans



Lois Curtis

People & families who maintained their sense of dignity & held on to their desire for **more** in the face of systemic disregard for their capacities for relationship & contribution form the foundation on which we build.



Al Duvall

Those people with disabilities, families & allies who create the conditions where people can give voice to their distinctiveness & enact their contribution act as builders of the Beloved Community.

Remembering the persistent & pervasive effects of social exclusion & subjugation works

Tell me, what do you wish for all the people you've helped move out of the institution to live in their communities?



Lois Curtis

I hope they live long lives and have their own place. I hope they make money. I hope they learn every day. I hope they meet new people, celebrate their birthdays, write letters, clean up, go to friends' houses and drink coffee. I hope they have a good breakfast every day, call people on the phone, feel safe.

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Lois Curtis

That the Supreme Court of the United States had to act in order to move our system toward assistance that supports these simple human goods is our shame.

That we continue, collectively, to resist the necessary deep change compounds our shame.

Building relationships & roles that reveal the
wisdom of people's experience works.



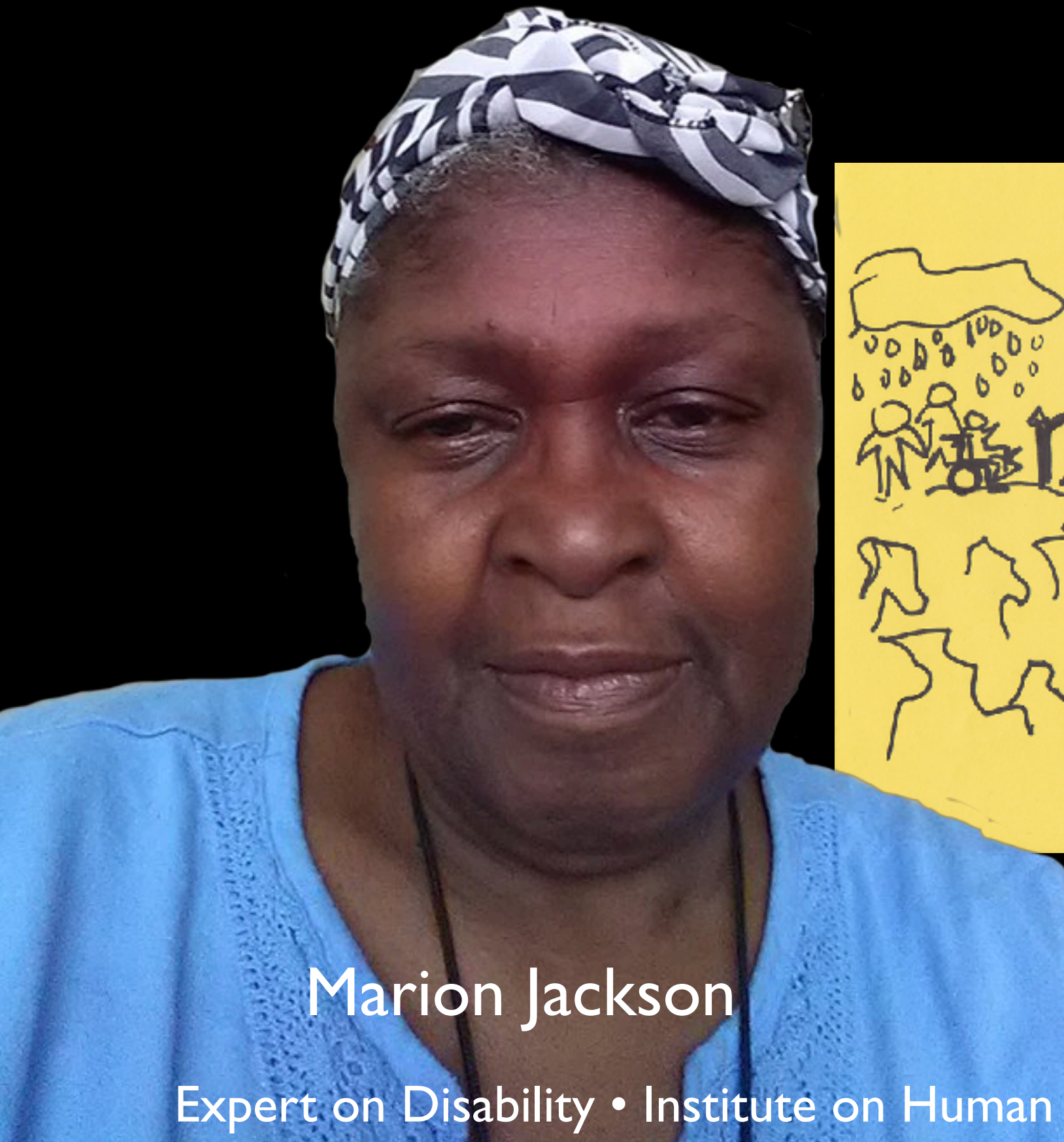
Al Duvall



Gail Bottoms

Experts on Disability • Institute on Human Development & Disability

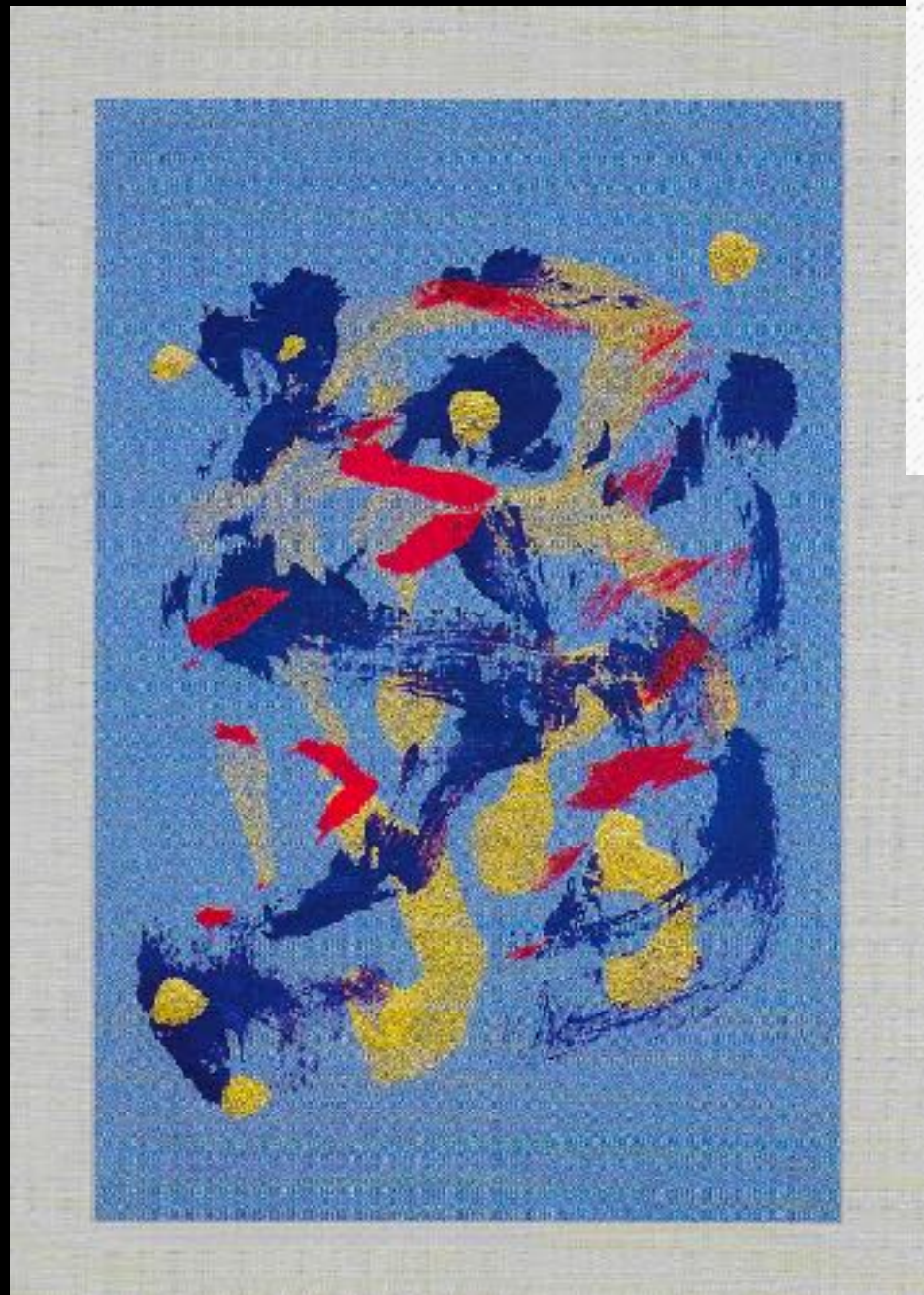
Attention to highest purpose works



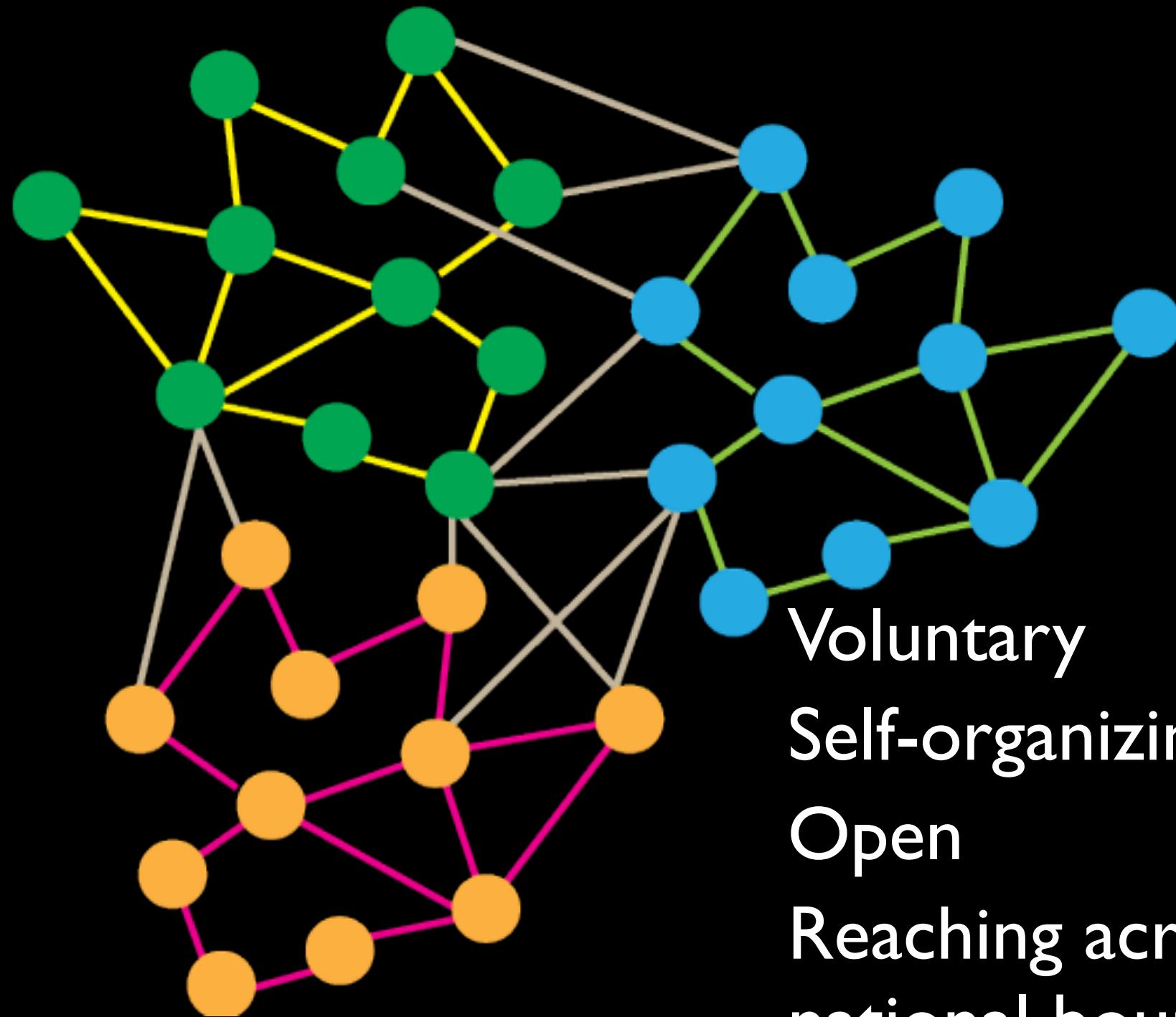
Marion Jackson

Expert on Disability • Institute on Human Development & Disability

Aligning family minds, hearts & wills works



Multi-interest cross boundary networks work



Voluntary

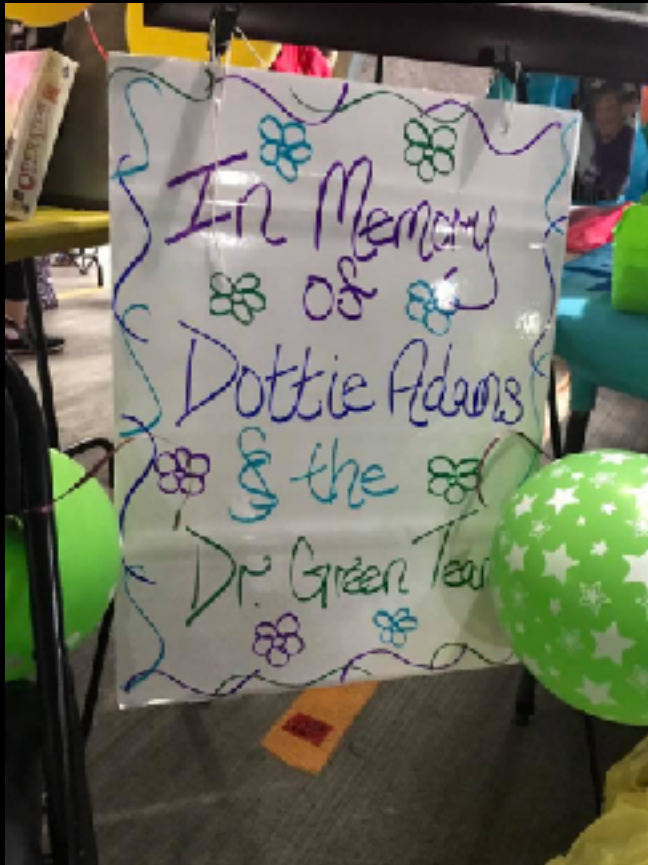
Self-organizing

Open

Reaching across state &
national boundaries

Reaching out past disability

Grounded imagination works



Dottie Adams

Making connections &
practicing the arts of
friendship & citizenship

Holding important parts
of many life stories
through open hearted
listening, alertness to
hidden capacity & the will
to encourage & join in
creating the new.

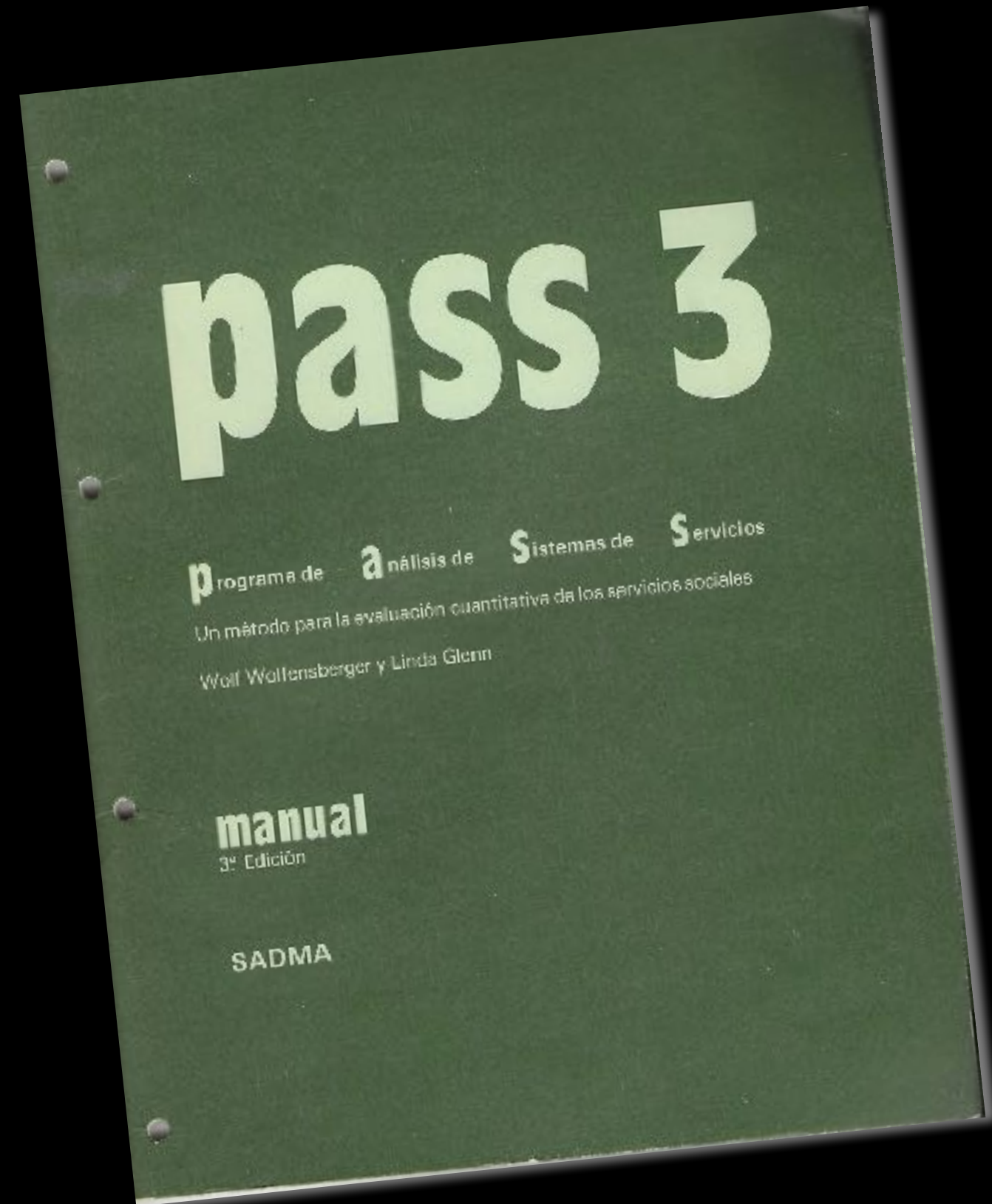
Investing in structures
that support inclusion:
Project Search; Navigators;
Real Communities...

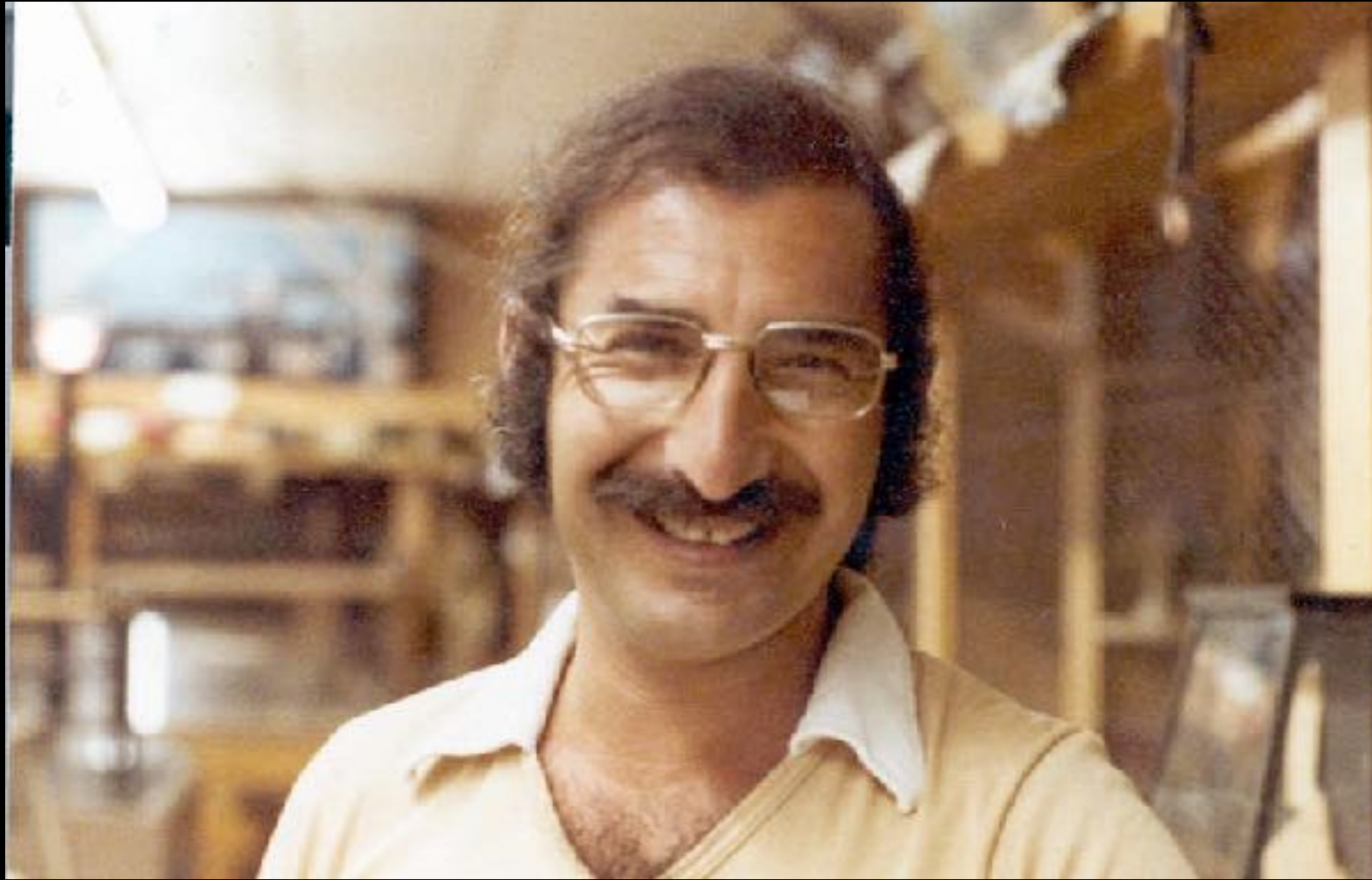
Creating lasting
celebrations through her
gif of quilting

Investing in the people who offer direct support works



Critical reflection to
discover & correct blind
spots & incoherencies
works





Actively confronting assumptions of incompetence & the structures built on them works

Expecting contribution works

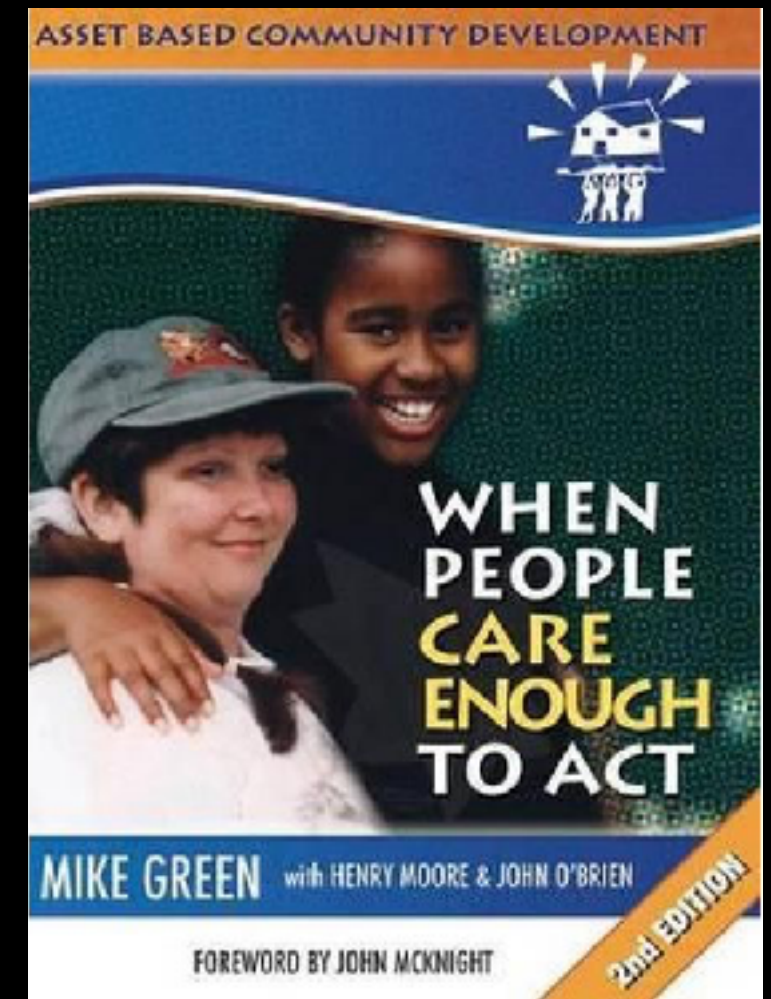


*I'll know the DRC is a success
when they answer the phone like
this,*

*Disability Rights Center,
how can you help us?*



Mobilization of assets through personal engagement with community issues works



REAL COMMUNITIES PARTNERSHIPS

Committed & enduring circles of support work

Living fully in a society that continues to devalue the status it assigns you & often fails to –or only grudgingly provides– the accommodations & assistance you require to act as a contributing citizen is hard work. It is understandable that many people with disabilities stay close to the margin they are pushed to. Pushing back is work, every day.

Belonging to an intentional circle of people committed over the long haul to building community together makes this work of resistance less burdensome, more creative & more fun.



Judith Snow

Intentional relationships that reach across boundaries work



Telling the story works

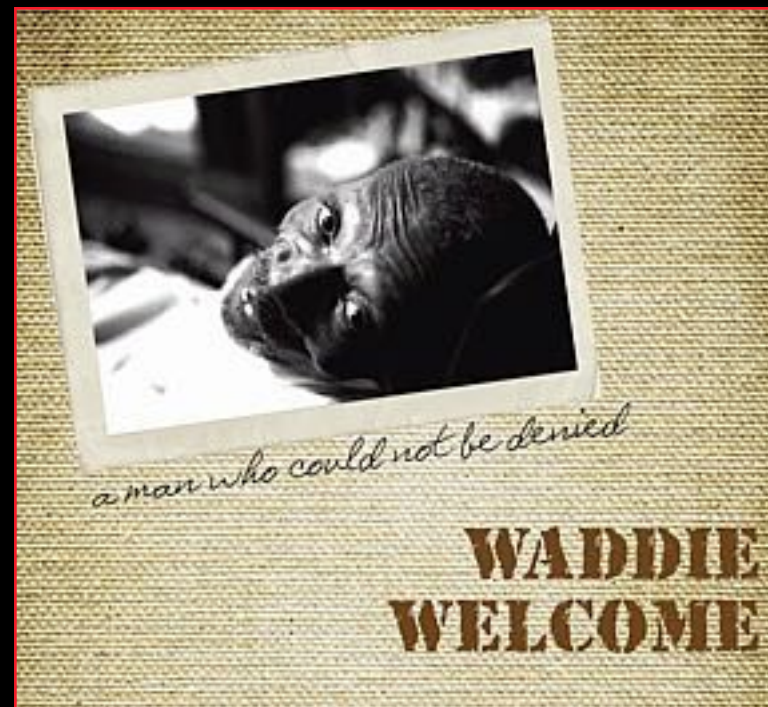
WADDIE WELCOME & THE BELOVED COMMUNITY



TOM KOHLER

SUSAN EARL

INCLUSION PRESS



It Is Not Enough To Call For Change

It is not enough to call for change
Change is forever imminent
and change will come
But only when that life
now lived as death
rejects its pain and sings
its own resolve and
of itself insists that there is
more

And takes it's rightful place as
partner on a Journey,
full and equal.



Mari Evans