

# Access to Justice as a Path to Inclusion



Presented by

The Disability Information Network

Areta Guthrey, Executive Director

# Materials

- Downloaded at [disabinfo.net](http://disabinfo.net)
- Downloaded at Pac Rim website
- Possible publication in Pac Rim Conference Proceedings

# What is Justice?

Natural **justice**, economic **justice**,  
social **justice**, political **justice**, legal **justice**,  
distributive **justice** and corrective **justice**.



# Legal Justice

- Basic:
  - Courts, Lawyers
  - Laws (statutes, regulations), Constitutions
- Broadly defined:
  - Administrative agencies
  - Advocates, , non-profit and government legal assistance programs
  - Community Advisory Committees
  - Government Advisory Councils

# Goal

Getting the attention of  
someone who has the  
power to help us enforce  
our rights

# Access through Lawyers

The Usual Path: you ask a lawyer to represent you in a court of law and you pay large fees for the privilege of enforcing your rights.

Pros: Someone who knows the system and will interact with other lawyers and speak for you.

Cons: Expensive, time consuming, delay, hard to find attorneys who know our community, and who can truly speak for you.

# How to Find a Lawyer

- Government Disability Advocates
- Non-profits: search by subject matter. E.g. Housing, Veterans
- Bar associations
- Modest means programs
- Government general legal assistance programs

# Protection & Advocacy

- Non-profit agencies established by Congress to provide free legal services to PWD to enforce rights to benefits and services
- At least one in every state. Names vary.
- P&A systems for: Developmental Disabilities, Traumatic Brain Injury, Access to Voting, Assistive Technology
- These P &A programs managed by the Administration for Community Living: [acl.gov](http://acl.gov)



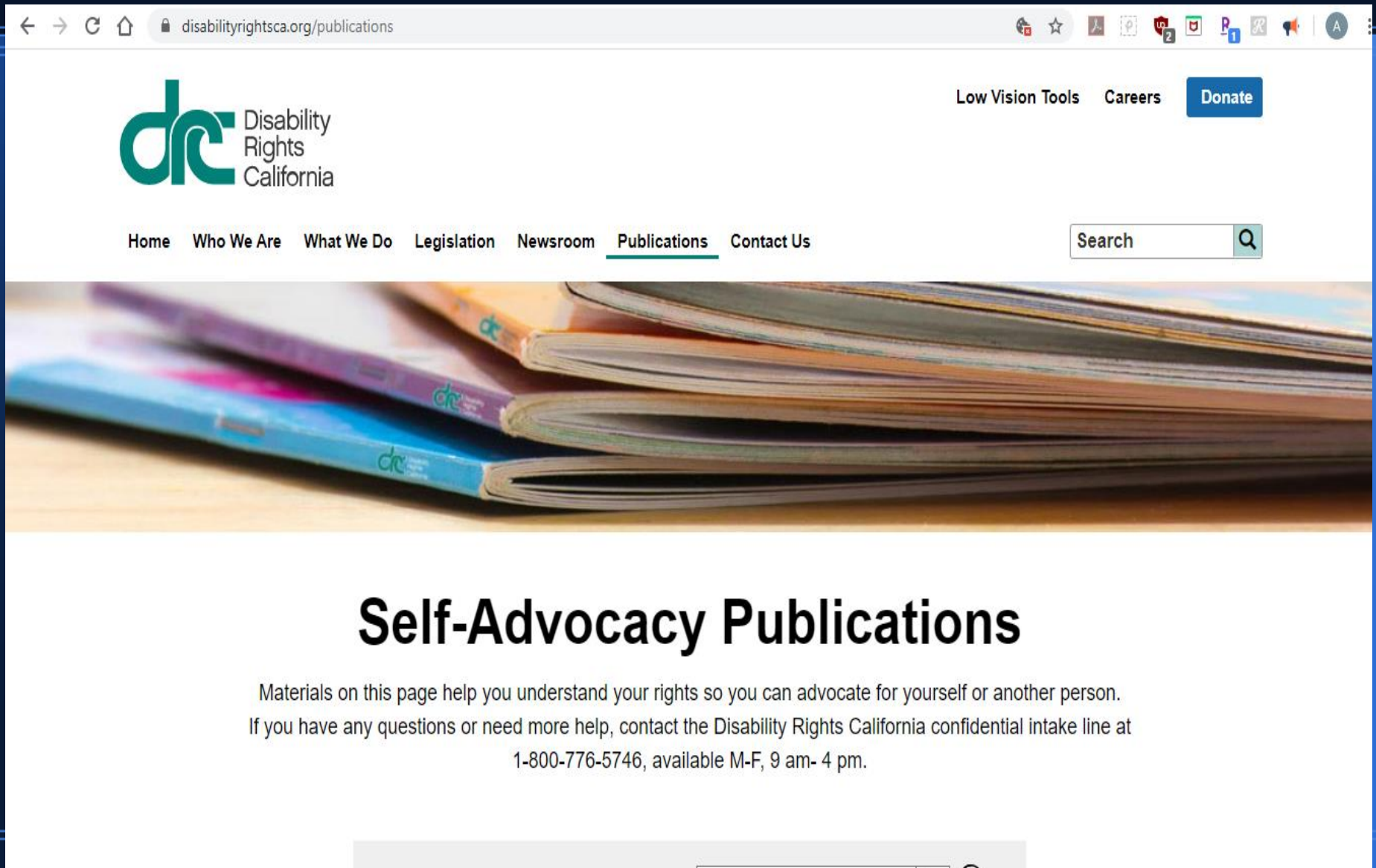
# PAIMI/ CAP/OCRA state grants

- Protection and Advocacy for Individuals with Mental Illness – grants administered by the Substance Abuse and Mental Health Services Administration (SAMHSA)
- Client Assistance Program: Rehabilitation Services Administration. ADA Title I and Rehabilitation Act of 1973 (Department of Rehabilitation and Independent Living Centers)
- Office of Clients' Rights Advocacy (Calif.)

# P&A Pros

- No Cost.
- Specialized knowledge.
- Relationships with the agencies.
- Alternative Dispute Resolution can preserve relationships.
- Information, training, referrals.
- Online publications.

# Disability Rights California



The screenshot shows a web browser window with the URL [disabilityrightsca.org/publications](https://disabilityrightsca.org/publications). The page features the Disability Rights California logo (a stylized 'drc' in green) and a navigation menu with links for Home, Who We Are, What We Do, Legislation, Newsroom, Publications (which is underlined), and Contact Us. There are also links for Low Vision Tools, Careers, and a blue Donate button. A search bar is located on the right side of the navigation area. Below the navigation is a large image of several colorful brochures or pamphlets stacked on a wooden surface. The main heading is 'Self-Advocacy Publications' in a large, bold, black font. Below this heading is a paragraph of text: 'Materials on this page help you understand your rights so you can advocate for yourself or another person. If you have any questions or need more help, contact the Disability Rights California confidential intake line at 1-800-776-5746, available M-F, 9 am- 4 pm.'

disabilityrightsca.org/publications

Low Vision Tools Careers [Donate](#)

Home Who We Are What We Do Legislation Newsroom Publications Contact Us

Search

## Self-Advocacy Publications

Materials on this page help you understand your rights so you can advocate for yourself or another person. If you have any questions or need more help, contact the Disability Rights California confidential intake line at 1-800-776-5746, available M-F, 9 am- 4 pm.

# Topics

- Abuse and Neglect
- Assistance Animals
- Assistive Technology & Medical Equipment
- Businesses and Government Entities
- California Children's Services (CCS)
- Conservatorship
- Department of Rehabilitation (DOR)  
Disability-Related Discrimination
- Employment
- Health Care
- Higher Education
- Housing
- Immigration
- In-Home Supportive Services (IHSS)
- Jail and Juvenile Justice
- Medi-Cal

# Topics (continued)

- Mental Health
- Public Transportation
- Regional Center
- Resources for Children
- Self-Advocacy
- Small Claims
- Social Security / SSI
- Social Security and Work
- Special Education
- Traumatic Brain Injury
- Voting
- Rights Under The Lanterman Act Manual (RULA)

# P&A Cons

- Relationships with the agencies.
- Lack of resources. Calif 2015: 1,085 clients served. UCLA estimated 700,000 PWDD in 2015. P&A assisted 0.00155%.
- Not PWD.
- Lack of community input into agenda.
- 57 different organizations.

# Administrative Agencies

Every State and Federal Department has a complaint process on it's website.

- US Dept of Ed Office of Civil Rights: [ed.gov](http://ed.gov)
- HUD (Housing and Urban Development): [hud.gov](http://hud.gov)
- Ombudsman for Medicaid/Medicare: [cms.gov](http://cms.gov)
- [ADA.gov](http://ada.gov) for architectural barriers
- National Park Service/Vendors: [nps.gov](http://nps.gov)

# DOE discrimination complaint

## U.S. Department of Education Office for Civil Rights

OCR's mission is to ensure vigorous enforcement of civil rights for DOE funded agencies: schools, libraries, museums, TV.

Race, color, national origin, sex, disability, or age. (Not IDEA)



# US Department of Education

The screenshot shows the homepage of the U.S. Department of Education website. At the top, there is a navigation bar with the department's logo and name, a search bar, and a menu with four categories: Student Loans, Grants, Laws, and Data. Below the menu are four featured content cards, each with a representative image and a brief description. At the bottom, there are three sections: Press Releases with a list of recent news items, a profile for Secretary of Education Betsy DeVos with a list of links to her bio, speeches, and social media, and a 'How Do I Find...?' section with a list of common user queries.

ed.gov

U.S. Department of Education

Search...

Student Loans Grants Laws Data

**STUDENT LOANS**  
Get all the information you need to apply for or manage repayment of your federal student loans.  
GO >

**GRANTS**  
Learn more about grant opportunities, applications, and details about grants awarded.  
GO >

**LAWS & GUIDANCE**  
Find federal education legislation, regulations, guidance, and other policy documents.  
GO >

**DATA**  
Explore and download data and learn about education-related data and research.  
GO >

**Press Releases**

- U.S. Department of Education Launches Investigation into Foreign Gifts Reporting at Ivy League Universities
- SchoolSafety.gov Launches to Help Educators, Administrators, Parents, and Law Enforcement Prepare for Threats
- President Trump Proposes Transformative, Student-First Budget to Return Power to States, Limit Federal Control of Education
- [More...](#)

**Betsy DeVos**  
Secretary of Education

- Bio
- Speeches
- @BetsyDeVosED

**How Do I Find...?**

- Student loans, forgiveness
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098, tax forms
- [More...](#)

# US Dept of Education (Continued)

## Featured



Education Freedom Scholarships



Homeroom Blog



SchoolSafety.gov

## Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning



*Our mission* is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

### Student Loans

[Repaying Loans](#)

[Defaulted Loans](#)

[Loan Forgiveness](#)

[Loan Servicers](#)

### Grants & Programs

[Apply for Pell Grants](#)

[Grants Forecast](#)

[Apply for a Grant](#)

[Eligibility for Grants](#)

### Laws & Guidance

[Every Student Succeeds Act \(ESSA\)](#)

[FERPA](#)

[Civil Rights](#)

[IDEA Website](#)

### Data & Research

[Education Statistics](#)

[Postsecondary Education Data](#)

[ED Data Express](#)

[Nation's Report Card](#)

[What Works Clearinghouse](#)

### About Us

[Contact Us](#)

[ED Offices](#)

[Jobs](#)

[Press Releases](#)

[FAQs](#)

[Recursos en español](#)

[Budget, Performance](#)


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# Office of Civil Rights

← → ↻ 🏠 [www2.ed.gov/about/offices/list/ocr/know.html?src=ft](http://www2.ed.gov/about/offices/list/ocr/know.html?src=ft) ☆ 📄 📌 📧 📧 📧 📧 📧 📧 📧 📧



U.S. Department of Education

[Student Loans](#) [Grants](#) [Laws](#) [Data](#)

## OCR

Office for Civil Rights

- Home
- Programs/Initiatives
- Office Contacts
- Reports & Resources
- News
- About OCR
- Reading Room
- Frequently Asked Questions
- Careers/Internships
- Blog

## Know Your Rights

- OCR Complaint Process
- Sex Discrimination
- Race and National Origin Discrimination
- Age Discrimination
- Disability Discrimination
- Boy Scouts of America Equal Access Act

OCR enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive Federal funds from the

## How Do I Find...

- Student loans, forgiveness
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098, tax forms

[More >](#)

## Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning

## Related Topics

- [How to File a Complaint](#)
- [Topics A-Z](#)
- [Civil Rights Data](#)

# Office for Civil Rights

The screenshot shows a web browser window with the URL [www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt](http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt). The page header includes the U.S. Department of Education logo and a search bar. A navigation menu contains links for Student Loans, Grants, Laws, and Data. The main content area features the OCR logo and a list of navigation links: Home, Programs/Initiatives, Office Contacts, Reports & Resources, News, About OCR, Reading Room, Frequently Asked Questions, Careers/Internships, and Blog. The primary heading is "How to File a Discrimination Complaint with the Office for Civil Rights", with a PDF icon and "(202 KB)" indicating the document format. Below this is an "Introduction" section with a small photo of a man and the text: "Educational institutions have a responsibility to protect every student's right to learn in a safe environment free from unlawful discrimination and to prevent unjust deprivations of that right. The Office for Civil Rights enforces several Federal civil rights laws that prohibit..."

How to File a Discrimination Complaint with the Office for Civil Rights

PDF (202 KB)

**Introduction**

Educational institutions have a responsibility to protect every student's right to learn in a safe environment free from unlawful discrimination and to prevent unjust deprivations of that right. The Office for Civil Rights enforces several Federal civil rights laws that prohibit

**How Do I Find...**

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- FAFSA
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More >

**Information About...**

- Transforming Teaching
- Family and Community Engagement
- Early Learning

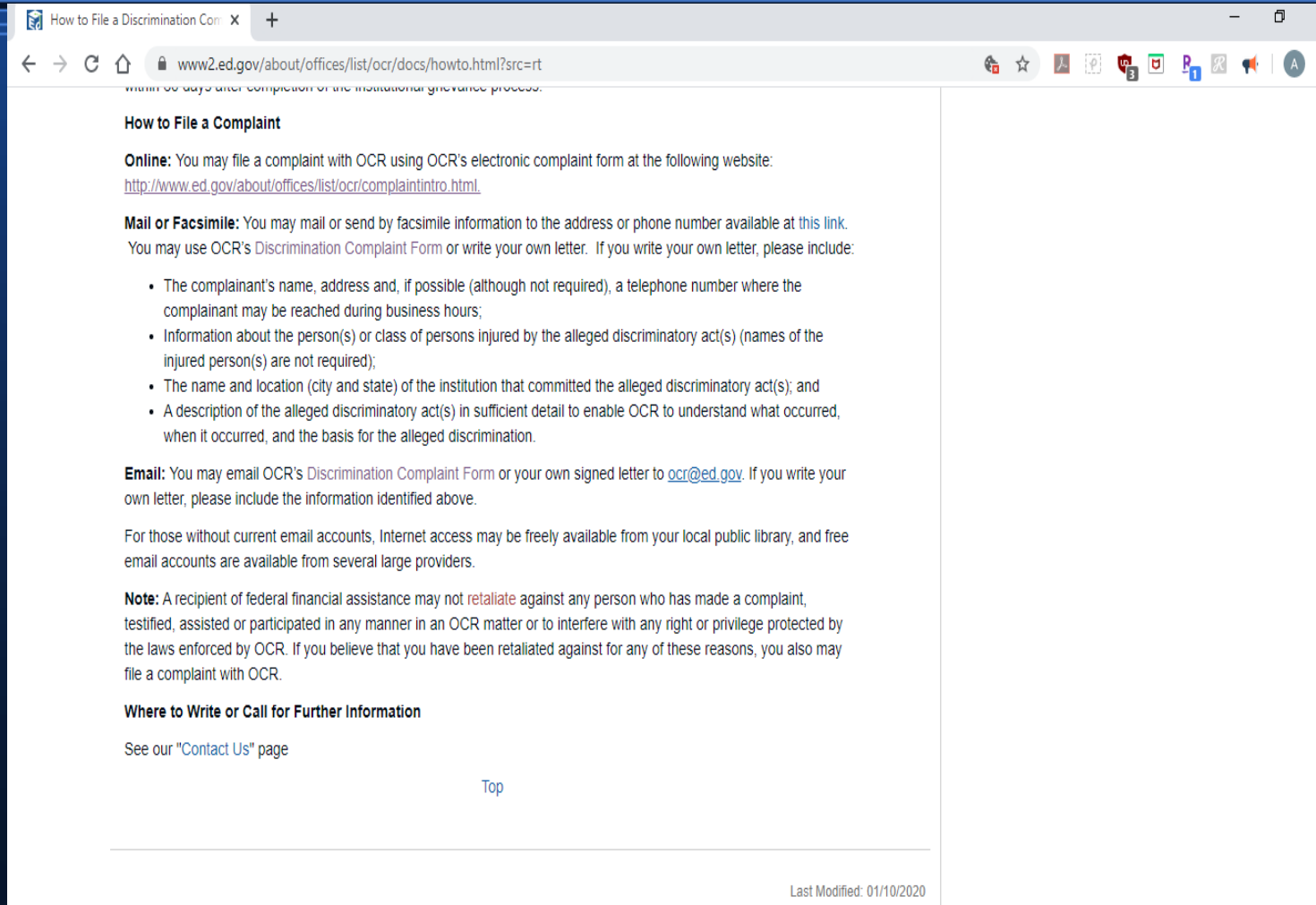
**Related Topics**

- [How to File a Complaint](#)
- [Topics A-Z](#)
- [Civil Rights Data](#)

# How to file

- Who can file: ANYONE
- Civil Rights laws prohibit retaliation (file anonymously)
- Timeline: 180 days or good cause OR 60 days after internal process completed
- Civil Rights violations in named categories

# How to File an OCR Complaint



How to File a Discrimination Complaint

within 60 days after completion of the institutional grievance process.

## How to File a Complaint

**Online:** You may file a complaint with OCR using OCR's electronic complaint form at the following website:  
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

**Mail or Facsimile:** You may mail or send by facsimile information to the address or phone number available at [this link](#). You may use OCR's [Discrimination Complaint Form](#) or write your own letter. If you write your own letter, please include:

- The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
- Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location (city and state) of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.

**Email:** You may email OCR's [Discrimination Complaint Form](#) or your own signed letter to [ocr@ed.gov](mailto:ocr@ed.gov). If you write your own letter, please include the information identified above.

For those without current email accounts, Internet access may be freely available from your local public library, and free email accounts are available from several large providers.

**Note:** A recipient of federal financial assistance may not **retaliate** against any person who has made a complaint, testified, assisted or participated in any manner in an OCR matter or to interfere with any right or privilege protected by the laws enforced by OCR. If you believe that you have been retaliated against for any of these reasons, you also may file a complaint with OCR.

## Where to Write or Call for Further Information


See our ["Contact Us"](#) page

[Top](#)


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Last Modified: 01/10/2020

# OCR Complaint Assessment System



**Office for Civil Rights  
Complaint Assessment System**



Start Over [OCR Complaint Consent Form](#) (76K) Select State... Find a local OCR office

**Welcome to the OCR Complaint Assessment System**






This section of the OCR website is designed to help you determine if the Office for Civil Rights may be able to assist you by investigating a complaint of discrimination against a school, school district, college, university, library, or other educational entity that is covered by a law OCR enforces. If an OCR complaint does not appear to be the appropriate route the website will suggest links to other resources that may better assist you in addressing your concerns.

Please answer the following questions to the best of your ability to ensure the most accurate assessment.

**Select Your Language:**

English

**Resources on Filing a Complaint**

<b>How to File a Complaint</b> 	<b>Questions &amp; Answers</b> 	<b>Language Assistance</b> 
<b>How OCR Handles Complaints</b> 	<b>Accessibility Assistance</b> 	<b>Fillable PDF Complaint Form</b> 

**How To File a Complaint (Resources Available in Other Languages)**

- መድልዎን የተመለከተ ቁሬታን ማመልከት የሚቻልበት መንገድ (Amaharic) PDF (248K)
- كيفية تقديم شكوى (Arabic) PDF (2M)
- 如何向美國教育部民權事務辦公室提出歧視投訴 (Trad. Chinese) PDF (402K)
- شكايت طرح روش (Farsi) PDF (206K)
- Comment déposer une plainte pour discrimination (French) PDF (243K)
- Fason pou Pote Plent pou Diskriminasyon (Haitian Creole) PDF (160K)
- एक भेदभाव शिकायत दर्ज करने के लिए कैसे (Hindi) PDF (1.55M)
- Kev Sau Tsab Ntaww Tsis Txaus Siab Txog Kev Ntxub Ntxaug Rau (Hmong) PDF (317K)
- 민권 담당국에 차별 대우 고소를 제기하는 방법 (Korean) PDF (284K)
- ວ່າຄົວຄອບຄົວທີ່ ຜົນລະເຮັດຂອງ ວິທີການຂົນສົ່ງຂ້ອງ ໃນການຖືກຈຳແນກບ່າຫ້ອງການ (Laotian) PDF (323K)
- ਭੇਦਭਾਵ ਸਬੰਧੀ ਸ਼ਿਕਾਇਤ ਨੂੰ ਨਾਗਰਿਕ ਅਧਿਕਾਰ ਦਫਤਰ ਵਿੱਚ ਵਿੱਦੇ ਦਰਜ ਕਰੀਏ (Punjabi) PDF (362K)
- Как Подать Жалобу О Дискриминации (Russian) PDF (228K)
- Kako Podnijeti Žalbu O Diskriminaciji (Serbo-Croatian) PDF (120K)
- Sida Xafiiska Xuquuqda Rayadka Loogu Gudbinayo Cabashada (Somali) PDF

# Filing a OCR complaint

1. Complete and submit the electronic form on the OCR website, or fill out and print the PDF form. All complaints are filed with the federal office.
2. OCR routes the complaint to the local office and a staff person will contact you to outline the process and answer any questions you have.



# Investigation

1. The staff member assigned to the complaint will call or email you to hear more about the issues.
2. An investigation will be started IF the OCR representative finds that there is sufficient cause and that there are no barriers to the complaint such as lateness.

# Administrative Pros and Cons

- Pros: NO COST. The agency will conduct the investigation, request documents, do interviews etc. on your behalf. Faster than court cases.
- Cons: If the covered entity chooses to enter into a voluntary agreement, you can participate, but you will not have the final say in settlement. You cannot get financial damages, but you may still file a court case if you choose.

# Special Education Assistance

- Family Resource Centers (mandated by IDEA)
- Parent Training and Information Centers (PTIs) funded through IDEA. SpEd. Birth-22.
- Community Parent Resource Centers (CPRCs): low income, ESL. SpEd.
- [parentcenterhub.org](http://parentcenterhub.org)
- Family Empowerment Centers on Disability (California)

# Think Outside Disability

Search for programs in the subject matter:

- Housing
- Landlord/Tenant
- Family Law
- Elder assistance programs
- Low income programs: Legal Services Corp.
- Legal Aid
- English as a second language
- Veterans
- ABA

# Money, Money, Money, Money

- Contingency fees in civil rights cases
- Spouse may pay in family court
- Deducted from government benefits due
- Legal Services Corp: [lsc.gov/what-legal-aid/find-legal-aid](http://lsc.gov/what-legal-aid/find-legal-aid)
- [Americanbar.org/groups/legal\\_services/flh-home/](http://Americanbar.org/groups/legal_services/flh-home/)

# Crowdfunding

- [Crowdjustice.com](http://Crowdjustice.com). Developed specifically for legal work. Money goes directly to lawyer's client account.
- [Fundrazr.com](http://Fundrazr.com). Search for “legal”.
- [Gogetfunding.com/category/legal-defense](http://Gogetfunding.com/category/legal-defense)
- General crowdfunding: [justgiving.com](http://justgiving.com).  
[Gofundme.com](http://Gofundme.com), [freefunder.com](http://freefunder.com)

# SEARCH TERMS

- Disability Rights Advocacy (state)
- Match up these terms with your subject matter and state or country: Discrimination, Ombudsman, Fair Hearing, Due Process
- E.g. Housing discrimination disability complaint Australia

Agency's website

Complaints against (agency)

