>> Lewis Kraus: Welcome to the Emergency Management and Preparedness Inclusion of Persons with Disabilities Webinar Series. I am Lewis Kraus from the Pacific ADA Center, your moderator for this series. This series of webinars is brought to you by the Pacific ADA Center on behalf of the ADA National Network Learning Session. The ADA National Network Learning Session is made up of 10 regional centers federally funded to provide training, technical assistance, and other information as needed on the Americans with Disabilities Act. You can reach your regional ADA Center by dialing 1-800-949-4232.

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This is the fifth year of this webinar series which shares issues and promising practices in emergency management inclusive of people with disabilities and others with access and functional needs. The webinars provide an opportunity for emergency managers, people with disabilities, and others with access and functional needs, first responders, planners, community organizations, and other community partners to exchange knowledge and information on promising practices in inclusive emergency preparedness and management for the whole community. The series topics cover emergency preparedness and disaster response, recovery, and mitigation, as well as accessibility and reasonable accommodation issues under the Rehabilitation Act of 1973, the Americans of -- Americans with Disabilities Act of 1990, ADA, and other relevant laws.

Upcoming sessions are available at www.adapresentations.org/schedule.php. These monthly webinars occur on the second Thursday of the month at 2:0030 p.m. eastern, 1:30 central, 12: 30 mountain, and 11:30 a.m. Pacific time. By being here you are on the list to receive notices for future webinars in this series. The notices go out two to three weeks before the next webinar and open that webinar to registration.

You can follow along on the webinar platform with the slides. If you are not using the webinar platform, you can download a copy of today's PowerPoint presentation at the www.adapresentations.org/schedule.php web page.

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Today’s ADA National Network Learning Session is titled The Disaster Response Efforts of the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties. The Office of Civil Rights and Civil Liberties, or CRCL, leads the Department of Homeland Security’s commitment to protecting civil rights in natural and man-made disasters.

In this session, CRCL's Rebekah Tosado and Brian Parsons will introduce CRCL's disaster-related responsibilities drawing upon examples from CRCL's experiences during the 2017 and prior disasters. They will describe CRCL's collaboration with FEMA, a component of the Department of Homeland Security, and federal civil rights partners to provide proactive
guidance, address emerge issues, and engage members of the disability community.

Our speakers today are Rebekah Tosado. She's the chief of the Antidiscrimination Group at the DHS Office for Civil Rights and Civil Liberties, which has responsibilities related to compliance with various federal civil rights laws, including Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973.

Also joining us today is Brian Parsons, a Senior Policy Advisor in the same group, the Antidiscrimination Group, of CRCL, and he is a Subject Matter Expert on inclusive disaster management and disability policy.

And so, Brian, I believe, is going to go first. I'm going to turn it over to you and start you up on your first slide, Brian.

>> Brian Parsons: Thank you, Lewis. And thanks to everybody for joining us today. We hope to be able to provide you with some hopefully very interesting information about the nature of our office and what we do specifically in disasters.

We think of ourselves as having a niche role but a very important role. It's very unique. And we hope you will see that as we go.

Let's go ahead on to slide two with our presentation topics. So as Lewis mentioned, we are going to begin a little bit here with a description about CRCL, the Office of Civil Rights and Civil Liberties as a whole. We are going to discuss our responsibilities specific to disasters. We thought it would be interesting to then paint a picture of how civil rights principles apply during disasters. We're going to draw upon examples from our recent work and past work to talk about what that looks like in terms of our response. And some of the things that we've been hearing from the community about civil rights and disasters. We're going to have the ability to provide some resources to you here. And we'll close out by talking about how to contact CRCL for a variety of reasons.

So let's start with slide three, our mission. We do -- as a small headquarters office, we are in a position, sort of the cat bird seat, if you will, to look out across the department to be able to advise leadership regarding civil rights and civil liberties issues. It's an interesting intersection between Homeland Security and achieving our national security goals while also upholding liberty and fairness and equality under the law. So we're kind of at that intersection. It's a very interesting place to be.

Slide four, specifically in terms of our mission we carry that out through four basic areas, or buckets I guess we'll call them. The first is by promoting civil rights and civil liberties in policy development, working across that leadership of the department, engaging with our state and local colleagues, working with other federal colleagues to make sure that civil rights and civil liberties considerations are built into policy development.

We engage the community to find out firsthand about areas in which the community at large may have concerns about activities the department is undertaking and how that might impact the civil rights and civil liberties of individuals.

Slide five, please.

The other two major areas that are -- that our mission progresses is in the area of investigating complaints under civil rights law. And we have a compliance branch that fulfills that function. We receive complaints.

We're in a position by virtue of delegated authority from the secretary of Homeland Security to be the single point of sort of complaint investigation. And then we work with our various DHS component agencies to investigate and resolve complaints.

And then lastly, we work on leading the equal employment opportunity and
promoting diversity among the workforce within DHS. So that's kind of the inward-looking, big branch of what we do, the EEO function of our office.

Ok. Let's take a look at slide six. Pardon a minute. I'm having a little bit of technical difficulty here.

On slide six we see there's a piece of CRCL Lewis mentioned earlier which is the Antidiscrimination Group. Rebekah is our section chief. I work within that section. We are supposed to look at the compliance of both the DHS conducted activity and the activities carried out by DHS-funded recipients with respect to those civil rights laws.

Now, on slide seven you can see the key authorities that we have that we kind of keep our laser focus on, starting with the Title VI of the Civil Rights Act of 1964. And that provides protection to individuals on the basis of race, color, national origin inclusive of language.

Section 504 of the Rehabilitation Act of 1973, which is probably of the most interest to this audience today, and that's protection against discrimination on the basis of disability. Executive Order 13166, which is the Presidential Executive Order looking at protecting individuals based on language access considerations.

And then Executive Order 12898 which has to do with ensuring environmental justice.

We selected these four to highlight because they're the four that come into the most importance during disasters. We also have other civil rights and civil liberties authorities that we work under.

Slide eight. We start to move into the idea of how does the civil rights and civil liberties consideration apply to disasters. As an overarching statement here, we are in the position to be at sort of the point of that arrow or the point of that spear. But that's not to say that we don't work with our colleagues and partners across the department. Chiefly, the Federal Emergency Management Agency, FEMA, and many of our other DHS component agencies and, in fact, across the federal government.

So looking at what is that exactly, how does that take shape during disasters, for slide nine. The first way that that takes form is an advising leadership, department. Again, I wanted to make sure everyone's aware that our office is led by a Presidential appointee, Officer Cameron Quinn is currently our officer. She has access to the secretary of Homeland Security, reports to the Secretary, and we have the ability through Cameron to promote civil rights and civil liberties issues to the leadership throughout the department.

We also do this kind of advice on civil rights issues to program management officials throughout the department. And then interestingly the public affairs officers become heavily involved during disasters and making sure that the messaging that goes out, both in content with respect to people with disabilities, as well as format and how it reaches people with disabilities, we're active in all of those fronts.

We investigate and resolve formal complaints that compliance branch that I mentioned earlier. We have received complaints during disasters. And at the end of this presentation, we'll give you the contact information if you need to pursue filing a complaint related to a disaster activity.

We participate in local and national-level disability stakeholder calls. This is to really engage directly the disability community and understand the concerns. These are the meetings that typically organically arise as a result of the disaster in the aftermath of a disaster. We are often, usually now, invited into that conversation and it's an important way for us to understand
what the civil rights issues are.

Moving to slide 10, still moving through our set of disaster-related functions here I
wanted to point out our collaboration with our FEMA colleagues. Three offices in particular that
we work with routinely: The Office of Equal Rights, Office of Disability Integration and
Coordination, and the Office of External Affairs. They all have key roles. And we can also work
directly with the program offices during disasters but we usually work through these three
offices on our way to do that.

We coordinate with the Department of Justice, chiefly the Civil Rights Division, the
federal coordination and compliance section, as well as the disability rights section. And our
other federal civil rights colleagues from other federal agencies which includes, for example,
Health and Human Services, and housing and urban development among others.

We work within the department to promote a clear statement with respect to
immigration enforcement during disaster, really keeping a focus on the idea that there will not
be immigration enforcement action that is connected to or associated directly with the
evacuation, sheltering that occurs. The primary goal of the department during a disaster is
around life safety issues and sort of setting that priority first, making sure people feel
comfortable coming forward to receive the humanitarian assistance that they can receive.

In slide 11, to finish out our responsibilities during disasters, we are increasingly
beginning to post resources we'll go through a few of those toward the end of this presentation,
to our website. We have big plans, which unfortunately we haven't been able to unfold entirely
before today but soon be on the lookout for additional notification there. We will be able to
how's more resources in one place for you on civil rights and disasters.

We do reminders to recipients of federal assistance at the state and local level.
Again, as Lewis had mentioned in the beginning, Section 504 of the Rehabilitation Act, this
carries with it when federal funding goes out to state and local governments, it carries with it
the civil rights obligations so we routinely do reminders of these recipients so they understand
their obligations before, during, and after disasters.

And then what we have very robustly done this past year in particular but going back
several years now is following disasters, we engage -- this is initiated by us this time, initiate
actual engagements with the disability community to make sure that we hear directly from
people with disabilities on what their concerns are. And then we take those concerns back to
the policy and program folks within the department and share that information with them in
hopes of continuing to improve and change the way in which disaster response and recovery is
carried out.

So now we're going to pivot on slide 12 to sort of painting that picture of how exactly
do civil rights principles apply during disasters.

So what we've done is to put out here for you 10 principles. I'll explain a little bit later
where these principles came from and where you can find them in writing. And I'll give you
some examples for each of these. And it's important to -- some of these you'll kind of go yeah,
uh-huh, got it. We take that for granted. But we look across the emergency management
enterprise as a very diverse group of individuals. And emergency managers, along with state
and local officials, and folks of all walks of life working at the state and local level, it's very
important for everyone to be on the same page with respect to what these principles are. So
let's begin with the concept of self-determination.

So, as I was reflecting on these and trying to give you a tangible example for each
one, self-determination gets at the idea that people with disabilities are typically the most
knowledgeable about their own needs. And let's take the example of building evacuation. I think as emergency manager, if I were in that role, there would be a tendency for me to, perhaps at times, generalize about here's the folks that can evacuate and the folks that can't evacuate. And then make generalizations about what I think people can and can't do.

What this principle says is let's engage with individuals and find out what their preferences are and what their abilities are so that we're not making generalizations about who can leave the building. And we might be surprised if people don't have obvious disabilities but they come forward and they say, you know, I need to sit this one out because I can't do the stairs for this particular reason or conversely someone with a mobility disability saying no problem, I'm going to go down those stairs like everybody else.

So this example is to point out that people with disabilities are the most knowledgeable about their needs and engagement with people is the most important piece.

No "One size fits all." This principle gets at the idea that, again, not making those generalizations. An example that we thought of here is the idea of emergency registries. There could be a tendency for an emergency manager to think of an emergency registry as a single, sort of one-size fits all approach to solving an issue about how we meet people's needs. And in reality, people are going to, particularly during disasters, have an array of different kinds of needs. And the needs change as a result of the emergency. So registries, you know, can't be looked at as a single one size fits all solution for meeting everyone's needs.

Again, engagement would be the key here. Engagement with community organizations that understand their own disability community members and what those needs are is key.

For slide 13, equal opportunity, this is one we thought of the example -- let's go to the end of the spectrum of emergency management and talk about the recovery phase. So in recovery, when the community, as a whole, is engaged in discussing what is the future of our rebuilding efforts, what is it going to look like. And the question that needs to be asked from an emergency management perspective is, Do we have all the voices at the table? Do we have the disability community here? Do they have an equal opportunity to voice their vision for what the community should look like in making sure that it's reconstituted in a way that is fully accessible to people with disabilities?

And if we flip to the other side of the spectrum, to the beginning part in preparation, the preparation phase with inclusion, this is where, for example, it's particularly important to have people with disabilities included in preparedness, planning efforts, and directly in exercises. Not just actors. People, you know, sort of attempting to fulfill the role of people with disabilities, but engaging directly with people with disabilities in the exercise is a way of ensuring inclusion and insight into the exercise process.

Slide 14. The principle of integration. For this one we thought of the sheltering, emergency sheltering, context. So it's really important to be thinking of sheltering as an inclusive, integrated setting as the primary goal and objective, keeping people together with their family members, with their friends, with their support individuals. So integration within the sheltering system is a really good example of how to look at that principle of integration.

Physical access is a principle that we cannot assume the physical access issues have gone away. It's been a lot of years since architectural standards were put in place, you know, 50, 60 years worth of effort. And yet we see each year still issues emerge with respect to using facilities, you know, state and local, federal even, facilities that may not be fully accessible to people with disabilities. So making sure to do the planning effort in advance. It's
more difficult with physical accessibility because the disaster itself can often change the landscape in terms of what is available to choose in the way of facilities. But this needs to be the priority, physical accessibility, always.

On slide 15 we have the principle of equal access. Here we thought of the example of the application and registration process for emergency services and relief.

So as an emergency manager, you know, am I thinking through what are the steps involved in this registration? Are they going to present a barrier to individuals with disabilities because of the complexity of the process, the length of time in terms of becoming registered for a particular service? Does the system have the ability to provide accommodation to individuals so that they have an equal opportunity to access these services?

And effective communication is our next principle. And here, really effective communication applies across all phases of emergency management but we probably could most clearly point to the preparedness stage and the immediate -- the disaster event that is a known event, that is coming toward us, like a hurricane, for example, there's an opportunity to get information out in advance on that.

And even for the no notice events, we would be sending information out in the immediate aftermath of that event so I would be asking myself questions like: Ok, are the evacuation instructions in a pdf document that is accessible to blind people? Or another example would be: Are the televised speaking events with my local officials -- do they have the sign language interpreter included within the screen that's being televised so that individuals who are deaf can see the interpreter on screen?

So those are the kinds of things that involve effective or ensure effective communication.

Slide 16, we have our last two principles. Program modification, this one we can point -- we'll go back to our sheltering context. You know, there's oftentimes -- although this is even a changing landscape -- a no pets policy within, you know, the general population shelter. Of course, increasingly we have pets being brought on site within a proximity to the general population center so that we can have people have access to their pets. But within the actual general population shelter it's important to note that any kind of no pets policy would be waived or modified to allow for a service animal that somebody with a disability would need for their activities of daily living.

And no charge is our last principle. Again, this one might be, oh, wow, we all know that, and people can't be charged for their accommodation. But I would challenge everybody to think of this, extend it a little bit and think of it this way. If we are thinking about program eligibility where somebody is going to need a sign language interpreter to interact with personnel for a government service if it turns out that obtaining that interpreter is so difficult that the individual ends up having to employ their own interpreter and bring that interpreter with him, then essentially we're charging the individual indirectly.

So, again, having robust accommodations in process in auxiliary agent services makes sure that people are not doing -- like, they, themselves, are responsible for having to pay for accommodations that really should be the responsibility of the governmental instituting.

So in slide 17, we thought it would be helpful for the next two slides to give you some examples. Oftentimes civil rights compliance can be viewed as something where, ok, I've checked that box. You know, I've checked that box. Maybe I've become a little bit less vulnerable to a lawsuit, for example. We'd like to encourage emergency management to go a step passed that and see how many of these principles contribute directly to the objectives of
emergency management itself.

We have three examples here for you. So achieving inclusion. Remember we talked about the principle of inclusion. Inclusion of individuals with disabilities in the front end, preparedness planning, will result in a better planning effort for identifying and working with and meeting the needs of people with access and functional needs. So you have a more robust plan as a result of inclusion up front.

Achieving effective communication, again going past the exercise of saying, ok, is this format accessible to people with disabilities, what's the end goal there? The end goal is to deliver information into the hands of people with disabilities that is actionable. So if we fulfill this principle, effective communication, we've met the civil rights obligation but we've also advanced the life safety goal of giving people information that they can move on to be able to evacuate or shelter in place or do whatever action is being asked of the public.

And in slide 18, for our last example, we wanted to mention this idea of integration, again, circle back to that. Again, we talked about it in the sheltering context before and sort of staying on that theme, if integration is achieved within mass evacuation and mass sheltering, then you've got the ability to use precious medical resources on folks who have the most acute medical needs. And we're not making possibly arbitrary decisions about people with non-acute medical needs being moved over into an acute setting. That's not doing anybody any good. It is an inefficient way of using the medical resources.

Ok. At this point in time I'm going to hand the Baton off to my colleague, Rebekah Tosado. She's going to walk us through some of our recent activities, give you a picture of the listening session that we have been engaged in.

Rebekah, you can take it away.

>> Rebekah Tosado: Ok. Brian, can everyone hear me?
>> Lewis Kraus: Yes. You're fine.
>> Rebekah Tosado: Excellent. Thank you so much.

So, I want to share information with all of you about the listening sessions that we held along with the feel -- FEMA Office of Disability and coordination and we held territories that were heavily impacted by the 20178 hurricanes as well as the wildfires from 2017 and 2018. To really hear directly from communities that were impacted by the disasters.

The goal of the listening sessions has been to learn more about the frustration and concerns that disaster survivors with disabilities were faced with, and directly from persons with disabilities as well as organizations that are serving individuals with disabilities in the community. And to identify where improvements can be made in other disasters.

We actually hear about concerns as well as effective practices that were put in place for meeting the needs of persons with disabilities in disasters, whether it be in the preparedness sponsor in recovery.

We have these listening sessions in northern and Southern California in Houston in various cities in Florida, in Puerto Rico, as well as in Saint Thomas and St. Croix. And we partnered with a number of amazing organizations and entities to put these meetings in place and to have representation from throughout the communities.

In Houston, for example, we partnered with Maria Town who is the Director of the Mayor's Office for People with Disabilities, the Centers for Independent Living have been a partner with us in virtually all of the listening sessions and have really done amazing work in partnering with us and with other organizations in the community.

And a huge amount of help was received from the FEMA disability integration
advisors in all of the areas where we work. So we are in the process of finalizing our recaps of each of the listening sessions and we're going to make those all available to the public. And we're finalizing our analysis of the recaps as well.

In the meantime, I want to share with you a number of the cross-cutting themes along some of the areas that were raised at each one of the listening sessions.

In each one of them we covered five general areas at least: So communication access for people with disabilities, one area, preparedness and evacuation, sheltering, access to FEMA resources and programs, and the last category, the services and supports for recovery.

What we have learned -- and, again, this is a snapshot -- in the area of preparedness. We learned that it was paramount to proactively integrate disabilities stakeholders within emergency planning and preparedness efforts, including exercises so that's a cross-cutting theme that emerged from our listening sessions in the impacted areas. Communication access for people with disabilities. Again, a theme really that was hearkened on each one of the listening sessions, the need to have alternative means of communication to be sure it reaches communities that have disabilities in communication about alerts, warnings, and other messaging that can support equal access during and after a disaster.

Use of qualified ASL interpreters before, during, and after a disaster may be a priority.

In the area of evacuation we heard in a lot of the listening sessions of the need to provide training and in some case as decisional training to first responders on interacting with individuals who have disabilities. For example, individuals who have autism, individuals who have Alzheimer's. Not every approach is going to work for every member of the community. I know we just talked about one size does not fit all and that's certainly the case for evacuations.

Lots of comments we received on sheltering. So the overall cost-cutting theme there is that shelter providers really improve their disability-related capacity and the training that they're providing to their staff and volunteers on interacting with people who have disabilities on ensuring that their areas within a shelter that can accommodate people, for example, who have autism or children who have autism. Also heard about making sure that persons who are elderly can be near a bathroom. And, of course, we heard about the importance to have accessible bath rooms at all shelters.

In other areas, access to FEMA resources and programs, the recurring theme was about the application, the FEMA application. We heard a number of times from members of the community about improvements in the FEMA application itself and the ability to document a disability within the application.

So there were some unique concerns in all of the listening sessions but especially in Puerto Rico and the Virgin islands. I wanted to mention a few year. There were difficulties in obtaining oxygen for those who were living independently in the community. That was a concern that arose mostly in Puerto Rico.

Secondly, the impact of the loss of power. In other communities in Houston, for example, there was loss of power for a certain amount of hours or possibly a couple of days it could be longer. And someone can correct me on that a little bit later. But the impact the loss of power on the islands was extremely significant on individuals who rely on power for their medical devices to keep their medication refrigerated. So there was a really significant impact
on individuals with disabilities in Puerto Rico and the Virgin Islands because of the also -- of the loss of power and the extended time it took and in some cases continues to take to restore the power to the islands and individuals who live in them.

This is a really -- part of the cross-cutting theme raised here again is really a lack of training for personnel who staffed the shelters in Puerto Rico and the Virgin Islands.

This next concern that we heard is one that we heard really in all of the listening sessions but I think compounded by the loss of power and on some cases initially lack of access to food and lack of access to basic human sustaining necessities, for the challenges in communicating disaster information to individuals who are deaf.

And then we heard quite a bit about mental health impacts across all populations in the islands. That continue to this day and that continues to be a factor in the recovery of Puerto Rico and the Virgin Islands.

Again, we will have more information on our website. As I mentioned, a recap from each of the listening sessions and a fuller analysis of the cross-cutting themes that emerged from our listening sessions throughout the country.

So with that, I think I'm going to turn it back over to Brian who is going to go over some of the resource that are available from our office.

>> Brian Parsons: Ok. Thank you, Rebekah. We'll be picking back up here with slide 24 and the resources.

What I thought I would do here is go through several of the key resources we already have on our website and then, as we said, there's a promise for more. If you come back to us in the future, you will see us build this out even further.

So the first item here is guidance to state and local government. Some of these titles that we use are rather sort of generic looking but I'll explain each one as we go.

So this one is guidance that was developed by the Department of Justice in 2016 with the collaboration of DHS and HHS. It speaks to the vital importance of preventing discrimination on the base of race, color, national origin, and language. And there is a linkage there to the disability protected bases as well.

The notice to recipients on nondiscrimination, this is language that we have developed and have been able to send directly to the federal coordinating officers that are in charge of the Joint Field Offices after disasters and after the infrastructure is set up to work in response and recovery. Again, reminding these state and local recipients of their obligations related to civil rights.

The Guide for Interacting with People with Disabilities is a resource that we developed in 2013 for the 40th anniversary of the Rehabilitation Act and serves as kind of a starting place for myths and facts related to disabilities, preferred language within the disability community, and some tips for interacting with people with disabilities.

So we hope that this is the kind of resource that would address what Rebekah was talking about earlier, about the need for, you know, both the personnel and the volunteers involved in disaster relief to understand the respect for dignity of individuals.

And the tips for effectively communicating with the whole community, this is a resource that we developed jointly with the FEMA Office of Equal Rights and the FEMA Office of Disability Integration and Coordination. It raised a series of reminder bullets and useful tips on ways in which all communities within the whole community can be reached, people with disabilities as well as people with limited English proficiency.

On slide 25 we continue with our resources. Accommodating Individuals with
Disabilities in Disasters, this is the document that I mentioned earlier would be the source for the 10 principles that I walked you through. This document is a little bit older now. We developed it in 2007. So it precedes the ADA Amendments Act, for example, but it wasn't substantially impacted by the Amendments Act and we hope to continue to revisit it. But the principles are sound and they really haven't changed as they emerge from the Rehabilitation Act and the ADA as a whole, sort of as the bedrock. So when you see further down here the link to the page where you can find these resources, and the links to those, you might want to check that out. It's an interesting document.

The CBP ICE statement. This is the one from Hurricane Harvey where we were able to work through the department a statement assuring the community that there would not be immigration enforcement associated with the humanitarian relief of evacuation and sheltering.

And you see here the link on the bottom here of this slide. If you go there, you can find the resources I've just talked you through.

On slide 26, contacting CRCL. So to obtain technical assistance or to file a complaint, we have our contact information here. I believe this is all of our various channels that you can reach us. I would provide one caution to you. If you want to reach us by physical paper mail, like a lot of federal agencies but particularly with Homeland Security, all of our physical mail goes through a security, intensive security, screening process. So there's quite a delay if you send something to us by physical mail before we will receive it. And also it's nice and toasty because it's been through all kinds of radiation before it gets to us.

So I would encourage you to use these other mechanisms, the e-mail and the phone would be the faster way to reach us.

We also have our web page for CRCL at the bottom of that slide. You can check out everything in a larger sense of what we've been talking about.

On slide 27, this is some guidance on filing a complaint. As I mentioned earlier, you know, essentially what it says here is that we have an optional form that can be completed and submitted to us electronically ideally. The reason for the form is to make sure that we can capture all of the information that our investigators would need to act on the complaint. So if you choose not to use the form, please use the instructions on the web page here that will guide you toward including all of the information we would need to make sure your concern is addressed.

And on slide 28, we have our presenter information here for Rebekah and myself. I just have a virtual open door policy. Please do feel free to e-mail us if you have any questions about what we've talked about today. We will be glad to 2308 up with you. -- to follow up with you.

At this point I will pass the baton to Lewis for the question and answer phase.

>> Lewis Kraus:  Great. Thank you so much, Becky and Brian. That was really interesting. I think everybody enjoyed this and hung in there to really learn more about your agency.

At this point, everyone, this is your chance to start asking your questions. Put them in the chat window and we'll get to them in a moment.

First of all, a little bit of house cleaning. For those of you who joined late, this is recorded and will be archived next week at the www.adapresentations.org/archives.php website.

I wanted to lead off one question with both of you about the listening sessions and your document that's going to come out. Can you tell us a little bit -- how does that -- does that play into your planning or your future efforts? How do you imagine that's going to be used?
Rebekah Tosado: Hi, Lewis. It's Becky. I will take that question. We are still in conversations with our colleagues at FEMA to really determine what the deliverables necessarily will be. But we know here at CRCL what we've learned from the listening sessions are really going to help inform our work. And the kinds of programs, initiatives, and efforts that we need to carry out to ensure that individuals who have disabilities are served and protected in a disaster.


So here's a first question which someone asked while you guys were speaking. This is one that we hear a lot at our ADA centers. Here's one for you. We'll see how you answer this.

Can we require any proof that an animal brought to a shelter is, in fact, a trained service animal? As a first responder, I see people constantly saying their pets are service animals and I seriously doubt it.

Brian Parsons: Lewis, this is Brian. I will take a stab at this one.

So under the law there are generally two questions that can be asked of an individual bringing in a service animal into a public setting. First the question is, is the animal required because of a disability? That's question one. And question two, if need be, doesn't have to be asked but if it's not apparent as to what function the animal performs, you can ask what work or task does the animal perform. Those are the only two questions that are permissible.

Now, having said that, you know, there are designs to get at a couple of different important things. Service animals as defined under the law, they are able to perform -- first of all, service animals under the law are generally dogs and in some circumstances miniature horses but they also have been individually trained to perform a task. So there is an important role for non-service-related animals, and we'll use assistance animal or emotional support animal as some of the other terms.

Particularly in residential settings, like in housing, for example, where you see within the public housing world you'll see emotional support animals, assistance animals, really being helpful to people. But the distinguishing factor there between a service animal and an emotional support animal is the fact that the service animal has been individually trained to perform a task, usually within a public setting.

So I'm giving you generalizations, I guess. I'm trying to respond to the questioner. But these are things that you can kind of use to sort of steer your own action in response to this.

We are seeing a general movement within, you know, the Red Cross and other shelter providers toward more creative solutions where people want to be able to bring their animals directly into the shelter with them. And they may or may not meet the definition of a service animal under the law. There are efforts underway to be more creative in allowing that broader set of animals to accompany.

But I think an important piece that comes with the service animal requirements within the law is, you know, how is the animal behaving with respect to the public and to the people around the individual. So if the animal is presenting a direct threat or becoming, you know, a difficulty for the operation of the actual service, then I think, you know, it could be a problem. But generally, particularly during a disaster, the movement is toward trying to be more creative in allowing a broader array of animals into the shelter.

Rebekah Tosado: This is Becky. I wanted to add one point, which is that we are available
to provide the technical assistance and answer questions from state or local emergency managers and others if it's not an issue that falls exclusively in our jurisdiction, we can certainly partner with sister agencies at the department -- Department of Justice Disability Rights Section to provide some really comprehensive technical assistance. We encourage folks to reach out to us at any of the e-mails that we included.

>> Lewis Kraus: Thanks, Becky and Brian. And also I want to take the opportunity here to tell people that if you do have these kinds of questions, especially ADA-related questions like this, that is the purpose of the ADA National Network Learning Session, or one of them, anyway.

That 800 number I gave at the beginning, 1-800-949-4232, is a number you can call and have a confidential conversation with technical assistance around country that are specific to your region to answer these kinds of questions. And this is exactly what we, also, are there to do. So there are resources for you to be able to answer -- get these questions answered.

Ok. Next question that's being asked. What happens to a disabled person when a shelter is closed and they have no home to return to?

>> Brian Parsons: Ok. This is Brian. I'll take this one.

So, there is an obligation within shelter providers to work with an individual to provide a placement. So before the shelter is closed. For people with disabilities who have physical accessibility needs for where they're going to move to and other, you know, other kinds of complex support needs, it becomes really challenging because, for the individual as well as the provider, because the disaster itself has impacted the availability of accessible housing, for example.

So one of the things from a civil rights perspective that we're very focused on, concerned about, is a couple of different things. One is making sure that the transition out of shelters doesn't result in unnecessary institutionalization of the individual. There is an overarching -- going back to the principle I mentioned earlier about integration, there is an overarching expectation that in addition that the government is involved in will lead to the least restrictive environment, the least restrictive setting where the individual lands as a result of the transition. So we're really interested and concerned about making sure that people with disabilities don't end up in facilities where there's unnecessary institutionalization.

The other thing that can often happen, particularly with people with disabilities, is the displacement out of the immediate locality or the immediate community to either an adjacent community or often times a more distant community, that individual oftentimes never gets back to the community of origin.

You know, this speaks to the issue I was mentioning earlier about recovery and reconstituting the community. So if somebody -- I'll just make something up here but it comes from real experience that I had when I was working in a recent -- well in a disaster on the coast of Texas.

So if somebody is displaced from the coast of Texas to, say, Dallas, ok, several hours away, now, because that's where the nearest accessible housing is, how does the person ultimately come back? There may be family or friends who can help the person to resettle and help to rebuild and add the accessible features back to a place. But, you know, oftentimes if the person was living in publicly funded housing and that housing was impact order destroyed, then you're looking at, unfortunately, a longer term where that housing has to be rebuilt or restored and so this could be a multi-year process of reconstituting the community in a way where people with disabilities can have the same kind of accessibility and supports that they were relying on before the disaster.
Lewis Kraus: Ok, great. Thanks, Brian.

Here's the next question. In lieu of the registries in which most people I have talked with are against [trust issues] is there a way to reach the largest part of the "ADA community" other than local networking in disasters?

Rebekah Tosado: Hi, Lewis. I'll take that and ask Brian to chime in and comment as well.

We did hear quite a bit about concerns with registries, as the participant has noted. We heard that the registries had not been activated. We heard that there were concerns with respect to whether individuals would, in fact, sign up for registries. We heard concerns of people having signed up for a registry and then during the disaster not having anybody come and help them with a particular need that they had.

So we certainly heard a lot about that. We know, though, that it's very important to be able to identify members of the community that have access and functional needs that those needs can be met.

So the question was other than having a local community members identify them but I want to say, you know that I think one of the biggest takeaways for me was that it was precisely the organizations that worked with the communities and worked in the communities and worked with people with disabilities who need to be part of the solution, working with local government, to help identify where individuals are that will need to be served after a disaster and before a disaster. So that's the first think. Even though the question was other than that, but I do really think integrating the expertise and really the current information that those organizations have is important.

In addition to that, we heard about relying on local suppliers of medical information. We heard about relying on CMS-related information regarding Medicaid, Medicare information. I'm trying to think. After all the listening sessions, I can't point to anything that I heard actually works in terms of registries itself but it is something that we want to continue to work on, this question of, you know, where and how that information can be accessed by people that want to provide support and need to because of the civil rights obligations and to save lives.

Brian, I don't know if you had some additional comments or recommendations there.

Brian Parsons: Yes, this is Brian. Thank you. I wanted to add a couple of additional thoughts to that.

One is, you know, there's an opportunity through the changes in technology and accessible technology, communication technology for people with disabilities. Now, this does presume that, you know, power and that internet access [Laughter] is available at the phase in which the communication is occurring. But, you know, one of the pitfalls with registries is the issue of, you know, reaching people where they are at the moment of the emergency. And they may or may not be in their home at the time.

We now live in a time where people are bringing portable technology with them that can be the receiver of really good, alert, and warning informations that can be put in the hands of people wherever they are. So that we become less reliant on the idea of here's a physical address of somebody who may or may not be there and more reliant on direct communication like in the individual's hand, you know, when they're holding, you know, a communication device. So that's one thing I wanted to point out because that's a rapidly changing and emerging field.

And the other piece is the idea of personal preparedness for people with disabilities. One of the concerns around registries is the possible sort of damping down of people's own interest or sense of importance and preparedness. So as people with disabilities, and I speak
from the community myself, I know that it’s really important to have in place redundant forms of, you know, communication, of transportation, these kinds of things because if those supports are wiped out in an instant as a result of a disaster, what’s my Plan B, what’s my plan C?

Part of my personal preparedness is around that contingency planning. And I think if people with disabilities -- we’re often resilient in the sense of having to think out of the box to solve complex issues anyway. If we can think in terms of emergencies and disasters, that will enable us to be even more prepared and not just relying on the fact that our name is on a list that may or may not be activated by a local official.

>> Lewis Kraus: Thanks, Becky and Brian. And I would like to add a little bit of that in answer to this as well. We have had several webinars that have dealt with this issue, one completely on registries and the pros and cons of registries and the issues of registries. The second, even just last month, about the use of SMART 911 which as Brian was alluding to is some of the new technology that could be used. There have been other webinars on data methods for dealing with people with disabilities.

And also, to just sort of support the idea that Brian is talking about where people prepare for themselves for as long as they can, there are preparedness resources that the ADA National Network has and you can find it at our website as well as the National Network website but at www.adapresentations.org and go under the emergency publication and resources and there’s lots of information on personal preparedness. So there are lots of resources to answer these questions as well.

All right. Next question. CRCL has worked very closely with disability organizations throughout disaster response and recovery and we appreciate your consistent engagement with FEMA’s plan to reduce the employment of disability integration advisors and the lack of state and local resources being provided for implementing disability accommodations in disasters, does CRCL have the resources needed to monitor and enforce civil rights obligations associated with all of the federal funds?

>> Rebekah Tosado: It's Becky. I'll start with that.

For one, you heard that we have the authority and we have the responsibility. We have a number of ways in which we can and do communicate with recipients of federal financial assistance like the state Emergency Management Agencies about their responsibilities.

Really, a primary way is really by virtue of a document, an agreement, that those state Emergency Management Agencies and other recipients have to sign essentially saying that as a condition of receipt of federal financial assistance, they will abide by the applicable civil rights laws.

We have communicated with the states and territories that were impacted by the recent disasters by mailing a letter to the head of the state Emergency Management Agency really, essentially, reminding them of their responsibilities under Section 504 but also making clear that we are here and available to provide technical assistance and answer questions on how to fulfill those responsibilities.

So the answer is, we have the authority, we have the responsibility, and we do have mechanisms and resources to achieve those. I know, can we be everywhere at all times? No, we can't. And so we really appreciate hearing from organizations and entity that are working in the community, hearing about issues that arise. We also appreciate when complaints are filed with our office. That’s really a powerful tool that we have to seek enforcement of the
responsibilities under Section 504.

>> Lewis Kraus: Great. Thank you.

Next question. How involved is CRCL in insuring that long-term care facilities, among others, comply with emergency preparedness requirements?

>> Rebekah Tosado: Brian, do you want to take that or do you want me to give it a try?

>> Brian Parsons: You can start and I can --

>> Rebekah Tosado: Ok. [Laughter]

To the extent of long-term care facilities are recipients of HHS, which in many cases I believe they are, I think it would be HHS that would have primary responsibility for insuring that those -- the state Emergency Management Agency is ensuring accessibility and preparedness for all communities that reside in the jurisdiction as well as the Department of Homeland Security. So we haven't gotten very involved with issues in particular. We've certainly heard concerns during some of our listening sessions. In Florida, for example, there were some very unfortunate case in which a nursing home facility has appeared to not be prepared to serve the residents in their care.

>> Brian Parsons: And this is Brian. I just wanted to add to what Becky was saying there to say that from our position, one of the things we can do is to work with our federal partners in Health and Human Services to provide a spotlight on this.

I'll go back to the question earlier and the point we were making with respect to unnecessary institutionalization. This is something that we know the National Council on Disability is looking into and studying. We would like to leverage from the results of that. We would like to use our position in working with our civil rights colleagues in HHS and within the Department of Justice as well, recognizing that this is a complex issue with a multiple jurisdictions you know, Becky mentioned that HHS has a lot of the lead -- because it's their funding recipients that we're talking about primarily. But there is a Homeland Security piece to that. And I think as a united federal response, we have an obligation to work together to address these complex issues that have multiple agencies involved.

>> Lewis Kraus: Ok. Great. Thank you.

I do have one comment that was in support of the conversation we were having earlier. The person wanted to just say that as a disabled person and a responder, I don't see how anyone can expect responders to find them after the fact. I would make sure someone responsible for me knew where I lived before an event. That is my personal responsibility. I don't want to rely on chance to find me.

So that's kind of supporting the thing that Brian was saying earlier.

Let me -- ahh. We do have somebody who is responding also to the long-term care question.

CMS has required all long-term care facilities, skilled nursing homes, to develop disaster response plans.

So we'll see how that goes.

Ok. Another question. What is DHS' role in preventing the inappropriate institutionalization of individuals during and after disasters?

>> Brian Parsons: This is Brian. I think we were just sort of touching on that. I don't want to be unresponsive to the questioner if there's anything else we can shed light on -- I think from my perspective, you know, looking at it like it's a fairly -- I wouldn't say tangled but it's a complex issue because there's multiple jurisdictions involved. And I think we have an obligation in the federal government to work with our federal partners to try to unsort that and work towards
solutions.

Becky, was there anything else you wanted to add on that?
>> Rebekah Tosado: No. Brian, thank you.
>> Lewis Kraus: Sorry about that. That's my fault for reading a question that we already answered.

Ok. Another question here. What is DHS doing about the failures of HHS in emergency support function aid in meeting the needs of disaster-impacted individuals with health maintenance needs given their use of DHS funding to conduct ESS responsibilities?
>> Rebekah Tosado: It's Becky. I don't want to characterize HHS' success or not success but I will reiterate that it is the coordination and the collaboration that we have done and can continue to do with HHS. It is something that is very important to us because we know that that collaboration is what will lead to improvements for individuals who really have needs that fall within the HHS per view under ESS, of course. With really sort of overarching, I would say, oversight and coordination from FEMA. So whether it be durable medical equipment, supply oxygen, issues with respect to long-term care, we very much see that as an area where we can and should have a role in communicating and coordinating with HHS.
>> Lewis Kraus: Thanks, Becky.

All right. And I believe I have one last question. I have asked the questioner to restate this because I can't quite understand the question myself but I think I get it now a little bit. So let me see if I can read it and characterize it in the right way.

And if you're listening, you can correct me if I'm wrong in the reading of your question.

As a Red Cross disaster worker in shelter situations, especially during the initial phases of the disaster, you cannot always -- I guess maybe adhere -- this is the part I'm not clear about -- to all the ADA regulations during the first two day and this often causes distress for clients and at times causes the initiation of complaints. I think that's basically the statement.
>> Rebekah Tosado: Let me start. It's Becky. I want to be really clear that 504 applies always. It applies before the disaster, during the disaster, right after it. Really the work that we've done over the years including with FEMA and the FEMA Office of Disability Integration and Coordination is to make sure the policy documents and the planning documents speak to preparedness efforts and all that has to happen so that the needs of people who have disabilities of access and functional needs are thought about and integrated in those plans.

So with that, having that planning ahead of time, there is going to be improved compliance. You're going to have the systems in place or you should have the systems in place that there can be compliance with [Indiscernible] and 504 at all times.

Now, for really tricky, thorny operational issues, again, we can help. We can provide practical solutions. We can try to bring other experts to the table whether than a conference call on the spot or an e-mail, we are available and happy to be part of that. But there's really not a case where there can be a waiver of 504 or the ADA.
>> Lewis Kraus: Yeah, that's great. And also, I wanted to add one thing which sometimes we hear and I know this may not be the questioner's question but it's a similar one that we hear a lot, which is, is there a loophole during a disaster for upholding the ADA and also possibly Section 504. And, of course, the answer is no.

All right. We realize that some of you may still have questions for our speakers and apologize if you did not get a chance to ask your question. You have their contact information there. You're welcome to contact them. They have invited you to do so if you would like. You
can also contact your regional ADA Center at 1-800-949-4232 with any questions that you may have as well.

You will all be receiving an e-mail with a link to an online session evaluation. Please complete that evaluation for today's program. We really value your input and want to demonstrate the value of it to our funder.

We want to thank Brian and Becky today for sharing their time and knowledge with us and really doing a wonderful presentation of CRCL. Remember, everyone, that the session is being recorded and it will be available for viewing next week at the www.adapresentations.org/archives.php section.

We hope you will all be with us next month, August 9, for our next learning session which currently is Feeling Safe Being Safe going forward; however, there may be a change. So check your e-mail ahead of time for the next registration for our next webinar.

Thank you, everyone, for attending today's session.

Thank you, again, Brian and Becky. And with that, we'll end today's session. Good afternoon.

Bye-bye.