



CT State Independent
Living Council

151 New Park Avenue, c/o NCAAA #75, Hartford, CT 06106

March 29, 2023

Sen. Martin Looney, Co-Chair, Legislative Management Committee
Rep. Mathew Ritter, Co-Chair, Legislative Management Committee
Sen. Bob Duff, Vice Chair, Legislative Management Committee
Rep. Jason Rojas, Vice Chair, Legislative Management Committee
Sen. Kevin Kelly, Ranking Member, Legislative Management Committee
Rep. Vincent Candelora, Ranking Member, Legislative Management Committee

RE: Attached Complaints Filed with the Department of Justice Alleging Violations of the Americans with Disabilities Act (ADA) by the CT Legislature

To the Honorable Leadership of the Joint Legislative Management Committee:

The CT Cross Disability Lifespan Alliance is an organization that addresses policies and concerns affecting people with disabilities in Connecticut. The Alliance is coordinated through the CT State Independent Living Council and is comprised of organizations and agencies serving people with disabilities, as well as individual people with disabilities and their family members. We explain below why we were forced to file several complaints last Friday with the U.S. Department of Justice Civil Rights Division against the Office of Legislative Management, following a pattern of inaction which has resulted in repeated denials of the rights of people with disabilities under the Americans with Disabilities Act, involving multiple legislative committees.

Over the last few years, the Alliance has become increasingly concerned with access issues at the Legislative Office Building as they relate to people with disabilities during the legislative session. During the current legislative session, the challenges for people with disabilities have increased as they have attempted to participate in the public legislative process.

The Alliance reached out to Jim Tamburro at the Office of Legislative Management in three separate letters dated January 28, 2023, February 14, 2023, and March 20, 2023. We had one reply, which rebuffed our suggestions and did not even offer an opportunity to meet to discuss the issues further. In our letters, we requested that Legislative Management:

1. **Hire an Americans with Disabilities Act or Accommodations Coordinator** – It is not sufficient to refer people with disabilities to Brian Lencz, the facilities coordinator. The Legislature needs one ADA Coordinator who can work with both the facilities staff and the committees to effectively address ADA related issues and accommodation requests.
2. **Develop an Accommodations Policy and Procedure that Must be Followed by all Legislative Staff for Any Legislative Events.**
3. **Require the Coordinator and at Least Two Backup Staff to Receive Training on Title II of the ADA and the Accommodations Policy and Procedures Developed in Response to #2, above.**
4. **Provide Legislative Staff Training** – An initial orientation training for staff and training at least annually thereafter,
5. **Publicize the Accommodations Process and Contact Information for the Coordinator.**
6. **Provide Supervision of the Coordinator** - In addition, Legislative Management should Identify who the Coordinator will report to in the event of any issues.

None of these requests were agreed to or addressed, and even requests for a meeting were rebuffed.

Not surprisingly given this unwillingness to address the problem in any kind of systemic way, the ADA violations have continued. Therefore, on Friday March 24, 2023, the Alliance filed four separate ADA complaints with the Department of Justice. These relate to various requests for accommodation across different legislative committees. Here is a summary of those complaints, which are attached to this letter in full.

1. An individual with cerebral palsy requested to testify at the beginning of the hearing so that her Personal Care Assistant (PCA) could read her testimony. (Her cerebral palsy affects her speech and it is difficult for some people to understand her.) Her PCA was only available a few hours and could not wait all day for her turn to speak. She was told by the committee clerk that “we don’t do that.”
2. Five individuals who are deaf-blind requested an interpreter in order to allow them to testify at a public hearing. The committee did arrange for the interpreter and set aside time at the beginning of the hearing for all five of them to testify. However, the interpreter stated she was only hired to interpret for the first two individuals, and then left the hearing. The other three were able to testify only because of assistance from a non-certified friend who fortuitously was present and felt it was important for the committee to hear their testimony, and so volunteered to take on the committee’s responsibility.

3. A group of five individuals who are wheelchair users were told they could wait for their turn to testify in another room so they would not block access for anyone else in the actual hearing room. They would be provided with a monitor to watch the hearing from there.
4. Individuals with mental health disabilities in two separate buildings at Whiting Hospital wanted to testify virtually, but needed scheduling accommodation so that they could testify early in the hearing. This was necessary so that they could access one computer in each building, as well as a staff person in each building, since they are not allowed to have any personal computers or cell phones. They could not tie up the one computer all day. At first, they were told no, then told they could wait and testify at the very end of the hearing when staff at the facility would no longer be available, and finally they were assigned staggered numbers from 9 to 30.

As you can see from these examples, each committee handles accommodations differently, requiring a call to each committee clerk when a person with a disability requires an accommodation to testify. These complaints reflect an overall lack of knowledge of ADA and of the needed structure to assure compliance, as well as an inability to assess and respond individually to disability-related requests for accommodation on the part of Legislative Management as required by the ADA. The lack of a structured and consistent process is a discriminatory barrier that denies people with disabilities access to the programs and services of the Connecticut Legislature.

These complaints are recent examples of a long history of failure to accommodate people with disabilities in the legislative process by denying them needed accommodations under the ADA. We have provided Legislative Management with several recommended remedies for that failure, to which we have received an inadequate response that did not address the scope of the accommodations needed to provide accessibility to the Legislature's programs and activities. Even requests to meet to discuss possible means to address these failures were ignored.

The predictable result of this lack of leadership has led to further ADA violations since our first letter in January 2023 and our second letter in February 2023. As illustrated in the attached complaints, we had no choice but to file four complaints with the US Department of Justice.

The Connecticut legislative process must cease the exclusion of people with disabilities by denying them appropriate accommodations. We are asking that the Legislative Management Committee instruct Mr. Tamburro to finally take our concerns seriously, starting with a meeting as soon as possible with people who have lived experience and their advocates. At this meeting, we can develop a plan to address the continued discrimination against people with disabilities by creating a process and procedures that ensure program access and effective communication for people with disabilities. This meeting should be attended by at least one person in leadership in the House and in the Senate. We need to see substantive responses from Mr. Tamburro to each of the several demands in our letters to him.

Thank you for giving your immediate attention to this important matter. It is critical that the voices of people with disabilities be heard and respected in this vital legislative process.

Molly Cole
Executive Director, Connecticut State Independent Living Council
Coordinator, CT Cross Disability Lifespan Alliance

Enc.

cc (w/enc.):

Jim Tamburro, Office of Legislative Management
Attorney General William Tong
Deputy Associate Attorney General Daniel Shapiro
United States Attorney Vanessa Avery
Assistant United States Attorney William Brown
AAG for Civil Rights, U.S. Department of Justice, Kristin Clarke