

Guest Editor's Foreword

By Bridgit Burke

This issue celebrating the thirty years of the Civil Rights and Disabilities Law Clinic (Clinic) at Albany Law School highlights the relevance of disability law to a wide range of legal practices, government entities and the lives of over 36 million Americans.¹ Each of the authors in this edition has made significant contributions to this area and many of them began their careers at the clinic. In the first article, Nancy Maurer, Esq. and I relay how the Clinic has influenced the lives of law students, clients and the law.



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Public education in the United States has played a significant role in addressing the disadvantages and discrimination faced by individuals with disabilities. Given the significance of education, several of the authors have examined the federal and state laws that provide for a free appropriate public education for individuals with disabilities. Lauren Mechaly, Esq. examines special-education advocacy in New York City, Rosemary Queenan, Esq. looks at the need for a change in the standard used to determine when to provide extended school year services for identified students, and Tara Moffett, Esq. reveals for us the interplay between the foster care system and the Individuals with Disabilities Education Act.

While great strides have been made in moving individuals out of institutional settings and into the community, New York still provides services to many individuals in institutional setting. Certainly there have been improvements in the care and treatment of individuals with disabilities in institutional settings. However the incidence of abuse and neglect in these institutions is incredibly disturbing. It is critical that we have a vigorous oversight system and that we find new ways to ensure that the system addresses preventing abuse and holding abusers accountable for their actions. Sheila Shea's article, *The Mental Hygiene Legal Services at 50: A Retrospective and Prospective Examination of Advocacy for People with Mental Disabilities*, demonstrates that Mental Hygiene Legal Services

has played an important role in ensuring that individuals in an institution have a voice. Jennifer Monthie's article, *New York Reforms Its System of Protection for Vulnerable Individuals*, explores the development of the Justice Center, the government agency which will be established over the next year to oversee all of the New York State government agencies that serve individuals with disabilities in an institutional setting.

New York officials have expressed a commitment to serving more individuals in the community and fewer in institutionalized settings. However, to achieve this objective, the health care systems in New York will need to find new ways to serve individuals in need of supports. Edward Wilcenski and Tara Anne Pleat's article explores tax incentives available for individuals with disabilities. Michael Mule provides some very valuable information about accommodations required under the Americans with Disabilities Act, particularly with respect to communication with individuals who are deaf and hard of hearing. Finally, Thomas Benjamin looks at those who become disabled while working in the workers' compensation system.

The areas of law and policy touched by matters relevant to individuals with disabilities are too vast to explore all of them in a single issue. However, this issue explores many of the ways in which the dynamic nature of law and policy in this area play out. I hope that readers will begin to appreciate the omnipresent and complex nature of this area of practice and the important ways in which attention to this area will influence people's lives.

Endnote

1. 2010 American Community Survey; Disability Statistics, www.disabilitystatistics.org. (36 million captures only adults who are not living in an institutional setting; therefore, the actual number is far greater).

Professor Bridgit Burke has been a part of Albany Law School's clinical program since 1994 and has served as the Director of the Civil Rights and Disability Law Clinic since 2000. In 2011 she accepted the Clinical Legal Education Association's Award for Excellence in a Public Interest Case, for the work students have done on behalf of individuals with developmental disabilities under her supervision.

Professor Burke is the interim Co-Director of Albany Law School's Law Clinic and Justice Center with Professor Nancy Maurer.