



MASSACHUSETTS ASSOCIATION for RETARDED CITIZENS, Inc.

The 70's: Humanity Prevails

The Consent Decree, Special Education Law Enacted

The seventies was a decade of expanded activism. The darkest emotions of the era reflected the debate over institutional versus community care. At some meetings, Arc members jumped up on tables, threw chairs. Parents who had placed their children in one of the large facilities were passionate that they had made the right decision. The parents who had kept their children at home wanted programs in their own communities.

In 1972, the first-in-the-country federal lawsuit charged that the constitutional rights of the residents of the Belchertown State School were being violated because of the deplorable conditions at this facility. Fernald, Wrentham, Paul A. Dever and Monson were eventually folded into a Consent Decree by which the Commonwealth of Massachusetts settled with the plaintiffs. A new chapter in the Arc's colorful history unfolded. The Arc of Massachusetts was Co-Plaintiff with the parent groups at the Paul A. Dever and the Wrentham State Schools. Under the guidance of the law firm of Hill and Barlow, first with Bo Jones and then Nonnie Burnes, parents leaders soon learned the best routes to the McCormack Federal Court House to sit in Judge Joseph Tauro's courtroom. The Fernald, Monson and Belchertown parents groups were represented by the indomitable Beryl Cohen. Charlotte Aladjem, Florence Finkel, Attorney Paul Jameson, President Joseph Buonomo and Gunnar Dybwad represented The Arc.

The movement from the facilities launched the saga of the purchase of services (POS) system. Francis Sargent, Republican governor from 1969 to 1974, made the decision to release public dollars to private vendors. Peter Goldmark, Secretary of the Executive Office of Human Services, allocated money to open a series of group homes. Initially, the primary providers were local Arcs hoping to include people from the community in their programs. Eventually, Vinfen, Bay Cove, DARE, Justice Resource Institute, and hundreds of other non-profits joined them as service providers. Throughout the years, The Arc of Massachusetts continued to be the locomotive pulling the train, with legislative initiatives, lawsuits and budget advocacy campaigns inching the system along.

The Arc of Massachusetts argued for a Community Plan to protect the former residents of the facilities who were moving by the

thousands into community settings. Gail Grossman, The Arc's Director of Governmental Affairs, drafted the plan with Assistant Commissioner of Mental Retardation, Linda Glenn.

In 1975, Governor Michael Dukakis signed the Consent Decree on the five state schools. Visiting these facilities, Governor Dukakis, along with busloads of legislators, saw the squalid conditions people were living in. However, as a Democrat, he also had a commitment to public employees who depended on the jobs at the large facilities. The provider vs. organized labor debate continues as a major issue today.

It was a frightening period. My life was threatened many times. These communities did not want our children living next to them.

*Jane Smith,
former President,
Southern Norfolk County Arc*

As people moved out of hiding into community settings, battles were brewing everywhere. People worried about the value of their property going down if a group home opened up next to them. Hundreds of ordinary citizens appeared at town meetings to voice opposition to community residences. The Arc supported the Fair Housing Act, designed to prohibit discrimination against persons with disabilities. Local Arcs were on the firing line.

At the same time that Massachusetts was arguing about where people should live, the Commonwealth passed another first: Chapter 766, The Right to Education Act, allowing every child, regardless of the extent of one's disability, to attend public school. For many, the thought that their child could go to school with his brothers and sisters was mind-boggling. Working closely with Speaker David Bartley and Education Chairman Michael Daly, Arc leaders played a major role in the passage of this landmark legislation. On the federal level, PL 94-142, passed in 1978 and based on Massachusetts law, allowed children throughout the nation to begin to attend public schools.

New clichés became commonplace:

Provide versus Obtain
Eighty – Twenty
Deinstitutionalization
Class versus non-class
Normalization



(above) Arc leaders prepare for the 1978 National Convention



(right) Commissioner Robert Okin, President Joseph Buonomo and Senator Jack Backman

1970's

1970: Chapter 888 is passed, eliminating the financial responsibility of parents if their son or daughter is over 21 and resides within a facility. Congratulations are given to Joseph Walsh, Chairman of The Arc of Massachusetts' Governmental Affairs Committee, and board member Don Guild.

President Nixon signs into law the Developmental Disabilities Services and Construction Act of 1970.

1973: The Citizen Advocacy Program, matching individual advocates and people with Mental Retardation, becomes a rich part of The Arc's history. 1100 "matches" are created.

1974: Massachusetts Special Education Law (Ch. 766), the first such law in the nation, is enacted. This historic, highly acclaimed legislation, entitles thousands of children to appropriate education. The Federal Law, 94-142 (later called IDEA) would be enacted in 1978.

1975: In response to class-action suits brought against the five State Schools, US District Judge Joseph Tauro issues the historic Consent Decree, which enforces humane standards in the state schools and calls for the movement of thousands of residents to clean and safe community homes. The Arc obtains the "Community Plan," which serves as the foundation for the service system.



Self-Advocates present at the 1978 Yes We Can Conference

1977: The 80-20 policy becomes more contentious. This policy, enacted by the Department of Mental Health, Division of Mental Retardation, required that 80% of the residents in all new group homes be from one of the five State Schools, with the remaining 20% from the community.

The Arc of Massachusetts and the Mental Health Legal Advisory Committee receive a grant to co-host a Center for Law and the Handicapped, which eventually becomes the Disability Law Center.

Community Clinical Nursery Schools are transferred from the Department of Mental Health to the Local Education Authorities.

1978: Greater Boston Arc, under the leadership of Executive Director Bill Perry and President Frank Donnelly, host the National Convention of The Arc. It is a great success!

The Arc of Massachusetts and Gunnar and Rosemary Dybwad co-sponsor the first Self-Advocacy Conference, called *Yes We Can*.

1979: The Arc of Massachusetts purchases a building at 217 South Street in Waltham, which becomes the state office.



Citizen Advocates Sandy Flores, Nancy Yeatts and Julia Hanson



Dr. Lew Klebanoff, Joseph Buonomo, Narc Executive Director Philip Roos, Attorneys Paul Jameson and Fred Lasky and Dr. William Kiernan



Executive Director Peter Linkow, Bill Kiernan and Paul Marchand meet with Rita Rushton



Director of Governmental Affairs Gail Grossman and Board President Charlotte Aladjem