



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 18th Congressional District

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BACKGROUND

Disability Rights New York (DRNY) is the designated organization to provide the federal Protection & Advocacy System and the Client Assistance Program services to New Yorkers with disabilities. This Report provides an overview of the services, from June 1, 2013 to December 31, 2016, that DRNY has provided to individuals with disabilities living in New York's 18th Congressional District. These services are provided pursuant to the following eight federal programs.

Protection & Advocacy for Individuals with Mental Illness

DRNY serves people with a diagnosis of significant mental illness or emotional impairment and prioritizes services to individuals in a facility receiving care and treatment and has the ability to investigate complaints of neglect and abuse.

Protection & Advocacy for Individuals with Intellectual and Developmental Disabilities

DRNY serves people with developmental disabilities, including, intellectual disabilities, autism, epilepsy, cerebral palsy and neurological impairments.

Protection & Advocacy of Individual Rights

DRNY serves individuals with disabilities who do not qualify for any other protection and advocacy services. It is not limited to people with a specific disability or facing a certain issue.

Protection & Advocacy for Traumatic Brain Injury

DRNY serves people with a traumatic brain injury (TBI). This includes working to ensure “due process” within the “New York State TBI Waiver” program, and appropriate services to all individuals, including those not participating in the waiver. DRNY provides services to ensure individuals with TBI have access to comprehensive, high quality health care services.

Protection & Advocacy for Voting Access

DRNY helps individuals with disabilities have full participation in the electoral process. DRNY educates, trains and assists individuals with participating in the electoral process. These efforts include ensuring physical accessibility of polling places and informing people about the rights of voters with disabilities.

Protection & Advocacy for Assistive Technology

DRNY helps people with disabilities with services related to assistive technology devices or services. This includes investigating and negotiating access to assistive technology devices, as well as outreach efforts.

Protection & Advocacy for Beneficiaries of Social Security

DRNY serves people with disabilities who receive Social Security Disability Insurance or Supplementary Security Income, and who are trying to return to work, gain employment, or receive certain employment-related training and services. DRNY educates beneficiaries about Social Security's work incentives and provides advice about vocational rehabilitation and employment services.

Client Assistance Program

DRNY assists people with disabilities who have questions or have encountered problems while receiving or applying for vocational rehabilitation (VR) services from state VR agencies. DRNY also advocates for those who receive services from Independent Living Centers, Commission for the Blind, and for those applying for or receiving services from Tribal VR offices.

CLIENTS

The most recent U.S. Census Bureau estimates show that there are 87,076 individuals with disabilities living in the 18th Congressional District. DRNY has handled 490 Service Requests for 366 distinct clients. These individuals lived in 53 of the 92 zip codes in the 18th Congressional District. Over this 43 month period, DRNY averaged 11.4 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 18th Congressional District. 108 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 36, or nearly 9.57% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 8.08% of civilian, non-institutionalized individuals with a disability in the 18th Congressional District. The following table shows that 22.67% of DRNY's clients are age 55 or older. Demographic information is not required to receive DRNY services, and so we lack age information on 5 individuals.

| Age Group | Number of Individuals | Percentage of Total |
|-------------------|------------------------------|----------------------------|
| Under 5 Years Old | 5 | 1.33% |
| 5-9 Years | 11 | 2.93% |
| 10-14 | 16 | 4.26% |
| 15-19 | 15 | 3.99% |
| 20-24 | 31 | 8.24% |
| 25-34 | 40 | 10.64% |
| 35-44 | 72 | 19.15% |
| 45-54 | 88 | 23.40% |
| 55-59 | 39 | 10.37% |
| 60-64 | 22 | 5.85% |
| 65 or Older | 22 | 5.85% |

Clients from Under-Represented Groups

DRNY affirmatively seeks to provide services to historically under-represented groups. The following charts compare race and ethnicity demographics for the entire 18th Congressional District with that of DRNY's clients in the 18th Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 43 clients, race information is incomplete or unavailable, and for 42 clients ethnicity information is incomplete or unavailable.

| Race | Estimate | As Percentage | DRNY Clients | As Percentage |
|--|----------|---------------|--------------|---------------|
| Total population | 720,268 | | 330 | |
| One race | 699,325 | 97.09% | 310 | 93.94% |
| White | 548,064 | 76.09% | 221 | 66.97% |
| Black or African American | 71,883 | 9.98% | 79 | 23.94% |
| American Indian and Alaska Native | 2,348 | 0.33% | 1 | 0.30% |
| Asian | 22,096 | 3.07% | 2 | 0.61% |
| Native Hawaiian and Other Pacific Islander | 417 | 0.06% | 0 | 0.00% |
| Some other race | 54,517 | 7.57% | 0 | 0.00% |
| Two or more races | 20,943 | 2.91% | 20 | 6.06% |

| Hispanic or Latino Origin | 18 th Congressional District | % of Total | DRNY Clients | % of Total |
|----------------------------------|---|------------|--------------|------------|
| Total population | 720,268 | | 331 | |
| Hispanic or Latino (of any race) | 118,300 | 16.42% | 51 | 15.41% |
| Not Hispanic or Latino | 601,968 | 83.58% | 273 | 82.48% |

SERVICE REQUESTS

DRNY provided full case services in 200 of the requests for services, 41.66% of the total 480 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 280 requests.

DRNY makes appropriate referrals to other agencies in those matters where the issues are outside DRNY's priorities, or because DRNY lacks the resources to undertake the matter. DRNY will also provide information regarding the clients' rights and available options. These matters vary from consumer financial issues, evictions, or other legal issues that are unrelated to the client's disability.

Service Requests by Program

7 of DRNY's programs provided case services to at least one constituent in the 18th Congressional District.

| SR Type | CAP | PAAT | PABSS | PADD | PAIMI | PAIR | PATBI | Grand Total |
|---------------|-----|------|-------|------|-------|------|-------|-------------|
| Case Services | 29 | 9 | 11 | 27 | 57 | 63 | 4 | 200 |
| I & R | 12 | 1 | 4 | 33 | 148 | 81 | 0 | 280 |
| Grand Total | 41 | 10 | 15 | 60 | 205 | 144 | 4 | 480 |

Service Request Response Time

154 of these Service Requests were resolved in less than 7 days.

216 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 31 involved education issues
- 34 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 48 involved housing issues, including housing discrimination
- 54 involved issues of abuse and neglect, including the failure to provide appropriate treatment for mental health or other serious medical problems, inappropriate medication, or physical restraint
- 38 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 59 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Assisted a client in solitary confinement with multiple suicide attempts to be transferred to an appropriate mental health treatment program
- Assisted a client with visual and hearing impairments to obtain hearing aides
- Obtained a reasonable accommodation for an incarcerated individual with a disability that was being denied access to his hearing aides
- Resolved client's \$30,000 overpayment for Social Security Benefits
- Obtained services for a client with Cerebral Palsy so that he could remain in his community home
- Advocated for a client with a developmental disability to receive a higher housing allowance so that he could remain in his apartment
- Advocated for a curb cut to be repaired which was preventing a client with a physical disability from using a sidewalk outside of his home
- Assisted a client with an employment discrimination claim before the Equal Employment Opportunity Commission
- Obtained assistive technology for a client with a brain injury so he could return to work
- Obtained a financial settlement for a client who was discriminated against by his employer
- Advocated for a client to have his emotional support animal in his home after his landlord refused to grant the accommodation

PROJECTS

In addition to serving clients individually through Service Requests, DRNY operates a number of projects ranging from ongoing outreach efforts, presentations on specific topics, investigation and monitoring of service providers, and systemic litigation to advance the rights of people with disabilities.

One of DRNY's projects is monitoring service providers to ensure that people with disabilities are receiving appropriate care and treatment including discharge planning. DRNY monitored the closure of the Taconic Developmental Center's Intermediate Care Facility to protect the rights of people with intellectual and developmental disabilities. DRNY provided technical assistance, group, and individual advocacy to ensure residents of the 18th Congressional District are appropriately integrated into the community. Through on-site monitoring and interviews with residents, their families, and administrators, DRNY identified delays in the development of community based homes, ineffective behavioral plans, and a lack of coordination between institutional and community-based staff. In some instances providers had initial plans for community-based services that did not meet the needs of the service recipient once they were in the community. In order to respond to these mismatches between service recipients and services, DRNY works directly with individuals following their discharge from the developmental center and advocating for access to other services.

Another core projects is our collaboration with other educational advocates and schools to improve educational outcomes for students with disabilities, called the New York State Special Education Task Force. DRNY spearheaded the formation of a regional affiliate in the 18th Congressional District to provide a local forum for parents, advocates, attorneys, school personnel, service providers and individuals with disabilities to discuss issues, policies, and proposed changes to special education law and regulation. The Mid-Hudson Task Forces have hosted trainings on bullying in school, bridging the communication gap, anxiety as a barrier to school attendance and pathways to high school graduation.

DRNY also investigates allegations of abuse and neglect against youth who reside in New York State Office for Children and Family Services (OCFS) Juvenile Justice Centers (JJ Centers). DRNY investigated complaints that students with disabilities in the 18th Congressional District were excessively restrained and secluded and were not being provided access to appropriate educational supports. JJ Centers are residential institutions (secure and limited secure) and the majority of children in these centers have disabilities and are in need of special education supports and services. DRNY concluded that students were not provided with appropriate educational supports and notified OCFS of the deficiencies in its educational services. Partly in response to DRNY's investigation, OCFS developed a new service delivery system called the New York Model which is designed to address restraint and seclusion issues and improve educational services delivery. DRNY has conducted on-site monitoring of multiple JJ Centers and evaluated the new service model. OCFS stopped using a suspension or exclusion process and students were no longer placed in "room study" for minor infractions. Serious discipline was reserved for only the most serious of infractions. DRNY also saw drastic improvement in the educational supports to students with

disabilities. Students' Individualized Education Programs (IEPs) were being followed and students were observed to be happy and attentive in the classroom. 539 students now go to school in safer and more humane conditions.

Investigations of Abuse and Neglect

DRNY investigated allegations of abuse and neglect including

- Physical restraint in schools
- Use of force and solitary confinement in prisons and jails
- Inadequate care in skilled nursing facilities
- Unsanitary conditions and poor care in facilities

Veteran's Issues

New York State is home to nearly 900,000 veterans, many of whom could benefit from the advocacy of the Protection and Advocacy System. As a demonstration of DRNY's ongoing support of veterans, we have several projects designed to engage, support and advocate for service members throughout New York.

- Conducting free day-long Continuing Legal Education courses to educate lawyers, and non-lawyers on how to advocate to obtain benefits, prepare claims and appeal decisions for Veterans Benefits
- Conducting 5 outreach events across New York State targeting veterans and collaborating with organizations and group that currently serve veterans
- Attending various military and Veteran Administration (VA) sponsored events including at libraries and VA hospitals
- Connecting with VA Medical Centers, organizations helping homeless and vulnerable veterans and legal service providers dedicated to veteran issues
- Working with and revitalizing veteran coalitions across New York State to identify issues where JAG cannot assist

Coalition Building

DRNY is also involved in forging coalitions between agencies on statewide issues like:

- Improving communication between students, families and schools in Special Education
- Ensuring that voter's with disabilities have access to a private accessible vote
- Expanding cultural competency and language access

Systemic Issues

DRNY also identifies and addresses systemic issues such as:

- Sidewalk and street accessibility
- Difficulties faced by individuals transitioning from various state-run facilities back to the community
- Barriers to integrated employment opportunities

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DRNY is supported by the U.S. Department of Human Services, Administration on Intellectual and Developmental Disabilities; Center for Mental Health Services, Substance Abuse & Mental Health Services Administration; U.S. Department of Education, Rehabilitation Services Administration; and, the Social Security Administration. This press release does not represent the views, positions or policies of, or the endorsements by, any of these federal agencies.