



# DISABILITY RIGHTS

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## NEW YORK

### New York's Protection & Advocacy System and Client Assistance Program

FOR IMMEDIATE RELEASE

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**Complaint Filed: Disability Rights New York v New York State, NYS Governor Andrew Cuomo, NYS Office for People With Developmental Disabilities and Acting Commissioner Kerry Delaney**

**FAILURE TO DISCHARGE ADULTS FROM RESIDENTIAL SCHOOLS KEEPS NEW YORK STATE RESIDENTS AND MILLIONS OF DOLLARS OUT OF STATE: NYS Office for People with Developmental Disabilities leaves numerous eligible adults languishing in institutional settings**

*Albany, NY, November 30, 2017* – Disability Rights New York (“DRNY”) filed a complaint in the United States District Court in the Eastern District of New York today citing pervasive discriminatory practices on the part of New York State and the Office for People with Developmental Disabilities (“OPWDD”).

In violation of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, OPWDD fails to timely plan and implement discharge of eligible adults remaining in inappropriate residential schools. Currently, there are nearly 100 adults stuck in residential schools, many of whom are denied access to adult programs and services such as employment skills training. By law adults over the age of 21 are ineligible for residential educational placement yet OPWDD continues to spend millions of dollars keeping them in these institutional settings.

By failing to discharge these adults, OPWDD obstructs new or incoming students in need of residential educational placements. This creates “no vacancy” in New York State, forcing not only New York State residents to out of state facilities, but it also sends millions of dollars out of New York State.

*“The State’s history of neglect of these individuals is unconscionable. OPWDD’s failure to timely discharge unnecessarily delays community integration and deprives eligible students of in-state educational placements.” – Tim Clune, DRNY Exec. Dir.,*

DRNY is the designated independent non-profit Protection & Advocacy System empowered by Congress to provide legal and non-legal advocacy services to people with disabilities in New York. The Protection & Advocacy System was created by Congress as a direct result of the horrific conditions that were uncovered in the 1970s at New York’s Willowbrook State School. DRNY investigates allegations of abuse and neglect and advocates for the civil and legal rights of people with disabilities.

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