

Arkansas Disability Policy
Consortium (ADPC) Agenda for
Building a Better Future for
Arkansans with Disabilities

About the Arkansas Disability Policy Consortium

One of the many challenges faced by persons with disabilities and their families is the ability to effectively influence and create policy and systems within our state. In an effort to promote the empowerment of the disability community, the Arkansas Disability Policy Consortium (ADPC) hosts a candidates' forum every two years with approximately 150-200 in attendance. The summit is attended by candidates, consumers and others interested in disability policy development. The goal of the summit is to bring together a cross section of policy-makers, families, consumers, and professionals to discuss issues related to Arkansans with disabilities.

The Summit Report provides a platform of issues for the ADPC Board and Partnership. This information provides the ADPC, Arkansans with disabilities, their families, and policy-makers a starting point for setting a political agenda for effective systems change.

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Executive Summary

The U.S. Census estimates that over 500,000 Arkansans have disabilities – approximately 25% of the population – making them one of the largest demographic groups in the state. Despite the staggering number, Arkansans with disabilities continue to face barriers on a daily basis. Further, persons with disabilities are often seen as a separate class of society. It is now time to eradicate that stereotype and see persons with disabilities as individuals who want and can contribute to society.

Access to accessible and affordable health care is a shared goal.

In order to fully participate in everyday activities, Arkansans need access to accessible and affordable health care. Studies continually show that preventive and basic health care is cost effective and avoids skyrocketing health care costs down the road. Sometimes Arkansans with disabilities need specialized treatment, yet those services are not available in their community, which presents a barrier for that individual. Thus, individuals with disabilities are less likely to seek and have access to specialized care.

Access to strong work force is a shared goal.

Arkansans with disabilities want to work and contribute to the economy of this great state, yet they face barriers in the work place. Those barriers include stigma, transportation, and accommodations.

Access to affordable, accessible, housing for all is a common goal.

Arkansans with disabilities need viable housing options. If an individual does not have a place to call home, their goal related to employment and living independently is not achieved. Policymakers need to encourage private and publicly financed housing to create or modify housing options that are affordable, accessible, and safe.

Access to accessible, affordable and available public transportation is a shared goal.

To become employed, Arkansans with disabilities need reliable affordable and accessible transportation. Individuals rely on public transportation to pursue education, get to work, receive medical services and participate in community activities. Yet, there are counties throughout the state who lack accessible and affordable transportation. Arkansas needs to develop a sustainable public transportation plan that is diverse and user-friendly for all Arkansans.

Access to an inclusive, high quality education is a shared goal.

Arkansas needs well-educated individuals; this is an important part of our economic future. Arkansans with disabilities also play a role in our economic future, but only if they have access to high quality education alongside their peers. An education leads to employment opportunities and independent living in the community. However, Arkansas continues to operate three separate systems – general education, special education, and alternative learning environments. Too often students with disabilities are segregated from their classmates because of perceptions

from adults about their inability to function in the classroom setting. These practices hinder our shared goal.

Enjoying full rights as an Arkansan is a shared goal.

Arkansas is stronger and better with integrated, inclusive communities. Arkansans with disabilities must be given the opportunity to make decisions about where and with whom they live, to live safely with their rights protected, and to have equal access to employment to fully enjoy their community.

Participating in the electoral process is a shared goal.

Every Arkansan, with or without a disability, must be given the opportunity to participate in the electoral process. The ability to vote is a constitutional right and allows individuals to participate in their communities.

Accomplishments

For over twelve (12) years, ADPC has been highlighting various obstacles that Arkansans with disabilities face. Over those twelve years, the state has made some progress on ensuring that all individuals, with or without disabilities, have equal access to all services.

Eliminate the “R” Word:

In 2009, the state legislature voted and passed legislation to eliminate the “R” word. This word is very offensive and derogatory to the disability community.

Private Option

In 2014, the state legislature voted and passed a controversial piece of legislation that allows Arkansans the ability to enroll in health care. The Private Option provides services for Arkansans with disabilities that basic Medicaid services would not cover such as habilitation services.

Community First Choice Option

In 2014, the State Department of Human Services proposed a waiver option that would eliminate the waiting list for individuals trying to access community based services. While final approval for this option is still pending at the legislative level, this is a step in the right direction for Arkansas.

People First Advisory Legislative Session

Individuals with disabilities can participate in a mock legislative session at the state capitol. The passage of this legislation gives individuals a first-hand look at the process of debating and enacting policies that have a direct impact on the state.

Access to Health Care

Access to health care is a fundamental right for all Arkansans. All stakeholders – veterans, seniors, uninsured/underinsured and persons with disabilities must be at the center of the public policy discussion.

Recommendation:

- Policymakers must ensure that all health care delivery systems are prepared to accommodate the individual needs of persons with disabilities for physical access, sensitivity and effective communication.

Private Option

The state legislature passed, and the Governor signed into law, the Private Option. The passage of this legislation opens the door to many Arkansans who previously did not have access to health care. It also enabled Arkansans with disabilities to receive services that were not allowed under traditional Medicaid.

Recommendations:

- The state legislature must vote to keep the private option intact and available for all Arkansans.

Mental Health and Peer Support Specialists

The public mental health system in Arkansas continues to be underfunded for the population it serves. Many Arkansans living with mental illness face long waiting times to see their treatment teams. The long wait for an individual who is dealing with a crisis further puts that individual and possibly others at risk. Often times, Arkansans with mental illness are forced into treatment through the involuntary commitment process.

The ability for Arkansans with mental illness to talk with others who went through the recovery, known as Peer Support Specialists, is a tremendous comfort for them. Further, Peer Support Specialists have a positive impact on the lives of Arkansans with mental illness. Recovery puts control over mental health services in the hands of the person.

Recommendations:

- The public mental health system must be funded to serve all Arkansans with mental illness who need assistance in the community.
- The public mental health system must expand the recovery model throughout the state and increase the number of Peer Support Specialists.
- The state shall not adopt legislation that involuntary commits individuals into treatment.

Reshaping Arkansas' Workforce

There are thousands of Arkansans, including those with disabilities, who want to work and earn a livable wage, yet the capability to find those jobs is very limited. Many individuals are finding themselves under-educated and lacking the skills to meet today's demands in the workforce.

One of the most under-utilized resources in our state is persons with disabilities. According to the Office of Disability Employment and Policy, as of June 2014, those without disabilities make up 70% of the workforce. Further, the unemployment rate for those with disabilities is at 13%, compared to 6% for those without disabilities.

In the just published National Report on Employment Services and Outcomes – 2013 Edition, 70% of Arkansans without a disability are employed, while 30% of Arkansans with a disability are employed. Arkansas can and must do better to employ those with disabilities.

Efforts to Reduce Barriers and Disincentives to Employment

Arkansas has over 26 Community Rehabilitation Programs throughout the state. Many individuals working in those settings have been employed for years earning a sub-minimum wage. Arkansans with disabilities need and want to earn a livable wage to support themselves or a family. Many employers view people with disabilities as a burden to employment or unable to complete the task of the job. However, people with disabilities are among the most reliable employees.

Recommendations:

- The state vocational rehabilitation system must place Arkansans with disabilities in competitive employment.
- The state must monitor all holders of 14c licenses to ensure compliance.
- The state must prohibit the use of any state funding from being expended into a segregated or sub-minimum wage work environment.
- The state must create new incentives through the Arkansas tax code to employ individuals with disabilities in integrated employment environments at comparable wages.

Developing Better Housing Options

The affordable housing crisis impacts people with disabilities directly, both because they statistically have lower incomes, and there is little affordable housing that is accessible.

Arkansas needs to take whatever steps are necessary to encourage the expansion of affordable, accessible housing. Many Arkansans with disabilities want to live safely and independently in the home of their choice, but their choices are limited. Too often, housing options for individuals with low income and those with disabilities are segregated from other housing options, thus further stigmatizing the population. The state needs to explore ways to increase housing options for individuals in an inclusive way.

Community Options

Studies continue to show that persons with disabilities want to live independently in a home of their choice. The overreliance of the state to use large institutions is contrary to the setting in which individuals want to live.

Arkansas continues to lag behind in ensuring that community options are available for all individuals. Additionally, the state spends \$117,459 for an individual to reside in the Human Development Center as opposed to \$59,126 for an individual to live in the community. The waiting list for individuals to receive community based services through the Community First Choice Option (CFCO) is at 2,800, while only 48 individuals are on the waiting list to receive services at an institution.

Recommendations:

- The Arkansas state legislature needs to fully fund the Arkansas Housing Trust Fund
- The state must implement the federally funded (CFCO).
- The state must raise reimbursement rates for providers so more providers can serve people in the community of their choice.
- The state must begin the process of transitioning individuals from large institutional based settings to community placements.

Accessible Public Transportation

Many Arkansans depend on public transportation in order to go to school, get to work, get to medical appointments and participate in their community activities such as church, shopping and visiting with family and friends. Transportation services need to be safe, affordable and accessible for all users of the system.

Arkansas' public transportation system needs to be statewide. Many rural areas lack the availability of reliable transportation, thus hindering the opportunity for work and participation in community activities. Arkansas must develop and sustain innovative, statewide options for all Arkansans.

Recommendations:

- Adopt legislation that would capture a portion of the tax to fund public transportation.
- Create a statewide transportation advisory council to pursue funding opportunities and ways to increase transportation.
- Arkansas Congressional delegation should look at ways to increase federal funding to increase transportation options.
- The state needs to explore ways to ensure that consumers have easy input into state and local transit decisions.
- Arkansas needs to adopt a standard that requires all public transportation, including taxicabs, options to be accessible for all riders. This standard and requirement needs to be consistent with the Americans with Disabilities Act.

Universal Education

All Arkansans expect a high-quality education. Arkansans with disabilities also expect a high-quality education in an inclusive setting. Without an education, individuals are more apt to rely on public assistance and not fully enjoy all activities of life they are entitled too. Students with disabilities must get the support they need in school to prepare for work and life.

Today, many schools segregate students with disabilities into separate buildings, classrooms or wings of the school. For many students with disabilities, they are pushed out of school into homebound services or into Alternative Learning Environments (ALE). Once in these placements, it is difficult to re-enter the typical school setting. Homebound services and ALEs should not be used to segregate students with disabilities from their peers.

Arkansas legislators need to create and implement Positive Behavior Supports for students in Arkansas classrooms. This process needs to be embraced by all educators statewide.

In addition to segregating students with disabilities from their peers, many schools continue to use seclusion and restraint in schools. Unfortunately, these practices continue today in Arkansas classrooms. Not only do they continue, but these practices are perfectly legal, and schools do not have to report on the number of seclusion and/or restraints that occur during the day or school year.

Recommendations:

- Arkansas legislators must pass a law prohibiting the use of seclusion and restraint.
- Legislation needs to be passed and signed into law that requires school districts to report to the Department of Education and post on the school websites the number of seclusion and restraints per year.
- Arkansas needs to adopt positive behavior supports.
- The Arkansas Department of Education must have the power to investigate complaints and assure schools are complying with IDEA requirements.
- The Arkansas Department of Education needs to monitor and review Alternative Learning Environments to determine the length of placement of students and quality of education.
- Federal special education dollars must be spent on providing inclusive, quality special education to students with disabilities.

Criminalization of Disability to Personal Empowerment

Over the years, Arkansas has failed to provide adequate mental health services to Arkansans with mental illness. This failure has resulted in an increase in the placement of adults and children whose psychiatric symptoms are mistaken for delinquent or criminal behaviors into jails and prisons. Arkansas is at a breaking point in how services are provided in all Arkansans with mental illness.

Diversion Programs:

- The state should mandate diversion programs that include best practice screening and assessment tools, and should require that community mental health programs provide mental health treatment to individuals who are in the criminal justice system because of offenses related to their illness.
- Arkansas must determine the number of adults and children in jails, prisons, and the juvenile justice system who have mental illness or emotional disorders, how many require treatment and how many are receiving treatment.
- The state needs to fund and expand Mental Health Courts to serve individuals with mental illness prior to conviction.
- The state needs to ban the use of restraint and seclusion as a behavioral punishment.
- The state needs to provide additional funding to the Department of Youth Services Ombudsman office.
- The Department of Youth Services Internal Investigation Office needs to increase funding to hire additional monitors and investigators.

Protection of Citizen Rights

In order for Arkansans with disabilities to achieve and maintain full citizenship and participation in communities, they must be afforded, like all other Arkansans, rights, protections, and due process to ensure that services and supports they choose are accessible and affordable.

Individual rights should not be limited or restricted through unnecessary guardianships. Every individual has a right to make choices and decisions – even though we may not agree with their decisions – it is their right. To take away an individual’s right to be supported in their decision-making by appointing a substitute decision-maker increases the vulnerability and deprives them of self-determination and other fundamental rights.

Historically, voters with disabilities have faced inaccessible polling places, old voting methods and lack of access to registration opportunities. Because of these, voters with disabilities continue to be underrepresented in the electoral process. With the passage of the Americans with Disabilities Act (ADA) in 1990, the National Voter Registration Act (NVRA) in 1993, and the Help America Vote Act (HAVA) in 2002, these traditional barriers are coming down, but much remains to be done in order to ensure full access to the ballot for people with disabilities. In Arkansas, if you have a disability and want to vote, you are prohibited to participate unless you get approval from your guardian.

Arkansans with disabilities continue to be underrepresented at all levels of government. Individuals with disabilities should be at the table when decisions are made that affect their lives – Nothing About Me, Without Me!

Recommendations:

- The Arkansas legislature should work on guardianship reform. This reform should include ways to prevent guardianship or limit its use.
- Judges need to be trained on alternatives to guardianship
- The right to vote should not be decided by your guardian. Arkansas state law prohibiting individuals under guardianship the right to vote needs to be repealed.
- All polling places must be accessible using the Americans with Disabilities Act as the standard for accessibility.
- Policymakers must appoint persons with disabilities onto councils and committees that address all issues.
- Every public entity needs to ensure alternative formats are available in their meetings, functions and communications.

