

PROTECTION and ADVOCACY for BENEFICIARIES of SOCIAL SECURITY (PABSS)

ANNUAL PROGRAM PERFORMANCE REPORT

REPORTING PERIOD: From 10/1/2017 To 9/30/2018

GRANT AWARD NUMBER: 6 PAB13020301-01-08

STATE: AR

AGENCY NAME: ARKANSAS - Disability Rights Arkansas, Inc.

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Part I - Quantitative Statistics

Section A: Information and Referral

1. How many individuals received Information and Referral under the PABSS program during the Report Period? (Do not count individuals more than once for this response.)

Individuals Receiving I&R	20
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2. How many Information and Referral requests were made under the PABSS program during the report period? (Include all I&R requests, even if more than one for some individuals. This number should equal or exceed Section A. 1.)

Information and Referral Requests	20
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Section B: Individuals and Issue Area Service Requests/Workload Statistics

1. Individuals

a. How many individuals had open PABSS issue area service requests at the start of the report period?	9
b. How many new PABSS individuals were added during the report period?	10
Total Individuals Served	19
c. Total number of individuals with all issue area service requests that were closed during the report period under the PABSS program	13
Total Individuals Still Being Served	6

2. Services

a. Total PABSS issue area service requests open at the start of the report period.	9
b. Number of new PABSS issue area service requests added during the report period?	11
Total Services	20
c. Total number of issue area service requests closed during the report period?	14
Total Services Still Open	6

Section C: Individual Demographics

1. Please provide counts of individuals served by Gender:

a. Male	4
b. Female	6
Total individuals received	10

2. Please provide counts of individuals served by Ethnicity:

a. Alaskan Native	0
b. American Indian	0
c. Arab American (Middle Eastern)	0
d. Asian	0
e. Black (Not Hispanic/Latino Origin)	3
f. Hispanic/Latino	1
g. Multi Racial / Multi Cultural	0
h. Pacific Islander	0
i. White (Not Hispanic/Latino Origin)	6
j. Unknown	0
Other (IF SELECTED MUST SPECIFY)	0
Total individuals received	10

3. Please provide counts of individuals received by Age Bracket:

a. 14 to 18	5
b. 19 to 21	0
c. 22 to 40	2
d. 41 to 59	3
e. 60 to 64	0
Total individuals received	10

4. Please provide counts of individuals received by Beneficiary Status.

a. SSI eligible	6
b. SSDI eligible	3
c. Dually eligible	1
Total individuals received	10

5. Please provide counts of individuals received by Primary Disability:

a. Absence of extremities	0
b. Autism	1
c. Auto-immune (lupus, thyroid, ALS, etc.)	1
d. Blindness (both eyes)	1
e. Cancer	0
f. Cerebral palsy	1
g. Deaf-blind	0
h. Deafness	0
i. Diabetes	0
j. Digestive disorders (chronic pancreatitis, esophageal stricture, fistulae, chronic liver, etc.)	0
k. Epilepsy	0
l. Genitourinary conditions (kidney, prostate, etc.)	0
m. Hard of Hearing (not deaf)	0
n. Heart and other circulatory problems including cardiovascular	0
o. HIV/AIDS	0
p. Mental illness (diagnosis according to DSM-IV)	2
q. Mental retardation	2
r. Multiple sclerosis	0
s. Muscular dystrophy	0
t. Muscular / Skeletal impairment (arthritis, fibromyalgia, osteogenesis imperfecta, osteomyelitis, etc.)	0
u. Neurological disorders (brain tumors, convulsive disorders, Parkinson, etc.)	0
v. Other emotional/behavioral (Provide detail)	0
w. Other intellectual such as ADD/ADHD (Provide detail)	0
x. Physical / orthopedic including spinal cord injuries, paraplegia, quadriplegia, back problems, etc.	0
y. Respiratory disorders (emphysema, asthma, pulmonary hypertension, cystic fibrosis, etc.)	0
z. Specific learning disabilities (SLD)	1
aa. Speech impairment	0
bb. Spina bifida	0
cc. Substance abuse (alcohol or drugs)	0

dd. Tourette syndrome	0
ee. Traumatic brain injury (TBI)	1
ff. Visual Impairment (not blind)	0
gg. Disability not known/Other than Above (Specify)	0
Total individuals receipted	10

Section D: Major Source of Concern

Please Provide counts of all PABSS issue are service request receipts by major source of individual's concern for the current report period:

1. State Vocational Rehab Agency (public VR program)	1
2. Employment Networks (SSA contractor)	1
3. Agencies other than 1. or 2. above	0
4. Employment discrimination – hire, fire, promotion	2
5. Employment wages and benefits	0
6. Housing	0
7. Healthcare (not 5 above)	0
8. Insufficient/improper benefits planning	0
9. Transition services (Student beneficiary between 14-18 (or under age 22) engaging/needing a transition plan)	4
10. Post Secondary accommodation	3
11. Transportation	0
12. Social Security benefits cessation based on SGA (including CDR's) – not Overpayment	0
13. Benefits Questions/Work Incentives – Not 12 or 14	0
14. Work Related Overpayment	0
15. Other (IF SELECTED MUST SPECIFY)	0
Total issues/service requests of individuals receipted.	11

Section E: Closed Issue Area Service Requests

1. What was the problem/sub-problem area?

a. [AT] Assistive Technology	0
b. [Education] Transition school to work	7
c. [Employment] Discrimination in employment benefits	0

d. [Employment] Discrimination in hiring	0
e. [Employment] Unlawful termination / firing	0
f. [Employment] Other employment discrimination	0
g. [Employment] Reasonable accommodation – not d, e, or f from above	2
h. [Employment] Service provider issues – not c-g above	1
i. [Employment] Wage and hour issues	0
j. [Financial Entitlements] SSI: Overpayments based on work issues	0
k. [Financial Entitlements] SSDI: Overpayments based on work issues	0
l. [Financial Entitlements] (other) – Specify	1
Issues related to guardianship and ensuring SS benefits spent appropriately on client	1
m. [Healthcare] Medicaid only issues	0
n. [Healthcare] Medicare/Medicaid issues	0
o. [Healthcare] Medicare only issues	0
p. [Healthcare] Private Insurance Issues	0
q. [Housing] Accommodations in housing	0
r. [Housing] Subsidized housing/Section 8	0
s. [Housing] Rental termination – not q .	0
t. [Housing] Other – Specify	0
u. [Childcare]	0
v. [Rehab Services] Related to State VR	1
w. [Rehab Services] Related to Employment Network (EN)	0
x. [Rehab Services] Related to Agencies other than State VR or Employment Network (EN)	0
y. [Post-Secondary Ed] Accessibility	1
z. [Post-Secondary Ed] Funding issues	0
aa. [Post-Secondary Ed] Grievance Against College – Not y or z above	1
bb. [Post-Secondary Ed] Other – Specify	0
cc. [Services] Personal assistance – not Employment	0
dd. [Transportation]	0
ee. [Benefits Planning] referral / access to BPAO services	0
ff. [Other] (IF SELECTED MUST SPECIFY)	0
Total closed issue area service requests.	14

2. What was the reason for closing the individual's issue area service request?

a. Issue Resolved in Individual's Favor	7
b. Issue Partially Resolved in Individual's Favor	3
c. Issue Lacked Legal Merit	1
d. Individual decided not to pursue resolution or Individual Withdrew Complaint (Not e-g below)	3
e. Other Representation Obtained (Individual found other representation)	0
f. Individual Not Responsive to Agency / Individual refused to cooperate with P&A	0
g. Services Not Needed Due to lost contact, Death, Relocation, etc.	0
h. Advocacy efforts/appeals were unsuccessful (Issue not resolved in Individual's Favor)	0
i. Other (IF SELECTED MUST SPECIFY)	0
Total closed issue area service requests.	14

3. What was the highest intervention strategy used?

a. Short Term/Technical assistance	11
b. Informal Resolution	0
c. Investigation/Monitoring	1
d. Negotiation	0
e. Mediation / Alternative Dispute Resolution	0
f. Administrative Remedies	1
g. Legal remedy / Litigation	1
h. Class Action Suits	0
i. Systemic / Policy activities	0
Total closed issue area service requests.	14

4. As a result of P&A intervention, the following major outcome was achieved:

a. Individual gained / maintained access to services including those of VR, EN or other agency	4
b. Individual obtained employment	0
c. Individual regained employment	0
d. Individual maintained employment	0
e. Individual advanced in employment	0

f. Individual's employment opportunities increased	0
g. Individual obtained an increase in salary and/or benefits	0
h. Validity of discrimination complaint was upheld	0
i. Overpayment situation addressed (it doesn't matter if it was waived or the efforts weren't successful)	0
j. Individual acquired knowledge concerning his/her rights	9
k. Outcome information is not available	1
l. Other outcome (IF SELECTED MUST SPECIFY)	0
Total outcomes of closed issue area service requests.	14

Part II - Narrative Reporting

Section A: Description of Progress and Status Update

Please provide a brief overview of overall project status, staff changes, staff training or other major developments with regard to the PABSS program. This could include information about boards and committees where decisions are made concerning disability service delivery and local policy.

DRA has been consistently working to strengthen its PABSS program. Progress has been made in the area of staff knowledge of the PABSS program, and outreach to ensure that persons with disabilities are aware that DRA operates the PABSS program and can be a resource for assistance. Efforts have been hampered by staff changes again during this year; specifically, a turnover in attorney and advocate staff assigned to the program. In FY18, DRA hired two attorneys who have been to the PABSS training provided by the National Disability Rights Network (NDRN). To assist with representation of PABSS-eligible clients, DRA also sent an advocate to a NDRN training on vocational rehabilitation services. DRA has secured in-house training for all attorneys and advocates on various issues impacting the ability of beneficiaries to return to work. DRA has created teams within the agency to focus on certain areas of work; in January 2018, DRA created an Education and Employment team and tasked this team with responsibility for leading the agency's efforts with respect to the PABSS program. Other developments, such as the recent addition of the Social Security Representative Payee grant, have resulted in extra responsibilities for staff and precipitated staff changes that have slowed the anticipated progress of this team.

DRA has continued to participate in groups that are addressing employment barriers for beneficiaries. DRA participates on the State Rehabilitation Council, attends the Division of Services for the Blind board meetings, and attends Employment First State Leadership Mentoring program strategic planning meetings. DRA has also reviewed and commented on proposed rule and policy changes at the state level that impact employment for persons with disabilities.

Section B: Detail of Actions Taken on the Project

1. Issue Area Service Requests Summaries: [Please provide summaries of three Issues/Service Requests undertaken as part of the PABSS project. Indicate clearly the

issue or problem, the PABSS intervention, and the results if known]

Summary #1- The parents of a PABSS-eligible, 18-year-old student with intellectual disabilities and Cerebral Palsy was advised by her school district that it was graduating her at the end of the 2017-2018 school year. The student and her parents, whose father's first language is Spanish, was given less than two weeks' notice of this development. The student is entitled to receive a free, appropriate public education until the year of her 21st birthday under federal and state law, and her parents were not prepared for her to graduate this year. The school district had failed to provide the student with an adequate transition from school to a post-secondary setting. A DRA attorney filed a special education due process complaint under the Individuals with Disabilities Education Act (IDEA) and provided legal representation to the student in that proceeding. As a result of a resolution agreement reached in the case, the student was not prematurely graduated from school, she will receive a comprehensive evaluation to help develop a transition plan, and she will receive additional educational services to assist her in developing skills for employment.

Summary #2- A PABSS-eligible, 38-year-old female with Bipolar disorder requested assistance from DRA because she was unable to secure accommodations where she worked, and she was concerned that this would cause her to lose employment. The client worked for a staffing agency, and had requested accommodations in writing at the beginning of staffing assignments; however, accommodations were not being provided to her. The client sought DRA's assistance with the interactive process, and understanding her right to accommodations in the workplace when employed by a staffing agency. A DRA attorney provided legal advice and information to the client on the relevant requirements of the Americans with Disabilities Act (ADA), accommodations, and the interactive process. The client left the staffing agency due to finding other employment that provided her with the accommodations she needed. As a result of DRA's advice and information, the client is better educated about her rights, and better prepared to effectively self-advocate for accommodations in the workplace.

Summary #3- A PABSS-eligible, 18-year-old female with intellectual disabilities was the subject of a contested guardianship proceeding. The guardianship dispute was between her long-time caregiver who wanted the client integrated into the community,

including remaining in school to obtain transition services, and her biological father, who wanted to withdraw her from school and have her stay at home full-time. Under Arkansas law, although persons subjected to guardianship have a right to counsel, there is no funding mechanism or law that actually provides counsel, or even attorney ad litem representation. A DRA attorney entered an appearance representing the client in an attorney ad litem capacity, to ensure she had representation in the guardianship proceeding, and to advocate for her to be able to complete her education. Although the biological father was appointed guardian, DRA was able to ensure protections were added to the guardianship order requiring the father to continue the client's education in school, continue her access to community-based services and opportunities, and ensure she received evaluations for assistive technology that might assist her with communication.

2. Outreach Statistics:

Total Number of Outreach/Presentations	34
Total Number of Persons Reached by Outreach/ Presentation Events	1589

3. Other Information Dissemination Activities: (Number of Instances)

1. Radio/TV appearances by PABSS staff	0
2. Newspaper/Magazine/Journal articles prepared by staff	0
3. PSAs/videos/films aired by the Agency	0
4. Reports disseminated	150
5. Publications/Booklets/Brochures disseminated	237
6. Number of Website hits	39720
7. Other media activities (IF SELECTED MUST SPECIFY)	0

4. Outreach Narrative: [Describe the agency's outreach efforts. Describe the trainings presented by the staff including information about the topics covered, the purpose of the training, and a description of the attendees. Describe media events, informational materials developed or other activities undertaken as part of the PABSS project.]

DRA staff served on a panel entitled, "Transition to Adulthood: Supported Living and Meaningful Employment", followed by participation in a resource corner to provide consultation and information about DRA's services to attendees on an individual basis. DRA's objective for this event, hosted by Arkansas Children's Hospital, was to educate attendees about transition services, supported living, vocational rehabilitation, and

meaningful employment, and to increase awareness of DRA's services, particularly in these areas. Attendees included clinicians, providers, families, and educators. DRA staff provided training for incarcerated youth at a juvenile detention facility to educate them about their voting rights, vocational rehabilitation services, transitioning to post-secondary settings, and guardianship. DRA's objective was to ensure they are aware of available resources and provide them tools that will assist them in transitioning from their current setting back to the community. DRA staff provided a very similar presentation to the parents of individuals with intellectual disabilities attending a developmental day treatment program.

DRA staff participated in several transition fairs at high schools around the state, as well as two transition fairs hosted by the state Division of Services for the Blind. The purpose of attending these transition fairs was to talk to high school students about post-secondary transitioning and DRA services, with a particular emphasis on how students could be assisted under the PABSS program.

DRA staff also participated in several outreach events at programs that serve the homeless, conferences geared towards professionals working with people who have sustained traumatic injuries, conferences for professionals working with people receiving Medicaid Waiver services, events for parents of children with disabilities, and outreach events to the general public. In all of these efforts, participants were informed of the PABSS program, and how it could benefit people with disabilities.

Section C: Problems Encountered and Steps Taken to Resolve Problems

Problems encountered and steps taken to resolve problems: [Please provide detail information about problems encountered in implementing or administering the PABSS program and actions you have taken to resolve the problems you encountered.]

One ongoing problem in implementing the PABSS program was the need for staff training to ensure a thorough understanding of the PABSS program and the variety of legal areas which can underlie a barrier to employment. DRA addressed this problem by ensuring ongoing training for staff. DRA sent two attorneys to the PABSS training presented by NDRN in FY18. DRA also conducted regular in-house trainings for attorneys and advocates in areas such as housing law, health care access, effective communication, and the complaint process for the U. S. Department of Education, Office of Civil Rights.

Another ongoing problem is ensuring that the community and beneficiaries understand what DRA does, and the scope of our services under the PABSS grant. DRA

conducted extensive outreach to the community, both to providers working with beneficiaries who may be encountering barriers to employment and to individuals with disabilities, to educate them about DRA and PABSS.

A final problem is that many beneficiaries are reluctant to enter the workplace and jeopardize their benefits. In many cases, a beneficiary has family members who have come to rely on the benefits as income, and they do not want the beneficiary to risk losing the benefits. As a result, beneficiaries are reluctant to ask for DRA's assistance with employment opportunities and barriers that might result in the loss of their benefits. DRA encourages beneficiaries to reach out to Work Incentives Planning and Assistance (WIPA) agencies to learn about the various incentive programs Social Security has to encourage beneficiaries to work, including how a beneficiary can engage in trial work periods without a cessation of benefits.

Section D: Planned Future Activities

Planned activities: [Please provide activities you plan to undertake to further the objectives of the PABSS project.]

Arkansas is one of several states still operating a segregated state vocational rehabilitation school providing post-secondary education to students with disabilities. That school, the Arkansas Career Training Institute (ACTI), has a track record of providing training and education that does not lead to meaningful employment opportunities for its students. Many students with disabilities across the state are funneled to this segregated setting and denied opportunities and the assistance of Arkansas Rehabilitation Services (ARS) to have access to quality training and education that will lead to employment. DRA will conduct outreach to the students attending ACTI and provide training to those students on their rights, vocational rehabilitation services, and programs for employment. DRA will also continue systemic advocacy designed to ensure that the post-secondary education opportunities provided to students with disabilities at ACTI lead to meaningful opportunities for employment.

DRA will participate in the Arkansas Employment First State Leadership Program. Arkansas has received a grant from the U. S. Department of Education, Office of Special Education Programs to retain an expert to address the need to progress Employment First implementation in the state.

DRA plans to engage in a variety of activities to address the needs of youth with disabilities who are aging out of foster care, and assist them with obtaining the

educational, vocational rehabilitation, and employment services they need to secure employment, while also ensuring they are educated about their rights throughout the process.

DRA staff will meet and network with the WIPA agencies in Arkansas to identify areas of need related to the goals of the PABSS program, and to coordinate dissemination of information about DRA as a resource for clients.

Section E: Diversification Activities

Diversification activities: [Please provide a description of activities undertaken to address the needs of individuals with disabilities from diverse ethnic and racial communities.]

In FY18, DRA conducted outreach that included diverse parts of the state. Trainings were provided to youth incarcerated in Division of Youth Services (DYS) facilities, where a disproportionate number of youth are African-American. DRA plans to meet with the Mexican Consulate in FY19 to provide information about DRA and the PABSS grant, and DRA continues to provide the agency's general brochure and the PABSS brochure in Spanish.