

# **RSA-509 - Protection & Advocacy of Individual Rights (PAIR) Program Performance Report**

## **Arkansas (Disability Rights Arkansas, Inc) - H240A180004 - FY2018**

### **General Information**

#### **Designated Agency Identification**

Name Disability Rights Arkansas, Inc.

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City Little Rock

State Arkansas

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Name of P&A Executive Director Tom Masseau

Name of PAIR Director/Coordinator Tom Masseau

Person to contact regarding report Susan Pierce

Contact Person phone 501-492-5760

Ext. 102

## **Part I. Non-Case Services**

### **A. Individual Information and Referral Services (I&R)**

Multiple responses are not permitted.

1. Individuals receiving I&R within PAIR priority areas 147

2. Individuals receiving I&R outside PAIR priority areas 173

3. Total individuals receiving I&R (lines A1 + A2) 320

## **B. Training Activities**

1. Number of trainings presented by PAIR staff 11
2. Number of individuals who attended training (approximate) 548

DRA attorneys conducted presentations for Continuing Legal Education (CLE) credits on several topics, to include the Individuals with Disabilities Education Act (IDEA), laws regarding service animals and emotional support animals, the legal rights of a ward, protections during disciplinary proceedings for students with disabilities, and the Americans with Disabilities Act (ADA). DRA provided training for Arkansas Children's Hospital staff on disability issues for children, and provided training to a city's employees, particularly police officers and animal control workers, about the laws pertaining to service animals. DRA attorneys were members of a panel at a statewide legal aid conference panel presentation themed "Partners in Equal Justice", and conducted training for a community service provider's staff about the rights of the ward in guardianship proceedings and less restrictive alternatives to guardianship.

### **C. Information Disseminated to the Public**

1. Radio and TV appearances by PAIR staff	0
2. Newspaper/magazine/journal articles	11
3. PSAs/videos aired	0
4. Hits on the PAIR/P&A website	39,720
5. Publications/booklets/brochures disseminated	983
6. Other (specify separately)	4,543

#### **Narrative**

5. Publications disseminated includes 595 DRA general brochures, 20 DRA general brochures in Spanish, and 368 DRA information packets. 6. DRA has 3,730 followers on Facebook and 813 followers on Twitter.

## **Part II. Individuals Served**

### **A. Individuals Served**

Count individual once per FY. Multiple counts not permitted for lines A1 through A3.

1. Individuals still served as of October 1 (carryover from prior FY)	24
2. Additional individuals served during the year	91
3. Total individuals served (lines A1 + A2)	115
4. Individuals w. more than 1 case opened/closed during the FY. (Do not add this number to total on line A3 above.)	4

**B. Individuals served as of September 30**

Carryover to next FY may not exceed total on line II. A.3 above 18

## **C. Problem Areas/Complaints of Individuals Served**

1. Architectural accessibility	29
2. Employment	11
3. Program access	13
4. Housing	10
5. Government benefits/services	9
6. Transportation	1
7. Education	31
8. Assistive technology	2
9. Voting	0
10. Health care	4
11. Insurance	0
12. Non-government services	0

13. Privacy rights 0

14. Access to records 0

15. Abuse 4

16. Neglect 5

17. Other 1

## **D. Reasons for Closing Individual Case Files**

1. Issues resolved partially or completely in individual favor	60
2. Other representation found	6
3. Individual withdrew complaint	12
4. Appeals unsuccessful	6
5. PAIR Services not needed due to individual's death, relocation etc.	2
6. PAIR withdrew from case	7
7. PAIR unable to take case because of lack of resources	0
8. Individual case lacks legal merit	9
9. Other	0

Please explain

N/A

## **E. Intervention Strategies Used in Serving Individuals**

List the highest level of intervention used by PAIR prior to closing each case file.

1. Technical assistance in self-advocacy	22
2. Short-term assistance	56
3. Investigation/monitoring	3
4. Negotiation	3
5. Mediation/alternative dispute resolution	1
6. Administrative hearings	12
7. Litigation (including class actions)	4
8. Systemic/policy activities	1

### **Part III. Statistical Information on Individuals Served**

#### **A. Age of Individuals Served as of October 1**

Multiple responses not permitted.

1. 0 - 4            0

2. 5 - 22          29

3. 23 - 59        48

4. 60 - 64        12

5. 65 and over 26

**B. Gender of Individuals Served**

Multiple responses not permitted.

1. Females 60

2. Males 55

### **C. Race/Ethnicity of Individuals Served**

*2For individuals who are non-Hispanic/Latino only*

1. Hispanic/Latino of any race	
2. American Indian or Alaskan Native	0
3. Asian	0
4. Black or African American	21
5. Native Hawaiian or Other Pacific Islander	0
6. White	87
7. Two or more races	2
8. Race/ethnicity unknown	3

## **D. Living Arrangements of Individuals Served**

Multiple responses not permitted.

1. Independent	74
2. Parental or other family home	22
3. Community residential home	1
4. Foster care	0
5. Nursing home	4
6. Public institutional living arrangement	1
7. Private institutional living arrangement	1
8. Jail/prison/detention center	9
9. Homeless	1
10. Other living arrangements	2
11. Living arrangements not known	0

## **E. Primary Disability of Individuals Served**

Identify the individual's primary disability, namely the one directly related to the issues/complaints

1. Blind/visual impairment	3
2. Deaf/hard of hearing	12
3. Deaf-blind	0
4. Orthopedic impairment	44
5. Mental illness	5
6. Substance abuse	1
7. Mental retardation	0
8. Learning disability	4
9. Neurological impairment	13
10. Respiratory impairment	0
11. Heart/other circulatory impairment	1

12. Muscular/skeletal impairment 10

13. Speech impairment 2

14. AIDS/HIV 0

15. Traumatic brain injury 0

16. Other disability 20

## **Part IV. Systemic Activities and Litigation**

### **A. Systemic Activities**

1. Number of policies/practices changed as a result of non-litigation systemic activities 2

2. Number of individuals potentially impacted by policy changes

300

Describe your systemic activities. Be sure to include information about the policies that were changed and how these changes benefit individuals with disabilities. Include case examples of how your systemic activities impacted individuals served.

DRA investigated a complaint regarding materials blocking the accessible ramp and sidewalk outside a McDonald's restaurant located on a major thoroughfare in Arkansas' capital city, which means it is likely one of the franchise's highest volume restaurants in the state. DRA made the restaurant management aware of the accessibility issues, and they subsequently removed the objects obstructing the pathway to the accessible entrance to ensure sufficient space for wheelchair/mobility device access. DRA was made aware of an issue regarding inmates with mobility challenges at a state prison having difficulties accessing the prison's outdoor recreational area due to architectural barriers. This prison has a total capacity of 1714 inmates. As a result of DRA bringing attention to the issue, a paved path around the recreational area was installed, and an outdoor toilet was made accessible, resulting in the affected inmates now being able to use this recreation area.

## B. Litigation/Class Actions

1. Number of individuals potentially impacted by changes as a result of PAIR litigation/class action efforts 0

2. Number of individuals named in class actions 0

Describe your litigation/class action activities. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation.

DRA participated in the following litigation/class action activities: 1) DRA became involved as Amicus Curiae to support the certification of the class of prisoners challenging Missouri's delay and denial of direct-acting antiviral (DAA) drugs for non-medical reasons. This case was a class action filed on behalf of prisoners in the Missouri Department of Corrections' prisons who had Hepatitis C and were denied DAA drugs that could provide them with better, more effective treatment. The U.S. District Court had granted class certification, which was appealed to the U.S. Court of Appeals for the 8th Circuit; Arkansas is in the 8th Circuit. The issue of class certification, including for groups of prisoners seeking appropriate medical care, is an important issue for people with disabilities in Arkansas, particularly those incarcerated in the Arkansas prison system. DRA reviewed and provided input for a brief prepared in the appeal to support class certification. The 8th Circuit affirmed the certification of the class of prisoners and thus clarified the standards necessary for certification of classes in these situations. 2) DRA attempted to intervene in a state court action challenging the rule-making procedure which had resulted in rule changes that reduced the number of attendant care hours available to beneficiaries of the Arkansas Department of Human Services Division of Aging and Adult Services (DAAS) home- and community-based waiver for individuals with physical disabilities (ARChoices). The underlying action was filed by Legal Aid of Arkansas on behalf of seven named plaintiffs. Legal Aid sought to strike down the rule-making process for determining the number of attendant care hours available to beneficiaries of the ARChoices program. The changes to the rule at issue and the remedy sought in the case impacted over 8,000 individuals in the state. As a result of the rule change, approximately half of the beneficiaries experienced a reduction in attendant care hours, approximately half received a slight increase in the number of hours available to them and a small number were moved off the waiting list for those services. DRA attempted to intervene on behalf of three named plaintiffs and as an association to represent the interests of the thousands of people who were not being represented in the case by Legal Aid. DRA attempted this intervention based on: 1) concerns about the harmful reduction of attendant care hours, 2) concerns that the remedy would impact thousands of individuals without any representation in the case, and 3) concerns that the State was threatening to halt services if the rule was struck down. DRA was denied intervention in the case; however, DRA continued to talk to Legal Aid and state officials regarding its concerns about the impact the remedy could have on a large number of people receiving services. DRA also submitted public comments to the rules when they were re-promulgated through the proper procedure implemented as a result of the Legal Aid case. DRA further continued to provide individual representation to clients who were directly

impacted by a reduction in attendant care hours. In some of these individual cases, DRA was able to get the attendant care hours restored to their original level.

## **Part V. PAIR'S Priorities and Objectives**

### **A. Priorities and Objectives for the Fiscal Year Covered by this Report**

For each of your PAIR program priorities for the fiscal year covered by this report, please:

1. Identify and describe priority.
2. Identify the need, issue or barrier addressed by this priority.
3. Identify and describe indicators PAIR used to determine successful outcome of activities pursued under this priority.
4. Explain whether pursuing this priority involved collaborative efforts by other entities. If so, describe this collaboration.
5. Provide the number of cases handled under the priority. Indicate how many of these, if any, were class actions.
6. Provide at least one case summary that demonstrates the impact of the priority.

**ABUSE, NEGLECT, AND EXPLOITATION:** Objective 1: Individuals with disabilities will be free from abuse, neglect, and exploitation. Objective 2: Individuals with disabilities shall be free from restraint and seclusion. Need/Issue/Barrier: Individuals with disabilities receiving services, particularly in residential settings, are at risk of abuse, neglect, and exploitation. Successful outcomes are determined by whether allegations of abuse, neglect, and exploitation are substantiated and remedied, or if the individual is removed from the situation. Collaborative Efforts: Surveys and deficiency reports are obtained from the state's Office of Long Term Care. DRA has worked with nursing home advocacy groups and other entities when the opportunity arose, to maximize the use of resources to address abuse, neglect, and exploitation. DRA also looks for opportunities to work with legal aid groups and others to address concerns about various service systems and changes to service delivery systems that impact people in a systemic way. Number of cases: PAIR closed 13 cases under this priority in FY2018. Case Summaries: 1) DRA was contacted by a PAIR-eligible individual with mobility issues who requested assistance with his physician's office being unable to weigh him or conduct certain examinations because of his wheelchair. A DRA advocate contacted his doctor's office submitted an accommodation request on behalf of the client, requesting they install an accessible scale and exam table. The clinic subsequently purchased an accessible examination table with a built-in scale. 2) DRA was contacted by a PAIR-eligible individual with a neurological impairment requesting assistance with contacting a hotel in Hot Springs regarding their beds not meeting Americans with Disabilities Act (ADA) height standards. A DRA advocate contacted the hotel and set up a meeting with the hotel staff and the hotel owners to measure the beds. DRA also provided hotel staff with informational materials regarding general ADA standards. The beds were modified to meet ADA height standards. **COMMUNITY INTEGRATION:** Objective 1: Individuals with disabilities will have access to community- based services. Objective 2: Individuals with disabilities who are being discharged or transferred from facilities and institutions will have access to adequate supports and services in the community. Objective 3: Individuals with serious mental health conditions will have timely access to behavioral health services. Objective 4: Individuals with disabilities will have the right to make their own decisions through the use of supported decision-making and other alternatives to guardianship. Need/Issue/Barrier: Individuals with disabilities receiving services, whether they are institutionalized but wish to live in the community or they live in the community but are at risk of institutionalization, often face

significant obstacles in transitioning to a community setting and/or accessing services sufficient in scope to optimize their chances of success in a community setting. During FY2018, DRA received an increasing number of requests for assistance with home and community-based services hours being cut/reduced, which can directly impact an individual's ability to remain in a community setting. A successful outcome is determined by whether the complaint of the individual was substantiated, and then remedied, to eliminate or at least reduce the risk of recurrence; in this case, whether sufficient services are provided, appropriate transition plans are developed, and barriers to accessing services are reduced or eliminated. Collaborative efforts: DRA courts opportunities to work with other advocacy groups, as appropriate, to ensure an efficient use of PAIR resources. For this priority in particular, DRA collaborated with other like-minded advocacy groups to provide public comments to proposed rule changes to community-based services. Number of Cases: PAIR closed nine cases under this priority in FY2018. Case Summaries: 1) The PAIR-eligible client is an individual who has Chronic Obstructive Pulmonary Disease, Rheumatoid Arthritis, and Chronic Pain. As a result of her disability, she requires attendant care to perform nearly all of her activities of daily living. She receives services through the Arkansas Department of Human Services Division of Aging and Adult Services (DAAS) Home and Community Based Waiver program (known as ARChoices). For several years under the program, she received 182 hours of attendant care per month, the maximum number of hours allowable. In FY2018, DAAS adopted a new program to assess individuals based on the level of assistance they require or treatments they receive. The client's attendant care hours were reduced to 112 hours of attendant care per month under the new assessment. The client requested DRA's assistance with this adverse action. A DRA attorney appealed DAAS's decision to reduce the client's attendant care hours, immediately pointing out the agency's error in the assessment. The agency disagreed that the error in the assessment would change the outcome of the assessment, and the case went to a hearing. As a result of the hearing, the hearing officer noted the error in the assessment, and DAAS promptly withdrew the adverse action, allowing the client to remain at her pre-assessment level of attendant care hours. 2) A PAIR-eligible client has paraplegia and receives services through the Department of Human Services' Assisted Living Waiver program. The client received a notice that his "Medicaid would be terminated", and requested DRA's assistance in appealing this decision. There was no indication as to which program within Medicaid the notice was referring, there was no statement of what the client could do if he disagreed with the notice, and there was no stated basis for the termination of the client's Medicaid benefits. A DRA attorney appealed the decision and moved for immediate dismissal of the adverse action based on the notice supplied. The hearing officer dismissed the adverse action and the client was permitted to remain in the Assisted Living Waiver program. ACCESS Objective 1: Individuals with disabilities will have architectural access to public and private facilities and programs. Objective 2: Individuals with disabilities will have access to assistive technology to maintain and/or increase functional capabilities. Objective 3: Individuals with disabilities will have access to effective communication. Objective 4: Individuals with disabilities will have the right to be supported by service and emotional support animals in relevant settings. Objective 5: Individuals with disabilities will have access to polling sites and accommodations needed to ensure their ability to vote. Need/Issue/Barrier: People with disabilities often face barriers in community settings, both architectural and programmatic, that infringe on their rights under the ADA to access businesses, facilities, and even polling sites. Note: voting cases are funded through the Protection and Advocacy for Voting Access grant, and assistive technology cases are funded through the Protection and Advocacy for Assistive

Technology grant. PAIR determines a successful outcome based on whether the complaint of the individual was substantiated and remedied to reduce the risk of recurrence; in this case, whether barriers to access, whether architectural or programmatic, are reduced or eliminated.

Collaborative Efforts: Because PAIR has not been able to identify any other groups in the state addressing ADA violations and access issues, PAIR generally works these service requests without benefit of collaboration with another entity. In the case of housing issues DRA can, and does, refer callers to the Arkansas Fair Housing Commission. Number of Cases: PAIR closed 46 cases under this priority in FY2018. Case Summaries: 1) A PAIR-eligible elderly client reported that a newly built community center complex was inaccessible. The City had placed two accessible parking spaces around the side of the building by a door that remained locked. The main entrance is located at the front corner of the other side of the building. It was reported that elderly patrons had been injured trying to get around the building and that some had to discontinue using the community center due to the lack of accessibility. A DRA attorney reached out to the City's attorney regarding the issues with ADA compliance at the complex. After the City's attorney stopped responding to DRA, the DRA attorney mailed a formal letter of complaint to the City's manager. The City's attorney immediately responded. The City subsequently added four new accessible parking spaces to the front lot, closest to the main entrance. DRA followed up by visiting the complex and ensuring the slope from the parking spots to the main entrance and the main entrance doors were ADA compliant. 2) The PAIR-eligible client is 76-year-old individual with physical disabilities. She lives in a condominium located on the third floor, and uses an elevator to enter and exit her condo. Recently, the elevator required maintenance and the new management company informed her that she would be responsible for all current and future repairs to this specific elevator. The client advised the management company that her deed stated the management company would be responsible for all common elements, including all elevators. The management company advised that because the elevator accessed only her condo, it was not a common element; therefore, she would be responsible for repairs. The client requested DRA's assistance, and after a DRA advocate and attorney reviewed the deed, the advocate contacted the management company and questioned why the statement "common elements, including all elevators" was being interpreted to exclude the client's elevator. After a call with the management company representative, the client contacted DRA and advised that the management company representative stated they would be responsible for repairs to the elevator, based on the language in the deed. 3) DRA was contacted by the wife of a deaf individual who was in the hospital, requesting DRA's assistance with securing an interpreter for the client. A DRA advocate contacted the client through his son, and then contacted hospital staff to request that an interpreter be provided for the client. The client was provided an interpreter on the day of his surgery, and then was provided an interpreter for two hours a day post-surgery. The client and his family was not satisfied with that amount of time, so DRA contacted the hospital's director of case management about the amount of time an interpreter was being provided. The hospital then increased the interpreter services to eight hours a day for the client. 4) A 29-year-old deaf client (whose primary language is American Sign Language) was denied effective communication with police officers at the scene of an accident in which she was involved. The client attempted to communicate with a police officer on the scene through an app on her smart phone and by written notes. The police officer refused to communicate with the client. The client was issued a ticket and her car was towed; she was not informed of the location of her car. The client requested DRA's assistance, and a DRA attorney submitted a formal complaint to the Chief of Police. As a result, the police department conducted

an internal investigation and made the decision to void the client's ticket. The police department also provided education to the police force by sending out the Department of Justice Guidance for Law Enforcement provided by DRA with the complaint letter. 5) A PAIR-eligible client possesses a service animal to assist her with retrieving objects from the floor to ameliorate the painful effects of her osteoarthritis and rheumatoid arthritis. The client's animal is a Staffordshire Terrier, which is a breed that is prohibited in the city in which she lives. She was notified that animal control would apprehend her service animal and euthanize it if she did not remove it from the city limits. When she informed the City's attorney that her dog was a service animal, he stated that he did not care and the animal would be euthanized, regardless of its status as a service animal. The client requested DRA's assistance, and a DRA attorney prepared to seek an injunction and temporary restraining order from federal court, while trying to speak to the City's attorney. The day before the deadline, DRA was able to speak to the city attorney, who agreed to instruct the animal control officers to drop the issue and return the service animal to his owner. 6) DRA was contacted by a PAIR-eligible individual with a visual impairment, requesting that we contact his doctor's office on his behalf because they were not allowing his service animal to accompany him to the exam room. A DRA advocate contacted the doctor's office and spoke with the office manager, and provided them with information about service animals from the United States Department of Justice (DOJ). The doctor's office subsequently agreed to allow the client to be accompanied to exam rooms by his service animal. EDUCATION Objective 1: Students with disabilities will be provided with a free appropriate public education in the least restrictive environment. Objective 2: Students with disabilities will receive accommodations, health plans, and nursing services needed to ensure their safe participation in a free appropriate public education. Objective 3: Students with disabilities that impact their behavior who are being suspended, expelled, arrested at school, or placed in a restrictive setting will receive a free appropriate public education in the least restrictive environment. Objective 4: Students with disabilities will have access to meaningful, non-discriminatory graduation opportunities, including diplomas, and will receive adequate transition planning and services from school to post-secondary settings. Objective 5: Students with disabilities will have access to reasonable accommodations in post-secondary educational settings. Need/Issue/Barrier: Arkansas' educational system continues to fall short in meeting the needs of students with disabilities in the public school system, particularly with regards to suspensions, expulsions, and even arrests of children in response to behaviors that are a manifestation of their disability but are not identified as such. The need for accommodations, health plans, and nursing services to ensure students' safe participation in educational settings continues to be an issue, as does access to meaningful, non-discriminatory graduation opportunities, including diplomas, and adequate transition planning and services from school to post-secondary settings. Once a student with disabilities graduates to a post-secondary setting, issues can arise regarding a need for accommodations that isn't being met. Assisting students with accessing a free, appropriate public education in the least restrictive setting will continue to be an area of considerable need for the foreseeable future, and a considerable barrier to accomplishing this for every student in Arkansas is the overwhelming need in a state with limited resources for accomplishing this task. Successful outcomes are based on the appropriate identification of students in need of services, the return to a school setting with appropriate services for students who have been excluded from school, and the placement of students in lesser restrictive settings than the placement at the time assistance was requested from DRA. Collaborative efforts: PAIR works with other advocacy groups as appropriate to ensure an efficient use of PAIR resources, including the Parent Training Information program

(PTI). Also, DRA attempts to resolve issues for students by empowering their parents/guardians to knowledgeably advocate on their behalf. DRA handled 20 service requests for 19 clients under this priority in fiscal year 2018; three involving the need for accommodations, health plans and nursing services, six regarding placement in the least restrictive environment, six regarding suspension, expulsion, arrest, or restrict setting, one regarding graduation, diplomas, and transition planning, and four regarding a lack of accommodations in a post-secondary setting.

Case Summaries: 1) The PAIR-eligible client was a student with ADHD and other disabilities who attended a neighboring school district under Arkansas' School Choice law. His disabilities resulted in a difficulty with following instructions, keeping up with assignments, and staying focused. He received therapeutic wraparound services at school and had taken psychotropic medication since he was five years old, yet the district had done nothing to identify this client as a student with a disability under special education law and had not developed an adequate Section 504 plan. The client was disciplined for a minor behavior infraction by first being suspended for five days, and then threatened with his continuing to attend school in the neighboring district. DRA provided legal representation to the client by filing a due process hearing request on his behalf and representing him at a resolution proceeding. As a result of DRA's advocacy, the student received comprehensive evaluations from the school district and was not expelled. He remains in the school of his choosing, and the school staff now demonstrates a much better understanding of the student's needs and is more supportive of the student. 2) The PAIR-eligible client is an 11-year-old who is hard of hearing (not deaf). She currently resides with her parents and attends a local public school, receiving special education and related services through an IEP. Her parent requested DRA's assistance with getting their daughter compensatory deaf education services. A DRA advocate assisted the parent in this endeavor, and the client was subsequently provided compensatory deaf education services at the Arkansas School for the Deaf, including transportation from her zoned school. Her IEP was amended to include the compensatory education that was initially denied, as well as the related transportation services. 3) A PAIR-eligible client diagnosed with ADHD and a specific learning disability resides with her mother and siblings and attends a local public school. She receives special education and related services through an IEP in a self-contained setting. Her mother requested DRA's assistance with obtaining equitable services and access to a free, appropriate public education (FAPE) in the least restrictive environment (LRE). As a result of advocacy provided by DRA, the district restructured the classroom to allow the client to access supports to address behaviors that were present when she was in a regular special education classroom. A functional behavior analysis (FBA) was completed, and access to therapy was provided, along with specialized transportation services that assisted the client with arriving to school on time.

EMPLOYMENT: Objective 1: Individuals with disabilities will have access to vocational rehabilitation services. Objective 2: Individuals with disabilities will be free from discrimination in employment and have access to competitive employment in the community. Objective 3: Individuals with disabilities will receive reasonable accommodations in employment. Objective 4: Individuals with disabilities in community rehabilitation programs will receive supported employment services. NOTE: Cases under Objective 1 are served under the CAP, and cases under Objective 4 are served under either the CAP or the Protection and Advocacy for Beneficiaries of Social Security (PABSS) grant. Need/Issue/Barrier: Meaningful employment is very important to many individuals with disabilities living in the community. Any impediment to accessing vocational rehabilitation services or to acquiring reasonable accommodations in a workplace setting can significantly limit an individual's potential to be self-supporting and

otherwise successful in a community setting. Individuals with disabilities are often discriminated against in their workplace setting, and discrimination can even arise in the hiring process. DRA finds that individuals in Arkansas do sometimes have difficulty securing needed accommodations in employment and are sometimes unable to access the full scope of vocational rehabilitation services due to a lack of knowledge about their rights. A successful outcome for discrimination and accommodation cases is determined based on whether the complaint of the individual was substantiated and remedied, and the risk of recurrence reduced. A successful outcome for access to vocational rehabilitation services and supported employment services is based on whether the individual accesses the appropriate service providers, and those providers develop appropriate plans and deliver appropriate services. Collaborative efforts: DRA works with other advocacy groups as appropriate to ensure an efficient use of PAIR resources, but also attempts to resolve the issue for the client by providing technical assistance and empowering them to self-advocate, or by intervening at the lowest level possible to resolve the issue. DRA handled 11 service requests for 11 clients under this priority in fiscal year 2018; three involved employment discrimination, and eight involved reasonable accommodations in employment. Case Summaries: A PAIR-eligible client diagnosed with schizoaffective disorder and cancer sought DRA's assistance with employment discrimination. Her complaint concerned her request to take five to ten days off work to implement a new medication regimen designed to combat the anxiety that arose as a result of her recent cancer diagnosis. The client was told that she could take this time off and keep her job; however, when the client contacted her supervisor about returning to work, she first did not get a response, then was told that she no longer had a position and that her employment record indicated she had quit her job. The client also had filed a complaint about being harassed by a coworker that the employer had not investigated. DRA provided legal advice to the client about her options, to include writing to her employer regarding her return to work and the lack of contact from her supervisor about this, as well as the possibility of filing an EEOC charge. The client wrote a letter to her employer, which resulted in a resolution of the client's employment complaints, including the client returning to work at a mutually agreed work site and receiving 10 weeks of back pay for the time that she was not allowed to return to work. Additionally, the supervisor who refused to let the client return to work lost her job with the employer. SELF-ADVOCACY/TRAINING Objective 1: Individuals with disabilities and the general public will have knowledge about the legal rights of individuals with disabilities. Objective 2: Individuals with disabilities will learn to become effective self-advocates. Objective 3: Individuals with disabilities will be able to exercise their right to vote. NOTE: Objectives 1 and 2 are training and outreach objectives and no cases were worked under these objectives; any cases under objective 3 were funded under the Protection and Advocacy for Voter Access (PAVA) grant.

## **B. Priorities and Objectives for the Current Fiscal Year**

Please include a statement of priorities and objectives for the current fiscal year (the fiscal year succeeding that covered by this report), which should contain the following information:

1. a statement of each priority;
2. the need addressed by each priority; and;
3. a description of the activities to be carried out under each priority.

FY2019 Priorities and Objectives Priority 1: To protect people with disabilities from abuse, neglect, and exploitation. Objective 1: Individuals with disabilities will be free from abuse, neglect, and exploitation. Priority 2: To make sure people with disabilities can live in the community if they choose to. Objective 1: Individuals with disabilities will have access to community-based services that allow and support their ability to live in the community. Objective 2: Individuals with disabilities who are being discharged or transferred from facilities and institutions will have access to adequate plans and services to support their transition to the community. Objective 3: Youth with disabilities ages 0 to 21 years old who have been denied or unable to access medically necessary services, including mental and behavioral health services and Applied Behavioral Analysis therapy services, will be able to access those services. Objective 4: Individuals with disabilities will have access to needed health and behavioral health services, including Medicaid services. Priority 3: To make sure people with disabilities have equal access to places, programs and services and are not excluded due to their disabilities. Objective 1: Individuals with disabilities will have access to effective communication. Objective 2: Individuals with disabilities will have architectural access to public and private facilities and programs. Objective 3: Individuals with disabilities will have the right to be supported by service animals and/or assistance animals consistent with federal and state laws. Priority 4: To prevent youth with disabilities from being excluded from public educational settings and ensure they are able to attend school with needed supports and services. Objective 1: Students with disabilities who are being suspended, expelled, arrested at school, referred to law enforcement or the courts, or placed on home-bound placement by schools will receive a free appropriate public education in the least restrictive environment. Objective 2: Students with disabilities will be provided with health plans and nursing services necessary to ensure their ability to attend school. Objective 3: Students with disabilities will not be prematurely exited from school or denied equal access to a diploma in violation of federal and state laws. Priority 5: To make sure that people with disabilities have access to inclusive post-secondary education opportunities. Objective 1: Individuals with disabilities will have equal opportunity to attend non-segregated post-secondary school settings. Objective 2: Individuals with disabilities will have reasonable accommodations in post-secondary school settings. Priority 6: To make sure that people with disabilities have access to opportunities for integrated, competitive employment in the community. Objective 1: Individuals with disabilities will receive vocational rehabilitation services. Objective 2: Individuals with disabilities will have access to reasonable accommodations in the work place. Objective 3: Individuals with disabilities will be free from discrimination on the basis of disability in employment, including in connection with hiring, firing, and promotion. Objective 4: Individuals with disabilities will have access to employment in the community and the right to be paid competitive wages for that employment. Priority 7: To promote self-advocacy and self-determination for people with disabilities Objective 1: Individuals with disabilities will understand their rights. Objective 2: Individuals with disabilities will learn to become effective

self-advocates. Objective 3: Individuals with disabilities will have the ability to make their own decisions and choices.

## Part VI. Narrative

At a minimum, you must include all of the information requested. You may include any other information, not otherwise collected on this reporting form that would be helpful in describing the extent of PAIR activities during the prior fiscal year. Please limit the narrative portion of this report, including attachments, to 20 pages or less.

The narrative should contain the following information. The instructions for this form outline the information that should be contained in each section.

- A. Sources of funds received and expended
- B. Budget for the fiscal year covered by this report
- C. Description of PAIR staff (duties and person-years)
- D. Involvement with advisory boards (if any)
- E. Grievances filed under the grievance procedure
- F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency

A. Carryover from FY17: \$95,209.72 FY18 Grant Funds: \$171,598.00 DRA Earned Income: \$2,500.00 Funds Expended FY18: \$228,667.25 Carryover to FY19: \$40,640.47 B.B. Budget: Disability Rights Arkansas, Inc Statement of Revenues & Expenditures Original-Budget Revised-Budget YTD-Actual Revenue 400 Grant Revenue 171,598.00 171,598.00 226,167.25 401 Accrued Grant Revenue 0.00 0.00 405 Program Income 0.00 0.00 2,500.00 Total Revenue 171,598.00 171,598.00 228,667.25 Expenditures 500 Gross Wages 108,732.24 146,000.00 136,062.41 505 Accrued Gross Wages 0.00 0.00 505.10 510 FICA Taxes 8,366.76 11,169.00 9,683.48 515 Accrued FICA Taxes 0.00 0.00 520 403 B Contribution 7,317.24 15,508.00 8,758.86 525 Accrued 403 Contribution 0.00 0.00 528 Accrued Compensated Absences 0.00 0.00 530 Health Insurance Exp 10,580.64 14,770.00 15,992.80 535 Dental Insurance Exp 973.20 1,273.00 1,345.57 540 AD&D,Life,Disability Insur Ex 1,583.40 2,365.00 2,266.90 545 State Unemployment Ins Exp 882.12 1,307.00 1,371.09 547 State Unemployment Tax 1,027.56 1,466.00 0.00 550 Worker's Comp. Insurance Exp 234.60 339.00 260.21 555 Employee Benefit-Other 226.44 311.00 307.85 600 Conference-Registration 712.29 329.00 508.29 605 Conference-Travel 2,738.11 1,171.00 861.33 610 Conference-Meals 448.02 153.00 163.91 615 Contract/Service Labor Exp 2,882.68 5,727.00 5,587.21 634 Finance/Service Fee 436.68 906.00 817.27 635 Hiring/Employment 60.00 594.00 545.91 640 Exhibit/Outreach 300.00 122.00 274.90 645 Lease-Equipment 1,420.24 2,445.00 2,021.09 655 Maintenance/Repairs Exp. 187.20 137.00 86.32 660 Insurance Exp-Gen. Bus. 166.08 238.00 233.11 665 Insurance Exp-D & O 379.68 544.00 546.88 670 Insurance Exp-Prof. Liab. 1,429.80 1,845.00 1,628.06 680 Legal Expense-Agency 345.00 1,250.00 1,375.99 685 Litigation Exp.-Filing Fees 150.00 580.00 419.69 690 Litigation Exp.-Consultants 540.00 750.00 180.00 695 Litigation Exp.-Deposition 420.00 235.00 58.50 700 Litigation Exp.-Travel 600.00 587.00 589.06 705 Membership/Dues 1,031.04 641.00 615.62 710 Office Supplies 1,415.04 2,165.00 1,965.84 711 Office Supplies-Equipment 398.52 964.00 1,592.32 715 Postage 317.16 420.00 360.12 720 Printing/Publications 721.80 457.00 367.93 725 Professional Serv. Fees 2,915.70 5,324.00 5,315.04 729 Professional Licenses 116.40 294.00 285.37 730 Professional Dev-Registration 417.84 661.00 363.07 735 Professional Dev-Travel 257.52 271.00 30.33 740 Professional Dev-Meals 48.12 77.00 30.22 745 Rent-Building 9,849.67 15,555.00 16,282.01 747 Rent-Parking 1,086.00 1,439.00 1,049.90

760 Subscriptions 2,838.72 3,694.00 3,689.84 763 Staff Training/Meetings 0.00 187.00 57.18  
 765 Travel-Advocate 1,593.84 860.00 1,045.08 770 Travel-Other 162.36 139.00 213.50 775  
 Utilities-Telephone 1,074.96 1,540.00 1,210.04 780 Utilities-Internet/Cable 541.08 770.00  
 664.74 850 Board-Registration 120.00 79.00 0.00 855 Board-Travel 720.60 231.00 870.32 860  
 Board-Meals 517.20 499.00 134.75 865 Board-Supplies 0.00 0.00 72.24 995 Reserved for Exp  
 (7,685.53) (76,790.00) Total Expenditures 171,598.00 171,598.00 228,667.25 Revenues over  
 (under) Expenditures 0.00 0.00 0.00 C. Description of PAIR Staff: Professional Staff: DRA staff  
 work in issue teams across grants, so no staff have a 100% PAIR FTE. DRA employed a total of  
 six attorneys during FY2018, including the Legal Director, and six advocates, including the  
 Intake Advocate. Combined FTE for all DRA program staff (advocates and attorneys) is 2.35.  
 DRA's program staff has a combined average of 2.4 years of experience in PAIR/P&A system.  
 Clerical staff: a total of two full-time clerical staff were employed at DRA during FY2018, and  
 their FTE was allocated across all DRA grants. D. N/A- DRA does not have a PAIR advisory  
 board. E. No grievances were filed against the PAIR program in FY2018. F. Coordination with  
 CAP and OLTC: The CAP grant is housed within DRA. DRA's Legal Director oversees all CAP  
 and PAIR work, so the two grants are well-coordinated. The Office of Long-Term Care (OLTC)  
 is housed under the state's Department of Human Services (DHS). DRA (PAIR) does refer  
 callers to OLTC when appropriate, and receives long-term care facility surveys and deficiency  
 reports from OLTC, and follows up with OLTC as appropriate.

## **Certification**

Signed? Yes

Signed By Susan Pierce

Title Director of Policy and Planning

Signed Date 12/28/2018