



Protection and Advocacy and Client Assistance Program
Services in Arkansas

Fiscal Year 2022

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DISABILITY RIGHTS ARKANSAS (DRA) is a private non-profit agency located in Little Rock, Arkansas. Since 1977, the Governor of Arkansas has designated DRA the independent Protection and Advocacy system for persons with disabilities in Arkansas. DRA operates under authority outlined in federal law, is funded primarily by the federal government, and is governed by a Board of Directors. DRA collaborates with other disability rights and civil rights organizations, service agencies, the private bar, and legal services to accomplish identified goals and objectives. DRA's services are offered statewide at no cost to individuals with disabilities. Following is a description of DRA's nine federal Protection and Advocacy grants, as well as a grant awarded through the Arkansas Governor's Council on Developmental Disabilities.

Protection & Advocacy for Individuals with Mental Illness (PAIMI)

PAIMI serves individuals with a diagnosis of serious mental illness. PAIMI prioritizes services to individuals receiving care and treatment in a facility and has a mandate to investigate complaints of neglect and abuse. See the Protection and Advocacy for Individuals with Mental Illness Act of 1986, as amended, 42 U.S.C. § 10801 *et seq.*

Protection & Advocacy for Individuals with Developmental Disabilities (PADD)

PADD serves individuals with developmental disabilities, including intellectual disabilities, autism, epilepsy, cerebral palsy, and neurological impairments. A developmental disability is a mental or physical impairment beginning before the age of 22, which is likely to continue indefinitely, limits certain major life activities, and reflects a need for special care, treatment, and/or individualized planning. See the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. § 15001, *et seq.*

Client Assistance Program (CAP)

The CAP assists individuals with disabilities who have questions or have encountered problems while receiving or applying for vocational rehabilitation (VR) services from state VR agencies. CAP also advocates for those who receive services from Independent Living Centers (ILCs), The Division of Services for the Blind (DSB), and for those applying for or receiving services from Tribal VR offices. See the Rehabilitation Act of 1973, as amended, Title I, Part B, Sec. 112, 29 U.S.C. § 732.

Protection & Advocacy of Individual Rights (PAIR)

PAIR serves individuals with disabilities who do not qualify for the protection and advocacy services described above. It is not limited to individuals with a specific disability or facing a certain issue. See the Protection and Advocacy of Individual Rights Program of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794e.

Protection & Advocacy for Assistive Technology (PAAT)

PAAT serves individuals with disabilities with issues related to assistive technology devices and services. This includes investigating the denial of, and negotiating access to, assistive technology devices and services. See the Assistive Technology Act of 2004, 29 U.S.C. § 3004.

Protection & Advocacy for Beneficiaries of Social Security (PABSS)

PABSS serves individuals with disabilities who receive Social Security Disability Insurance (SSDI) or Supplementary Security Income (SSI) and who are trying to return to work, obtain employment, or receive certain employment-related training and services. PABBS educates beneficiaries about Social Security's work incentives and provides vocational rehabilitation and employment services advice. PABSS also assists beneficiaries with understanding their rights regarding representative payees. See the Ticket to Work and Work Incentives Improvement Act of 1999, as amended, 42 U.S.C. § 1320b-21.

Protection & Advocacy for Traumatic Brain Injury (PATBI)

PATBI serves individuals diagnosed with a traumatic brain injury (TBI). PATBI works to ensure that individuals with traumatic brain injuries and their families have access to information, referrals and advice, individual and family advocacy services, legal representation, and support and assistance with self-advocacy. See the Traumatic Brain Injury Act, authorized as part of the Children's Health Act of 2000, 42 U.S.C. § 300d-53.

Protection & Advocacy for Voting Access (PAVA)

PAVA educates and assists individuals with disabilities so they may enjoy full participation in the electoral process. These efforts include ensuring physical accessibility of polling places and informing individuals about the rights of voters with disabilities. See the Protection and Advocacy for Voting Access program of the Help America Vote Act of 2002, 42 U.S.C. § 15461-15462.

Strengthening Protections for Social Security Beneficiaries (SPSSB)

SPSSB, also known as the Representative Payee program, serves individuals with disabilities whose social security benefits are managed by a representative payee. DRA coordinates with the Social Security Administration to conduct periodic onsite reviews as well as additional discretionary reviews to determine whether a representative payee is performing their duties in keeping a beneficiary safe and ensuring their needs are being met. See the Strengthening Protections for Social Security Beneficiaries Act of 2018, 42 U.S.C. § 405(j).

Arkansas Alliance for Disability Advocacy (AADA)

AADA consists of an alliance of advocacy programs that work in concert to provide self-advocates, parents, peer advocates, and state leaders the tools they need to be active within the disability advocacy movement. AADA is comprised of Partners in Policymaking, a training program on developing relationships with elected officials to influence public policy impacting people with disabilities; Self-Advocate Network Development, which provides advocacy training and leadership development to people with disabilities across Arkansas; and Community of Champions, a community project that provides people the tools to be disability advocates in their everyday life.

CLIENTS

Arkansas is known for having one of the higher per capita rates of residents with disabilities in the country; however, because our total population is relatively low, Arkansas is a minimum allotment state for the federal grants that fund DRA's work. The United States Census Bureau's 2021 population estimate indicates the state's total population to be approximately 3,006,309, with a total civilian noninstitutionalized population of approximately 517,051 individuals with a disability, a rate of 17.2%. The following chart provides a breakdown of the 363 service requests received by DRA in FY2022, by age range and disability.

Clients by Age and Disability

DRA assisted individuals from ages three to 77 in FY2022. A breakdown of the age demographic showed 49% of the service requests represented individuals between the ages of 19 and 64, which is often considered "working age", while 3.6% of the service requests represented individuals 65 and older and 47.4% of the service requests represented individuals 18 and younger.

The following chart shows a breakdown of the service requests by an individual's disability:

Disability	Number of Service Requests	Percentage of Service Requests
Mental Illness	76	20.9%
Developmental/Intellectual Disability, including Autism	147	40.5%
Physical/Orthopedic	37	10.2%
Visual/Hearing	21	5.8%
Brain Injury	17	4.7%
Learning Disabilities	12	3.3%
Neurological Disorders	21	5.8%
Other Disabilities	32	8.8%

SERVICE REQUESTS

DRA received 363 requests for services in FY2022; the charts below show the distribution of the requests by grant funding and by problem area. The "Other" category in problem area represents issues with a small number of requests for services.

Service Requests by Program

Funding Source	PAIMI	PADD	CAP	PAIR	PAAT	PABSS	PATBI	PAVA
Count of Service Requests	41	118	46	118	8	14	16	2

Problem Areas Covered by Service Requests

Problem Area	Count of Service Requests
Education	126
Rehabilitation Services	50
Abuse, Neglect, Suspicious Death	39
Employment	33
Access (architectural and programmatic)	32
Home- and community-based services	17
Housing	15
Guardianship	8
Assistive technology	6
Voting	3
Post-secondary Education	3
Other	31

Service Requests across the state continue to include issues related to DRA's efforts to tackle abuse and neglect, including suspicious deaths in facilities, and accounted for the third highest number of service requests in FY2022. Mindful of our mandate to monitor for and investigate abuse and neglect despite the COVID-19 Omicron variant surge in late 2021 and early 2022, as well as lingering concerns about the infectiousness of other COVID-19 variants once the Omicron surge abated, DRA staff continued to monitor residential facilities, particularly the human development centers (HDCs) and psychiatric residential treatment facilities (PRTFs), by utilizing monitoring methods that did not require our staff to potentially expose residents to COVID-19 or vice-versa: primarily by acquiring facility surveys and incident reports from state regulatory entities. By the Summer of 2022, DRA advocates did return to limited in-person monitoring, while also continuing to review and analyze facility incident reports and surveys. Meanwhile, problems with special education services continue to be the most requested service throughout the state. DRA prioritizes issues involving suspension, expulsion, exclusion from school, and referral to the justice system related to a student's disabilities; while we understand the need for assistance with less serious education issues is significant, we do not have the resources to serve everyone who requests help and must limit education cases to the most serious issues and the cases where we might achieve a systemic impact. By doing so, we are attempting to staunch the school-to-prison pipeline, recognizing not only the benefit to a student when they can stay in school rather than dropping out or being routed to a juvenile placement, but also the cost benefit of providing services in a school setting versus residential placement. Rehabilitation services became the second most requested service statewide this year, and thanks to our CAP grant, we are able to assist almost everyone who has applied for or is receiving rehabilitation services and encountered a problem. Architectural accessibility and program access issues like effective communication during medical appointments or reasonable accommodations in post-secondary settings continue to be a common complaint and ran neck-and-neck with employment issues in FY2022. DRA also assisted clients needing sufficient supports to continue to live in the community; we have focused particularly on cases where a

decrease in services authorized through the state's Medicaid managed care system threatens an individual's ability to remain in the community, which could lead to more costly institutional care. Callers with housing issues are generally provided information and referral due to DRA's limited resources and the availability of other resources to assist with housing issues. Some of the requests for services that fell into the "Other" category include healthcare, transportation, and custody issues. Information and referral services are provided to clients with issues that do not meet DRA priorities, or for which DRA does not have sufficient resources to provide a higher level of assistance.

Whenever possible, DRA seeks to inform and educate clients so they may effectively self-advocate. In addition to empowering an individual to resolve issues for themselves, this serves to make the relationship between the client and the other party less adversarial than when a third party such as DRA intervenes and is also a means by which DRA can serve more individuals with fewer resources.

Case Examples of DRA work in FY2022

Example 1: The brother of a 23-year-old individual with autism spectrum disorder who is eligible for significant services through the state's Medicaid home- and community-based services waiver contacted DRA after receiving a verbal notice of the cancellation of his brother's waiver services from his supportive living services provider. Although the service provider relayed the information that the client's Medicaid was canceled, neither the client nor his brother received written notice of the cancellation. The brother's follow up revealed that written notice was sent to an outdated address; nevertheless, federal orders regarding the public health emergency prohibited any Medicaid terminations for any reason. A DRA attorney contacted the Director of the Department of Human Services, Division of Developmental Disabilities (DDS) to see whether they could assist with this issue. One of the deputy directors of DDS contacted the county DHS office, confirmed the cancellation was in error, and expedited reinstatement of the client's Medicaid waiver services; they also secured funding from an ancillary source to ensure that any gap in coverage would be mitigated. This case is an excellent example of DRA resolving an issue at the lowest level, using minimum resources to obtain a successful result for a client.

Example 2: The mother of an elementary school student contacted DRA after school staff began sending her son home early almost every day because of his behaviors but refused her request to conduct a functional behavior assessment (FBA). A DRA attorney attended an individualized education program (IEP) meeting on the client's behalf, resulting in the district immediately agreeing to conduct an FBA. The interdisciplinary team also determined the teacher was not a good "fit" for the student and moved him to another classroom; a paraprofessional was also assigned to his classroom. The student's behaviors improved almost immediately, and to such a degree that, while the school district had agreed to hire a one-on-one aide for the student, should it become necessary, the team ultimately decided the student did not require this level of support. The school district also provided extended school year

services (ESY), which was very beneficial to the student. The mother subsequently reported to DRA that her son was doing well and no longer being sent home early.

Example 3: An individual contacted DRA after she was refused an accommodation of 500% extended time to take the American College Testing (ACT) exam. The client has a visual impairment and has been served through an Individualized Education Plan (IEP) for several years with 500% extended time as an accommodation. DRA advocated on her behalf to ACT's disability services department and provided documentation in support of the request. ACT responded that it could not grant the client 500% extended time because requests for extended time of that length have always been rejected. DRA provided ACT with legal citations to the Americans with Disabilities Act (ADA) regarding accommodations on exams. ACT eventually granted the client's request for 500% extended time and she was able to take the exam at the end of July 2022 with all of her accommodations in place, ultimately obtaining a higher score on the exam than she had previously.

Example 4: DRA's client was an 18-year-old high school student eligible for home- and community-based services through the state's developmental disabilities waiver; DRA's involvement began when the COVID-19 pandemic impacted the student's ability to attend school in person. He attended virtual school; however, he required supportive living assistance while at home. The Medicaid managed care organization (MCO) evaluated his need for supportive living services and determined they were not medically necessary. Supportive living services are an array of supports necessary to ensure an individual can safely live in a community setting; they are not "medical" in nature. The MCO's have obligated themselves through contract to evaluate necessity for supportive living services based on a standard described as "non-medical community supports and services." A DRA attorney requested a Medicaid administrative hearing on the client's behalf to challenge the standard the MCO applied. The hearing officer agreed that the MCO had failed to consider whether the services were necessary under the standard "non-medical community supports and services" when it made its determination through the standard of "medical necessity." The issue was remanded to the MCO to evaluate the client's need based on a "non-medical community supports and services" standard. The decision in this case was significant in that it should create a systemic impact by preventing the future use of "medical necessity" as a standard (read: barrier) to MCO's providing their clients with adequate supportive living services.

Example 5: A 17-year-old student with a significant learning disability reportedly exhibited severe behavior issues throughout his school career. The school district had previously sought court intervention to ensure the family had access to behavioral health services for the student; however, they never evaluated the student for mental health issues as possible causes for his behavior or to ensure they were properly accommodating him. The school district assigned the student a counselor for behavioral health services but did not include the counselor in any Individualized Education Program (IEP) meetings, and a behavior intervention plan was developed without input from the counselor and without basing interventions on data. During an altercation with three other students, the principal restrained the student face-down on the floor for over a minute. The student was subsequently recommended for expulsion for the

altercation and for resisting the principal's restraint. A manifestation determination review conducted without input from his treatment professionals and without consideration of his mental health issues concluded the student's actions were not a manifestation of his learning disability. A DRA attorney investigated and determined that the school did not comply with Arkansas state law before, during, or after the restraint, finding that the principal was not legally trained to perform the restraint, the restraint was improper and dangerous, and the school district failed in its reporting and debriefing obligations following the restraint. DRA filed a state complaint citing 15 claims, 12 related to the school district's failure to provide a free, appropriate public education and three related to Arkansas restraint laws. The Arkansas Department of Education (ADE) investigated and substantiated nearly all of the client's IDEA claims, ordering the school district to reconvene and further evaluate all of the student's suspected disabilities, to reconsider all of the student's actions with insight from professionals who are familiar with his disabilities, and to conduct comprehensive trainings in areas of discipline and eligibility to ensure school district staff understand their obligations to the client and other students. A separate complaint was filed with the U.S. Department of Education, Office of Civil Rights regarding the ADE's failure to address any of his restraint-related claims. The ADE does not believe it has jurisdiction to consider violations of the Arkansas law, as the law does not clearly grant them enforcement authority. While we are not representing the student on this issue, DRA did facilitate the complaint and are monitoring its progress.

Example 6: The mother of a man who is deaf and also has an intellectual disability, a visual impairment, and a partial lower limb amputation contacted DRA seeking assistance with post-secondary placement for supported employment programming. Despite having a transition plan as part of his individualized education program (IEP), his mother said that none of the options presented for his placement would accept him, with the reasons ranging from a non-qualifying IQ to a lack of ASL interpreter services. When asked which program the client most wanted to attend, he indicated the Arkansas Deaf Career Center (ADCC), which is housed at the Arkansas School for the Deaf (ASD) and is a highly individualized, residential supported employment program. When his parents inquired about their eligibility criteria, they were told that he could not enroll as they did not have residential space for the nighttime caregiver provided through his Waiver services. Because the ADCC does not staff their dormitories, it was imperative the client be accompanied by his nighttime caregiver. A DRA advocate spoke with an attorney for the ASD and requested an inquiry into their application and enrollment practices that were potentially discriminatory against students with disabilities who required caregivers. A dormitory was subsequently made available for the student and his caregiver, and the client was successfully enrolled and started the program last Fall.

Example 7: The brother of an individual with Down syndrome contacted DRA because his brother was not receiving consistent staffing from a service provider, and after the brother complained to the service provider, they informed him they would discontinue services. DRA lodged a grievance on the client's behalf with the MCO asking them to take steps to ensure care. The MCO responded that a new provider would be in place soon but left open the possibility of a gap in services. A DRA attorney then filed for an expedited fair hearing and represented the client in the hearing. The administrative law judge issued an order finding that

the MCO is required to ensure actual provision of services and ordering the MCO to ensure timely and consistent delivery of services. The brother subsequently reported to DRA that services are going well with the new provider.

Example 8: An Arkansas Rehabilitation Services (ARS) client called the CAP when his case was closed for not returning paperwork in a timely manner. When he called to follow up, he reported that he had moved and was notified he would need to reapply for services at a different office. He was seeking tuition assistance and needed funding as quickly as possible for the upcoming semester of college. When he called the new office, he was told that his case would be assigned to a counselor, but it might be weeks before the unnamed counselor would get back with him. He requested the CAP assist him with expediting this process so he would not miss a semester of school. The CAP attorney called the previous counselor to see if the case could be reopened and transferred, but this was not possible; however, she did call and explain the situation to the new counselor and inform them that time was of the essence. The new counselor quickly called the client to get the process moving. The CAP attorney followed up with the client, who reported services were expedited as requested.

Example 9: The parent of a 9-year-old with autism spectrum disorder called DRA when the school district refused to allow the student time out of school to attend occupational and speech therapies as he had been doing for several years. This family lives in a rural area and it required two hours each way for the child to attend therapies in Little Rock. The school responded that if he was receiving services they could not provide, they would allow it; however, since they offer those therapies, they would not allow him to miss school to secure those services elsewhere. Once the parent complied, she noticed a severe regression in her son's language and other skills. When she expressed her concerns to the school district, she was told they would turn her in for truancy if she took him out of school to return to the previous therapy provider. A DRA attorney attended an IEP meeting with the parent; the school subsequently agreed to a three-day school schedule so that the student could attend these outside therapies as needed.

Example 10: An individual who uses a mobility device contacted DRA about being unable to open the entrance doors to her bank, forcing her to wait for someone to assist her. A DRA advocate viewed the bank on a virtual map to determine the type of entrance doors the bank had, then emailed the bank manager a copy of the ADA publication "Opening Doors for Everyone," which explains how to adjust the amount of force required to open most glass entrance doors. The client returned to the bank later and reported she was able to enter without assistance.

PROJECTS

Systemic Issues

The PRTF database DRA created in FY2021 was expanded in FY2022 to include additional information on these facilities. Inspection of Care surveys are now part of the database, and DRA also sent out surveys to all PRTFs in the state to collect data on treatment components and

basic facility information we believe would be useful for parents and guardians to know when researching a PRTF, particularly if a family member has been admitted or admission is being considered. This information is now available on the DRA website as we continue to work on the systemic issue of youth in PRTFs not receiving appropriate mental and behavioral health services, in addition to investigating allegations of abuse and neglect. DRA staff worked diligently to create and publicize this database and hopes it can be a model for other Protection and Advocacy Systems. The database is located at: <https://disabilityrightsar.org/prtf/>

DRA investigated an allegation of neglect involving a minor who was abandoned at a children's hospital after being transferred from a psychiatric residential treatment facility (PRTF) without a medically justifiable reason for transfer or a discharge plan. Records indicated the patient had physical aggression issues, which was the reason for her placement in a PRTF, and that she was on assaultive precautions for the majority of her time at the facility. The facility discharged the client by sending her to the emergency room (ER) by emergency medical services (EMS). Her discharge paperwork states that "client was transferred to Children's hospital...due to increasingly aggressive behaviors and homicidal threats." DRA was not able to locate an incident report for the date in the facility records and therefore it remains unclear what prompted the transfer/discharge. The client is in Arkansas Department of Human Services (DHS) custody and DHS was notified by the PRTF that they did not feel they could provide the level of care the client required and she needed to be removed from their program. The 24-hour discharge notice stated a lack of ability to accommodate the necessary one-on-one services the client required. Our investigation concluded the PRTF did transfer a resident to the ER and then refused to accept the resident back into their facility. The precise precipitating event that led to the discharge is not clear in the records as the last incident report documented by the PRTF occurred a week prior, which suggests the discharge could have been delayed until an alternative placement could be found. This case is one in a pattern being reviewed by DRA regarding a lack of appropriate discharge planning and discharge by transfer to acute hospitals and emergency departments of residents who are almost always in DHS custody. DRA has confirmed that DHS is aware of what is occurring but has been unable to confirm what, if any, steps they plan to take to remedy the issue.

In December 2019, DRA began investigating a suicide at a state prison after receiving information from a confidential informant that an individual who had recently taken his own life had been repeatedly removed from his cell and beaten by prison staff. Upon receiving photographs, video, and reports from the Arkansas State Police investigation, we noticed discrepancies among witness statements and a dramatic difference in the amounts of time between checks on the prisoner that were relayed to the media and what the video showed was possible. Further investigation verified that the individual was seen, diagnosed, and treated at the state psychiatric hospital for mental illness, but was considered by the prison to be a "non-mental health inmate." Because of the prison's determination that the individual did not have a disability, they would not permit DRA access to the decedent's records. DRA filed suit in early FY2021 to obtain the prison's records on the decedent, with the next several months spent defending a state motion to dismiss; however, with support from the U. S. Department of Health and Human Services as well as the U. S. Department of Justice, the motion to dismiss

was denied and DRA proceeded in FY2022 to seek a permanent injunction in the case. As the trial approached, DRA was able to resolve the complaint in a way that would not only ensure the relevant investigation would continue, but that future investigations would not encounter the same barriers. Although the claim was made pursuant to our PAIMI grant, the agreement reflects a comprehensive records access agreement applicable to cases across all of our federal grants and was made as part of a stipulated dismissal of our complaint.

A 51-year-old resident at one of the state-operated human development centers (HDC) died at the facility; his causes of death were reported to be aspiration, syncope, vasovagal syncope response, and constipation. He was reported to be at low risk for choking; he also had not been previously diagnosed with a dysphagia disorder. DRA's investigation did not reveal any evidence that staff's actions led to his death; however, his death seems to fit a pattern of aspiration- and constipation-related deaths at this facility, so we will continue to monitor for any indications of systemic neglect when deaths involve aspiration and/or constipation. As a result of this death, the facility did change their bowel protocol to attempt to better address constipation issues.

The Arkansas State Hospital (ASH) is now implementing policy changes related to chemical restraints after DRA investigated an anonymous report from an ASH employee. This individual alleged the hospital was using chemical restraints excessively, including giving them to calm children. The nurse in charge had previously worked in medical settings and would order a chemical restraint when a behavior incident would occur, rather than implementing de-escalation strategies. Some behaviors automatically led to a chemical restraint regardless of the status of the incident by the time the injection had been prepared, most notably in peer altercations that appeared to be resolved and the aggressive behaviors had subsided. DRA investigators reviewed videos and patient records and interviewed youth at the facility; we were ultimately able to substantiate the allegations made by the anonymous caller, as evidenced by video showing patients willingly being given the injections, placing themselves against the wall to receive the injection, and not resisting when receiving an injection. DRA investigators completed a report upon concluding the investigation and met with hospital administration officials to provide them with recommendations. They acknowledged our concerns, admitting there were legitimate issues with what was occurring, and were open and willing to make changes. Following our meeting, policy changes were developed and implemented, and ASH staff have undergone training, specifically involving the use of therapeutic interventions prior to resorting to seclusion and/or restraints. It has since been determined that DRA's investigations led to a moderate decrease in the use of chemical restraints as well as increased training and internal oversight at the hospital.

DRA continues its focus on problems within the relatively new Medicaid managed care system in Arkansas. In addition to representing clients in appeals, DRA staff continued to gather data regarding the grievance and complaint processes consumers are expected to utilize when they wish to confront issues with their services, which often involve a reduction in services. While we have not publicized the data, we continue to gain insight into which MCOs are struggling with which Medicaid obligations, allowing us to better advise clients regarding the services they should be accessing, as well as strategies to access those services, based on how those services

are usually requested, approved, or denied. We are also concerned that MCOs continue to not understand their obligations regarding the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Medicaid benefit; our data collection seems to confirm our theory and has informed our individual representation about this relatively unknown obligation under Medicaid. It has also led us to advise beneficiaries and their caregivers to specifically reference EPSDT when requesting services, which we hope will advance the issue and result in a broader availability of services to children and adolescents under this Medicaid mandate.

DRA received a complaint alleging a youth was the victim of staff abuse while a resident of a PRTF and that the alleged offender was not being investigated and had not been suspended or removed from working directly with residents. The alleged victim made the disclosure after being transferred to an acute psychiatric facility and, although there was a delay between the report being made and the alleged offender being suspended, DRA investigators did not find any evidence that the facility was aware of the allegations or of the Arkansas State Police (ASP) investigation prior to the day they suspended the alleged offender. The deficiency therefore appears to be with the Crimes Against Children Division (CACD) of the ASP and their notification process rather than with the facility's response. The investigating agency recommended that the referral (for investigation) be determined unsubstantiated. DRA did not necessarily disagree with that determination; however, other information brought forth during the investigation, primarily assertions by the alleged victim and his mother that other residents are also afraid of the alleged offender and that he threatens residents and their families, does not appear to have been investigated due to that information not being shared with the facility or other state agencies. This issue has been added to DRA's list of ongoing concerns about systemic practices that endanger residents of the state's PRTFs. During the course of this investigation, we also discovered a suicide attempt that was not reported, as required, to DRA as the state's Protection and Advocacy system. The facility's failure to notify DRA of the suicide attempt was reported to the state licensing division and the state's Office of Long-Term Care.

Since FY2020, in accepting education cases, we have focused on representing juveniles who were at risk of institutionalization through our state's juvenile courts and Family in Need of Services (FINS) petitions, which are a means for school districts to access court intervention for juveniles with serious behavioral health needs. Whether through the truancy process, or through anecdotes of "uncontrollable behavior," we continue to see many juveniles court ordered to PRTFs prior to schools evaluating them for special education and related services eligibility, which we interpret as a circumvention of the due process rules mandated by the Individuals with Disabilities Education Act (IDEA). In some cases, we have simply contacted courts with active cases for a juvenile to let them know we were providing advocacy or representation within the educational realm and asked them to stay any effort to institutionalize the student. In other cases, we have successfully represented juveniles in court to prevent institutionalization in favor of educational advocacy. While difficulties accessing our FY2022 funding negatively impacted our resources to do so, we've determined that educating juvenile probation officers, judicial staff, prosecutors, and public defenders regarding the advocacy that can occur within the public-school setting, and how this can often reduce or

eliminate the need to send students to institutional placements, is incredibly important systemic work that we wish to continue in FY2023.

DRA continued our voter education and outreach in FY2022; early in the fiscal year, we updated and revised all of our voter education materials to better reflect the changes in election law made by our state legislature in 2021. Throughout the year DRA's PAVA program collaborated on voter outreach and discussions of voting issues with several other organizations and coalitions in Arkansas. We also collaborated with partners outside the state, sharing information on poll monitoring and accessibility with the Florida and Tennessee P&As and presenting on the topic of poll monitoring in a session on voting at the P&A membership organization's annual conference. DRA staff also met with representatives from the U.S. Vote Foundation and with election monitors from the Office for Democratic Institutions and Human Rights ahead of the 2022 midterm elections. DRA's voting advocate provided information and education in interviews for print, radio, and podcast media outlets, and we continued to include a voter registration component in all DRA outreach activities as well as conducting a mock voting event for members of the public. So although DRA's PAVA program didn't receive many requests for assistance with voting issues that necessitated case-level work, the PAVA program directed significant efforts to outreach, education, and collaboration with other entities, particularly the Arkansas Alliance for Disability Advocates (AADA) program, which is a network of self-advocates with intellectual disabilities, as well as the Governor's Council on Developmental Disabilities, Partners for Inclusive Communities, the State Independent Living Council, the Arkansas Disability Policy Consortium, and the Arkansas Coalition for Strong Families.

While not quantifiable, we have continued to collaborate with stakeholders, guardians, and legal practitioners to broaden understanding in our state of less restrictive alternatives to guardianship. This has primarily occurred through several trainings geared towards different audiences not only about what alternatives exist to traditional plenary guardianships, but also what requirements currently exist in state law to ensure the observation of individual rights for those under a guardianship. In doing so, we are developing a practice of assisting individuals in bringing claims for violations of the new Wards' Bill of Rights, signed into law in 2021, as well as advocating for limitations to guardianships, particularly with regard to healthcare decisions and voting.

DRA's CAP staff determined in FY2022 that comprehensive post-secondary training programs (CPSTP) were being inadequately funded by vocational rehabilitation services, leading us to try to better understand and advocate for the blending, braiding, and sequencing of services through both CPSTP and Arkansas' Medicaid managed care program, to serve individuals more comprehensively and achieve more positive vocational outcomes. DRA and CAP staff worked to identify cases and coordinate grant work to promote interagency collaborations and increase funding for clients needing intensive community supports. While this work is just beginning and thus has been occurring at case-level, DRA and the CAP are optimistic that this casework can progress to systemic changes, as DRA highlights these individual cases to advocate for the

sequencing of services to become integrated into the policies and practices of both the CPSTEP and Medicaid managed care systems.

Prior to the Rehabilitation Services Administration's (RSA) monitoring of Arkansas Rehabilitation Services (ARS), CAP staff met with RSA's monitoring team to discuss issues of concern, among them the interpretation and application of ARS Form RS-16 for the calculation of consumer financial participation and the arbitrary capping of funding for post-secondary tuition and the subsequent failure of counselors to seek exception to this practice. The results of RSA's monitoring were made available to the CAP by RSA and validated these two concerns. CAP staff also monitored ARS's presentation of the monitoring results to the State Rehabilitation Council (SRC) and sought and received documentation of the corrective action plans ARS provided to RSA.

Coalition Building

DRA is not only committed to numerous long-term collaborations; we also continuously explore opportunities for new collaborations. DRA continues to partner with the Governor's Council on Developmental Disabilities (GCDD) and Partners for Inclusive Communities (Arkansas' UCEDD) on issues impacting the developmental disabilities community. Most of these initiatives are multi-year efforts and focus on achieving impactful, systemic changes in Arkansas.

Collaborations active in FY2022 include the Arkansas Alliance for Disability Advocacy (AADA), the Breakfast Club, and Housing Arkansas. The AADA initiative, which is a collaboration between DRA and the GCDD, consists of three components: Partners in Policymaking, Community of Champions, and Self-Advocacy Network Development. The AADA is working to build and develop the self-advocacy movement in the state, and partners with both the PAVA program to educate new self-advocates about voting rights and with the PADD program to develop materials and training courses for parents wanting to be proficient advocates for their children with respect to special education services. DRA continues collaborating with other agencies in the TBI State Partnership Program (SPP) and holds a position on the newly formed Arkansas Brain Injury Council (ABIC), whose mission is "to improve upon Arkansas's TBI infrastructure in an effort to maximize independence, well-being and health of persons living with TBI, their family members, caregivers, and providers". DRA's executive director became involved with Fetal Alcohol Spectrum Disorder (FASD) Arkansas in FY2021 and continued to work with FASD in FY2022; DRA's goal is to advance educational and informational initiatives about FASD. DRA continues collaborating with the Federal Emergency Management Agency (FEMA), the Red Cross, and the Arkansas Department of Human Services (DHS) to ensure that the needs of Arkansans with disabilities are appropriately addressed in emergency preparedness planning. This effort is actually a hybrid of collaborating and monitoring activities, since we are collaborating to develop plans that are inclusive, but we are also monitoring the participating agencies' efforts to ensure they incorporate the needs of people with disabilities in their planning efforts. Prior to and during the pandemic DRA stayed in communication with FEMA and state officials regarding emergency management plans, disability access to services and, later, vaccine access equity. This collaboration began in FY2019 and is now expected to continue as a long-term collaboration.

Veterans' Issues

DRA welcomes the opportunity to work with veterans; we occasionally receive requests for assistance from veterans, typically involving an accommodation they need on the job or at a business or some other public venue because of a traumatic brain injury or PTSD. Should your offices receive requests for assistance from veterans regarding these types of issues, we would encourage your staff to refer them to DRA for assistance.

We hope this report has proven beneficial in providing an overview of our programs and services. Please do not hesitate to reach out to us if we can answer any questions or provide your office with further information about our work.

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