

DRNC Advocacy Targets for FY 2020

Keep students with disabilities in school (PAIDD, PAIR, PAIMI, PAAT) (Non-federal – IOLTA)

Rationale: Students with disabilities are susceptible to being excluded from school when they exhibit challenging behaviors, even when those behaviors are related to their disabilities. Students with disabilities are excluded from school more often than students without disabilities through suspensions, homebound placements, modified day schedules, and other exclusionary practices. During the 2015-16 school year, for example, over 22% of long-term suspensions and more than 24% of short-term suspensions were given to students with disabilities, yet students with disabilities comprise less than 13% of the total student population.

These exclusions often result in months and sometimes years of lost instructional time for students with disabilities. In 2015-16, the average length of a long-term suspension was 76 school days – that’s over 40% of the school year. Students with IEPs are constructively suspended when the IEP team changes their placement from the school setting to “homebound” or to a modified day schedule.

With homebound placement, the student is not allowed to come to school and usually receives zero to four hours of instruction per week. With a modified day placement, the student is allowed to come to school for only part of the school day. We are aware of this exclusionary practice as a result of the many calls we receive from parents whose children have been on homebound or modified day schedules for most or all of a given school year and from data published by the NC Department of Public Instruction.

Target Populations:

- ❖ Students with disabilities who have received a lengthy homebound placement or modified schools schedule who can be served in a less restrictive setting if the school provides an appropriate placement, supports and services
- ❖ Students with disabilities who have received long-term suspensions or multiple short-term suspensions without the benefit of IDEA’s disciplinary safeguards
- ❖ Students with disabilities who are constructively suspended from school because their parents have picked them up from school at the principal’s request on more than 10 days

Students with disabilities will attend school free from abuse, including abusive interventions (PAIDD, PAIR, PAIMI, PAAT) (Non-federal: GCC)

Rationale: Many students with disabilities are subject to abuse at school, both as a result of physical and emotional abuse by school staff and use of restrictive interventions, such as seclusion, restraint, and other aversives. Students with disabilities are particularly vulnerable to mistreatment. One study concluded that one

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in three children with an identified disability receiving special education services are victims of neglect, physical abuse, or sexual abuse. This problem is compounded by reporting and exclusion issues: many children with disabilities are unable to report abuse because of communication issues related to their disability and/or attend school in segregated settings that allow the abuse to go undetected and unreported by adults, including separate schools and self-contained classrooms.

Students with disabilities should attend school in a safe environment, free from traumatic experiences, over-involvement with law enforcement, abuse and abusive interventions. The work of this target will focus on systemic changes in school system practices to prevent abuse and abusive interventions from occurring and remaining undetected.

Target Populations:

- ❖ Students with disabilities with communication challenges
- ❖ Students with disabilities in self-contained classrooms and separate schools
- ❖ Students with disabilities with significant behavior challenges

Advocate for the employment of people with disabilities in competitive and integrated jobs (PAIDD, PAIR, PATBI, PABSS, PAAT, PAIMI)

Rationale: People with disabilities continue to face barriers to finding work and staying on the job. Some choose not to work more or earn higher wages for fear of losing benefits. Others struggle to find employment at competitive wages. Work is the foundation for economic stability. Our clients must have information about the full array of employment services available to them and access to competitive employment, free from discrimination. The State must eliminate financial support for subminimum wage, segregated work that does not lead to competitive, integrated employment.

Target Populations:

- ❖ People with disabilities facing employment discrimination or other barriers to employment, including lack of reasonable accommodations or lack of transition services
- ❖ People with disabilities without adequate information about work incentives and other resources to help them find and maintain employment with a focus on transition age youth

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Enforce the right of people with disabilities to have equal access to their community

(PAIDD, PAIR, PATBI, PAAT)

Rationale: People with disabilities are regularly denied full and equal enjoyment of the services offered by businesses, local municipalities, and the State.

Target Populations:

- ❖ People with disabilities who have been denied equal access to public places, programs, or services
- ❖ People with disabilities who have been denied accommodations/modifications by colleges and universities

Reducing North Carolina's Over-Reliance on PRTFs

(PAIDD, PAIMI) (Non-federal: EJW)

Rationale: Since 2010, the number of Psychiatric Residential Treatment Facility (PRTF) beds in the state has increased to 1,081 – a 119% increase. In addition, some North Carolina children and adolescents are sent to PRTFs in other states. Rather than increasing these institutional placements, North Carolina should be ensuring children are getting the services they need in their communities. Medicaid Transformation and the State's development of Tailored Plans by 2021 must include community services that will dramatically reduce reliance on PRTFs.

A 2013 report to Congress by then US Secretary of Health and Human Services Kathleen Sebelius detailed a five-year Congressionally-mandated Demonstration Project to determine whether children and adolescents could be better served in the community through Medicaid Waiver services than in PRTFs. That study had two findings: 1) "Children and youth generally maintained or improved their functional status when receiving services in the community," and 2) "Waiver services cost about a third (32 percent) of comparable services provided in PRTFs." In simpler terms, the children in the Demonstration Project fared better or the same when receiving the right services in the community, and those services saved 68 percent compared to the cost of PRTFs.

Many children and adolescents in NC's PRTFs cycle in and out of psychiatric hospitals, PRTFs and the community. Through our monitoring work, we have seen children who have cycled through numerous PRTFs throughout the state, often times far away from their families and other natural supports for weeks, months and even more than a year. We know through our monitoring efforts and regulatory surveys that children are abused and neglected in some of these settings – including educational neglect. In some PRTFs, trauma histories are under-recognized and not addressed, thereby perpetuating the underlying trauma rather than treating it. PRTFs are not simply costly from a financial standpoint; they can be physically and emotionally

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costly, potentially setting up generations of North Carolina's children and adolescents for a lifetime of misdiagnoses and mistreatment.

This Target proposes to reduce NC's reliance on these institutional settings, by developing and making available information to policy makers and the public that will demonstrate the need to shift resources back to the community for our youth. This will include issuing a report about our PRTF monitoring work, and creating a short video about evidence-based community alternatives to PRTFs.

Target Population:

- ❖ Children and youth placed in PRTFs or at risk for placement in PRTFs, including children and youth in foster care.

Reduce unnecessary institutionalization of individuals with disabilities and advance home and community based healthcare services and supports (PAIDD, PAIMI, PATBI, PAIR, PAAT)

Rationale: The current health and human services system is biased towards institutionalization over home and community-based services. Often, people with disabilities who could successfully live in the community with sufficient services and supports are stuck in institutional settings. Others currently living in the community are put at risk of unnecessary institutionalization and segregation due to cost-cutting measures and a flawed implementation of the service delivery system. This system violates the rights of individuals with disabilities to receive services in the least restrictive environment under the Americans with Disabilities Act and the *Olmstead* decision. Additionally, the State fails to comply with federal Medicaid law regarding the Early and periodic Screening, Diagnostic, and Treatment provisions of Title XIX of the Social Security Act (Medicaid Act).

This target will take a holistic approach to address these issues to reduce institutionalization, promote community integration, and promote access to medically necessary services so that adults and children with disabilities live where they want and have the services needed to live a fulfilled and integrated life.

Target Populations:

- ❖ People with disabilities in institutions who could be more appropriately served in home and community-based settings
- ❖ People with disabilities in integrated settings whose rights to community-based services have been denied
- ❖ People with disabilities who face an increased risk of institutionalization because of inadequate home and community based services systems

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- ❖ People without adequate information to enforce their rights to transition out into the community and receive needed health care services

Increase access to accessible, affordable housing for people with disabilities in the communities of their choice (PAAT, PAIMI, PAIDD, PATBI, PAIR)

Rationale: Disability Rights NC receives numerous calls from individuals who are being discriminated against in housing due to disability. They are living in homes that are not accessible for their needs, or simply cannot find accessible, affordable housing that would allow them to transition to living independently in the community of their choice. DRNC is committed to increasing access to housing for people with disabilities to live independently in the community and to ensuring that individuals with disabilities have full use and enjoyment of their homes. DRNC will utilize Protection & Advocacy tools including targeted individual representation, education and training, and systemic advocacy to increase access to and funding for safe, affordable, accessible housing.

Target Populations:

- ❖ People with disabilities who have been denied equal access to fair housing
- ❖ People with disabilities who want to live in safe and accessible housing in communities of their choice

Prepare, advise, and advocate for people with disabilities before, during, and after a state declared disaster (PAAT, PAIMI, PAIDD, PATBI, PAIR)

Rationale: Almost a year after Hurricane Florence hit the North Carolina coastal area, Disability Rights NC is finding that the lives of disabled people remain disrupted. People with disabilities are struggling to find the necessary funding, resources and supports to return to their homes and communities. Many remain displaced, unstably housed or homeless. The biggest barrier causing continued hardships is the tremendous shortage of affordable, accessible housing. It is essential that DRNC respond proactively and continue to build momentum around identified disaster related issues affecting people with disabilities. Legal advocacy and representation, training, outreach and technical assistance are required to assist emergency response and recovery systems to adequately address the needs of people with disabilities, whose voices must be amplified in these processes. Scientists predict that climate change will be significant and accelerated in the future. DRNC must sustain our advocacy efforts as the P&A and be prepared to respond and advance the rights of people with disabilities before, during, and after disasters.

Target Populations:

- ❖ People with disabilities who have been affected by disasters and are in need of support, services, resources and legal advocacy to return to their homes and communities

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- ❖ People with disabilities in low wealth communities of color who need information about the rights of people with disabilities before, during and after a disaster

Advocate for safe, equitable and just criminal processes for people with disabilities

(PAIMI, PAIDD, PATBI, PAIR, PAAT)

Rationale: People with disabilities are not only overrepresented in North Carolina's prisons and jails, they are also overrepresented in violent interactions with law enforcement and face challenges accessing equal treatment throughout the criminal process. Disability Rights NC has targeted the identification and treatment of people with disabilities in prisons and jails and has worked to make the ADA's right to accommodations a reality in those institutional settings. While we will continue to be a leading advocate for people with disabilities in prisons and jails, this expanded target will encompass investigating the experience of people with disabilities at steps along the criminal process and identifying reforms needed to ensure the system is safe and fair for people with disabilities.

In the prison context, the Department of Public Safety continues to house inmates with mental health disabilities in solitary confinement without needed out of cell treatment. DPS fails to identify and accommodate thousands of inmates with Intellectual and Developmental Disabilities, leaving them at risk of abuse as well as idled in prison and ill prepared for successful reentry. The prison-ADA system fails to identify and accommodate prisoners with disabilities. These individuals also face discrimination in access to programs and services, and suffer hardships in addition to the loss of freedom. DRNC's goal is to remedy the ADA system in NC prisons so that inmates with disabilities are no longer discriminated against and are able to access programs and services while in prison and as part of their preparation for successful reentry upon release.

Jails are neither designed nor funded to provide mental health treatment, yet with the erosion of public mental health services they have increasingly become de facto mental health facilities. Suicides continue to occur at an alarming rate in NC Jails. Seven of the thirteen deaths in NC Jails so far this year (2019) were by suicide. Advocacy is needed to ensure Jail Administrators appropriately respond to an inmate's mental health needs. Sadly, we have learned that Jail Administrators are also failing to protect the increasing numbers of arrestees in crisis due to substance use. There are few organizations monitoring conditions in our NC Jails, and DRNC can have a meaningful impact on the quality of care for people with disabilities.

Target Populations:

- ❖ People with disabilities confined in NC Jails
- ❖ People with mental health disabilities in prison who are not identified and/or are not receiving appropriate treatment

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- ❖ People with disabilities in prison who are not receiving accommodations and who are denied equal access to prison programs and services

Promote the right of self-determination

(PAIDD, PAIMI, PAIR, PATBI, PABSS)

Rationale: Self-determination is the ability to make decisions and take actions to shape one's own life. It is one of our most fundamental rights. Guardianship permits an individual, a corporation, or the government to stand in the shoes of a person with a disability and make decisions on their behalf. Guardianship almost always results in the loss of some or all decision-making authority belonging to a person with a disability. Advocating for the right of people with disabilities to self-determination is fundamental to our purpose as the P&A.

Target Populations

- ❖ People with disabilities who would like to restore their competency
- ❖ People with disabilities who have public or corporate guardians and would like to live in the community

Enforce the right of people with disabilities to vote

(PAVA)

Rationale: People with disabilities are less likely than their nondisabled peers to vote. Barriers to voting include inaccessible ballot or voting technology design, inadequate disability competency among election workers, complicated requirements to register and/or vote, difficulty obtaining appropriate photo ID, and inaccessible information about voting.

Target Populations:

- ❖ People with disabilities who have experienced barriers to casting a vote
- ❖ People with disabilities who do not know they can vote or why voting might matter to them