



Areas of Focus Fiscal Year 2019

The Arizona Center for Disability Law (ACDL) is the federally designated Protection and Advocacy System for the State of Arizona. ACDL's mission is to assist Arizonans with disabilities to promote and protect their legal rights to independence, justice, and equality. Protection and Advocacy's (P&As) throughout the United States assure that the human and civil rights of persons with disabilities are protected. We provide legal rights information, conduct outreach and training, and provide self-advocacy materials. Additionally, ACDL represents individuals in negotiations, administrative proceedings, court hearings, and investigates allegations of abuse and neglect.

The demand for free legal and advocacy services to address disability-related legal issues is far greater than the ACDL's available resources. To make the most of the available resources, each year the ACDL develops areas of focus to serve individuals with disabilities who fit into specific federal program eligibility guidelines.

The ACDL considers the following factors in deciding whether it can provide legal and advocacy services:

Case Selection Factors that Apply to All Programs

1. The applicant must meet the program eligibility guidelines.
2. The legal problems must fall within an area of focus and objective for services.
3. ACDL only provides legal services to address legal issue(s) that:
 - a) relate to an individual(s)' disability,
 - b) may be resolved by ACDL's legal and advocacy staff, and
 - c) is supported by the facts and the law.
4. ACDL generally provides legal and advocacy services to individuals when other individuals, agencies, attorneys or organizations cannot resolve the matter. For example, ACDL generally will not be able to represent you if you already have an attorney or other advocacy assistance or have the right to appointed counsel in a specific matter.
5. Individuals from under-served or unserved populations or geographic regions will receive priority for outreach, training and representation.
6. Individuals whose legal problems present opportunities to address systemic and policy issues that will likely help groups of individuals with disabilities will receive

priority for litigation.

7. Even if an individual's legal issue meets the other factors, services will **always** depend upon the availability of staff and resources.

Protection and Advocacy for Individuals with Mental Illness – PAIMI

The Protection and Advocacy for Individuals with Mental Illness (PAIMI) grant was established by Congress in 1986. PAIMI agencies, such as ACDL are mandated to protect and advocate for the rights of individuals with mental illness The Substance Abuse and Mental Health Services Administration, Center for Mental Health Services oversees the PAIMI program.

The following PAIMI priorities and objectives will be followed in accordance with our case selection criteria during FY 2019 (October 1, 2018 through September 30, 2019),

FOCUS AREA #1:

Reduce incidences of abuse, neglect and rights violations of individuals with mental illness residing in locked or unlocked facilities.

Description: Individuals with mental illness residing in locked or unlocked treatment facilities or other supportive residential treatment settings providing mental health services will be educated about their rights, and ACDL will advocate for the rights of these individuals.

Objectives:

- 1.1 Conduct two (2) investigations of reports of suspicious death, restraint and seclusion, physical abuse, sexual abuse, or verbal abuse of individuals with mental illness where ACDL determines probable cause exists to believe incidents occurred.
- 1.2 ACDL staff will conduct at least ten (10) monitoring visits to the Arizona State Hospital, and at least ten (10) monitoring visits to locked treatment facilities, unlocked treatment facilities, group homes or other residential settings, with three (3) monitoring visits conducted in rural areas.
- 1.3 Pursue advocacy, negotiation, litigation, or other legal or administrative proceedings to assert, defend, and enforce ACDL's access to facilities, residents, and records under the PAIMI Act for the purpose of accomplishing ACDL's mandates of investigating abuse and neglect.
- 1.4 ACDL staff will monitor compliance with the class action settlement of the lawsuit, Parsons v. Ryan, including, but not limited to, conducting at least three (3) monitoring visits of prisons in the Arizona State Prison system and will represent the ACDL in mediations, evidentiary hearings, briefings,

hearings and appeals enforcing the Stipulation settling the case.

- 1.5 Provide legal representation or advocacy in at least two (2) appeals, grievances, or other legal or administrative proceedings regarding rights violations, inadequate discharge planning, or inappropriate mental health services for persons with mental illness residing in locked or unlocked treatment facilities or other supportive residential treatment settings.
- 1.6 Provide timely and accurate rights information to individuals with mental illness on how to effectively self-advocate.
- 1.7 Provide at least three (3) presentations to individuals with mental illness about their rights concerning the individualized treatment and/or discharge planning process.
- 1.8 Attend at least three (3) Independent Oversight Committee meetings to provide independent oversight and review of allegations and reports of abuse, neglect and/or rights violations of persons with mental illness who reside in Arizona.

FOCUS AREA #2:

Assist individuals with mental illness at risk of institutionalization in understanding, asserting, enforcing and defending their rights to appropriate mental health care services.

Description: Individuals with mental illness at risk of institutionalization may be eligible for community-based services that permit an individual to address his or her mental health needs, obtain or maintain a stable living situation, and enjoy independence.

Objectives:

- 2.1 Provide legal representation or advocacy in at least three (3) administrative appeals, grievances, or other legal or administrative proceedings regarding denials, or delays, in the provision of appropriate mental health care, supported housing, medical transportation, or medication management services for individuals with mental illness.
- 2.2 Provide timely and accurate rights information to individuals with mental illness regarding filing appeals, grievances, quality of care complaints, and/or obtaining second opinions.
- 2.3 Conduct at least five (5) outreach or training events for individuals with mental illness, families, and other affected groups.

FOCUS AREA #3:

Assist individuals with mental illness living in the community to know their right to be free from discrimination in employment, housing, public accommodations, postsecondary education, and voting, and to take steps to secure those rights.

Description: Individuals with mental illness have the right to be free from disability discrimination in employment, housing, public accommodations, postsecondary education, and voting.

Objectives:

- 3.1 Provide legal representation in matters involving an individual with mental illness who has experienced discrimination in any of the following areas:
 - Imposition of unlawful disability-related question(s) by a public accommodation, public entity, or employer;
 - Failure to provide a reasonable accommodation in employment; or other discriminatory employment practices.
 - Failure of a public entity or public accommodation to provide a reasonable accommodation;
 - Discriminatory housing practices that prevent or burden people with mental illness from living in the housing of their choice.
- 3.2 Provide timely and accurate disability rights information on employment, housing, public entities and accommodations, postsecondary education, and voting to provide individuals the tools to secure their rights.

Protection and Advocacy for Persons with Developmental Disabilities – PADD

The Developmental Disabilities Assistance and Bill of Rights Act of 1975 (the “Act”) created the Protection and Advocacy for Persons with Developmental Disabilities (PADD). As a PADD program, the Arizona Center for Disability Law (ACDL) must take legal, administrative and other appropriate actions to protect and advocate for the rights of individuals living with developmental disabilities under federal and state laws. The U.S. Department of Health and Human Services Administration oversees the PADD program.

In FY 2019 (October 1, 2018 through September 30, 2019), ACDL will apply these focus areas and objectives as part of the Case Selection Factors.

FOCUS AREA #1:

Ensure that individuals with developmental disabilities are free from abuse and neglect and have appropriate safeguards to ensure their legal rights are protected.

Priorities:

- 1.1 Update and utilize an investigation protocol, and investigate complaints of suspicious death, restraint and seclusion, and physical or sexual assault, in group homes or day programs providing services to individuals with developmental disabilities. Within this focus area, the ACDL will give priority to cases in which there are systemic problems that if uncorrected may result in additional incidents.
- 1.2 Update and utilize a monitoring protocol, and conduct monitoring or site visits at four select state-run and/or state-contracted, group homes, or day programs.
- 1.3 Provide individual advocacy in select cases to enforce rights, especially in cases involving suspicious death, restraint and seclusion, or physical or sexual assault.
- 1.4 Provide timely and accurate rights information and legal rights trainings.

FOCUS AREA #2:

Ensure that individuals with developmental disabilities who are beneficiaries of Medicaid and/or Medicare have access to medically necessary health care services.

Priorities:

- 2.1 Provide individual advocacy to individuals with developmental disabilities who have received Medicaid denials, terminations, or reductions to medically necessary services, such as therapies, medical supplies, durable medical equipment and/or in home supports. Within this focus area, the ACDL will give priority to cases with systemic issues that may result in additional denials if uncorrected.
- 2.2 Provide timely and accurate rights information and legal rights trainings.

FOCUS AREA #3:

Ensure that students with developmental disabilities have access to appropriate special education services under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

Priorities:

- 3.1 Provide individual advocacy to students who have been deprived a free appropriate public education due to any of the following:
 - failure to identify the student as a child who needs special education and the student is at risk of being subject to inappropriately restrictive placement, long-term discipline, or removal;
 - failure to implement special education and related services due to arbitrary limitations on models of delivery of services, staffing, or policy;
 - inappropriate or non-existent transition services;
 - inappropriate or excessive discipline and/or removal due to disability-related behaviors;
 - abuse, neglect, harassment, restraint, or seclusion.
- 3.2 File or assist families in filing or resolving administrative complaint(s) with the U.S. Department of Education (Office of Civil Rights, Office of Special Education Programs, or Family Policy Compliance Office), or the Arizona Department of Education, or other appropriate administrative agencies, concerning substantive violations by any educational agency.
- 3.3 Monitor proposed state legislation, Department of Education guidance material updates and proposed rule changes to the Administrative Code; provide written comments and/or feedback, as necessary to educate the Department and policymakers about the effect of such legislation,

updates or rule changes.

- 3.4 Provide timely and accurate rights information and legal rights trainings.

FOCUS AREA #4:

Improve access to services and physical accessibility for individuals with developmental disabilities.

Priorities:

- 4.1 Enforce rights by ensuring that individuals with developmental disabilities have access to education, employment, housing, transportation, places of public accommodation or public entities, by representing individuals during informal negotiation, the administrative complaint process, mediation, or litigation.
- 4.2 Address disparities in access to facilities for persons with developmental disabilities by providing individual advocacy, mediation, negotiation, litigation, and/or systemic litigation.
- 4.3 Provide timely and accurate rights information and legal rights trainings.

FOCUS AREA #5:

Collaborate with the DD Network. The DD Network includes the Arizona Center for Disability Law, the Developmental Disabilities Planning Council (DDPC), the Sonoran University Center of Excellence in Developmental Disabilities (UCEDD) and the Northern Arizona University Institute for Human Development (IHD).

Priorities:

- 5.1 Participate on the Advisory Councils for the DDPC, the Sonoran UCEDD, and IHD.
- 5.2 Collaborate with the DD Network and stakeholders on public policy issues impacting children and adults with developmental disabilities. Share State and Federal public policy issues for possible collaboration.
- 5.3 Collaborate with the DD Network on activities related to cultural and linguistic competence throughout Arizona with a focus on underserved communities, including, but not limited to, the annual African American Conference on Disabilities.

Protection and Advocacy for Individual Rights – PAIR

In 1993, Congress established the Protection and Advocacy for Individual Rights (PAIR) program. PAIR is a federal program under the Rehabilitation Act of 1993. As a PAIR agency, the Arizona Center for Disability Law must protect and advocate for the legal and human rights of people with disabilities who do not meet the selection factors for the following grants:

- the Protection and Advocacy for Persons with Developmental Disabilities (PADD),
- the Protection and Advocacy for Individuals with Mental Illness (PAIMI), and
- the Client Assistance Program (CAP).

The Office of Special Education and Rehabilitative Services (OSERS), Rehabilitation Services Administration oversees the federal PAIR program.

In FY 2019 (October 1, 2018 through September 30, 2019), ACDL will apply these focus areas and objectives as part of the Case Selection Factors.

FOCUS AREA #1:

Increase full and equal enjoyment by individuals with disabilities to the services, programs, and facilities open to the public.

Description: Ensure that places of public accommodation and public entities provide an equal opportunity for full and equal enjoyment of services, provide necessary auxiliary aids and services, remove physical barriers to accessibility, and make reasonable modifications in policies to avoid discrimination.

Objectives:

- 1.1 Provide technical assistance or direct representation to challenge discrimination by places of public accommodation and public entities that have refused to modify policies/procedures or refused to provide auxiliary aids or services.
- 1.2 Provide direct representation in settlement negotiations and/or litigation to ensure access to transportation services.
- 1.3 Provide direct representation in settlement negotiations and/or litigation to address unlawful discrimination under Title II, Title III and/or the Arizonaans with Disabilities Act (AzDA).

- 1.4 Provide timely and accurate rights information about Title II, Title III and AzDA.

FOCUS AREA #2:

Ensure safe, comprehensive, and appropriate healthcare services for individuals with disabilities and increase access by individuals with disabilities to medical services, programs, and facilities.

Description: For many individuals with disabilities, access to healthcare services is often the key to living independently at home and in their communities. Often, healthcare facilities deny necessary healthcare services for individuals with disabilities to be as healthy as possible. Individuals with disabilities encounter physical barriers, abuse and neglect, and the denial of reasonable accommodations and auxiliary aids and services needed to participate fully in healthcare decisions and live as independently as possible.

Objectives:

- 2.1 Provide technical assistance and/or direct representation to address issues of abuse and neglect, the provision of medically necessary services, reasonable accommodations, auxiliary aids and services, and/or removal of physical and architectural barriers at medical treatment facilities, including doctor's offices, hospitals, and health treatment centers. Monitor medical facilities to address concerns of abuse and neglect, as appropriate.
- 2.2 Provide timely and accurate rights information.

FOCUS AREA #3:

To reduce the discriminatory barriers which prevent qualified individuals with disabilities from obtaining/maintaining equal opportunity for employment and obtaining reasonable accommodations.

Description: Individuals with disabilities continue to face barriers to employment, including but not limited to, physical obstacles in the workplace, communication barriers, discriminatory policies and procedures, and failure to provide reasonable accommodations.

Objectives:

- 3.1 Provide technical assistance and/or direct representation in negotiations or alternative dispute resolution proceedings for cases concerning discriminatory hiring practices, discriminatory termination or failure to accommodate.
- 3.2 Provide timely and accurate rights information.

FOCUS AREA #4:

Promote equal opportunity to housing under the Fair Housing Act for individuals with disabilities.

Description: Individuals with disabilities continue to face barriers to equal opportunity in housing. Housing providers discriminate against individuals with disabilities by failing to provide reasonable accommodations to existing policies and practices, failing to design physically accessible housing, denying reasonable modifications to dwellings, and including discriminatory terms and conditions in housing agreements.

Objectives:

- 4.1 Provide technical assistance or direct representation in matters involving the failure to design physically accessible housing, provide reasonable accommodations, and/or reasonable modifications in housing.
- 4.2 Provide timely and accurate rights information.

Other Federal Grant Programs

Client Assistance Program (CAP)

CAP is authorized through the 1984 Amendments to the Rehabilitation Act of 1973. ACDL's CAP program ensures that Arizona's Vocational Rehabilitation (VR) system works for individuals with disabilities. CAP services include information and referral services, advice and representation at appeals

FOCUS AREA #1:

Assist persons with disabilities to receive employment related services from Vocational Rehabilitation (VR) or other Rehabilitation Services Administration programs.

Objectives:

- 1.1 CAP Services

Protection and Advocacy for Assistive Technology (PAAT)

PAAT was reauthorized as part of the Assistive Technology Act of 2004. ACDL's PAAT work focuses on information and referral services, technical assistance, short-term assistance and individual representation to ensure children and adults with disabilities live more productive and independent lives.

FOCUS AREA #1:

Ensure that children and adults with disabilities can get access to critically needed assistive technology in a variety of settings – at school, home, work, and in the community.

Objectives:

- 1.1 Assistive Technology Services

Protection and Advocacy for Beneficiaries of Social Security (PABSS)

PABSS was created through the Ticket to Work and Work Incentives Improvement Act of 1999. ACDL's PABSS program provides information and referral, education and training, and individual representation and assistance.

FOCUS AREA #1:

Assist persons with disabilities who are beneficiaries of Social Security Disability

Insurance (SSDI) and/or recipients of Supplemental Security Income (SSI) with barrier to employment issues.

Objectives:

1.1 PABSS Services

Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI)

PATBI was created by Congress as part of the Children's Health Act of 2000. ACDL's PATBI work focuses on self-advocacy information, technical assistance, short-term assistance, and individual representation to advocate on an individual and systemic level to affect policy changes in systems providing care and services for persons with TBI.

FOCUS AREA #1:

Ensure that persons with TBI and their family members can get access to self-advocacy information on their rights to services and can enforce those rights.

Objectives:

1.1 PATBI Services

Protection and Advocacy for Voting Assistance (PAVA)

PAVA was created in 2002 when Congress passed the Help America Vote Act. ACDL's PAVA work focuses on:

FOCUS AREA #1:

To improve the accessibility of polling places to persons with disabilities; to increase voter registration and voter participation among persons with disabilities; and to ensure that individuals with disabilities have the opportunity to vote privately and independently.

Objectives:

1.1 PAVA Services

