



PROPOSED
Areas of Focus
Fiscal Year 2021

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 agencies throughout the United States ensure that the human and civil rights of persons with disabilities are protected. ACDL represents individuals and classes of individuals in negotiations, administrative proceedings, alternative dispute resolution and litigation. ACDL develops and provides legal rights information, conducts virtual and in-person outreach and training, and provides self-advocacy materials. ACDL conducts virtual and in-person monitoring and investigates allegations of abuse and neglect involving facilities serving people with disabilities.

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

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 prospective client 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. The matter does not fall into any of the following practice areas: Bankruptcy, Criminal Law, Family Law, Consumer Law, Identity Theft, Malpractice, Mortgage Foreclosure, Personal Injury, Property, Social Security Determination or Appeals. (ACDL may consult with attorneys representing clients with disabilities about disability and disability discrimination issues that may arise in these cases.)
5. ACDL generally does not provide legal and advocacy services to individuals who are represented by counsel or have engaged other advocates, except in cases

where co-counseling arrangements are desirable for litigation or another systemic advocacy.

6. Individuals from underserved or unserved populations or geographic regions will receive priority for outreach, virtual or in-person training, and representation.
7. Individuals whose legal problems stem from discrimination in COVID-19 emergency planning and responses or the need for reasonable modifications to COVID-19 policies and procedures.
8. Individuals whose legal problems present opportunities to address systemic and policy issues that will likely help a class of individuals with disabilities will receive priority for litigation or other types of systemic advocacy.
9. Individuals whose legal problems present opportunities to collaborate with other public interest legal and community organizations representing persons in other protected groups (e.g. race, color, gender, gender identity, or national origin).
10. Even if an individual's legal issue meets the other factors, services depend upon the availability of ACDL 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 focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021).

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 ACDL staff will conduct at least three (3) investigations into allegations of the abuse or neglect of Arizonans with disabilities in a variety of placement settings, for example, at facilities or in community-based care homes, and when appropriate, make recommendations for corrective action, preventive measures, and policy modifications through letters of concern and/or public reports.
- 1.2 ACDL staff will conduct at least ten (10) in-person or virtual monitoring visits to the Arizona State Hospital, and at least ten (10) in-person or virtual monitoring visits of locked treatment facilities, unlocked treatment facilities, group homes or other residential settings, with three (3) in-person or virtual monitoring visits conducted in rural areas.
- 1.3 ACDL staff will monitor compliance with the class action settlement of the lawsuit, *Parsons v. Shinn*, including, but not limited to, conducting at least three (3) in-person or virtual monitoring visits of prisons in the Arizona State Prison system, and representing ACDL in mediations, briefings, hearings, and appeals enforcing the Stipulation settling the case.
- 1.4 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.

- 1.5 Provide timely and accurate rights information to individuals with mental illness on how to effectively self-advocate.
- 1.6 Provide at least three (3) in-person or virtual presentations to individuals with mental illness about their rights concerning the individualized treatment and/or discharge planning process.
- 1.7 Attend at least three (3) Independent Oversight Committee in-person or virtual 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 or advocacy services in at least three (3) administrative appeals, grievances, or other legal or administrative proceedings regarding denials or delays, in disability-related eligibility matters, the provision of appropriate mental health care, including but not limited to telehealth services, non-emergency medical transportation, residential and community-based services, and 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) in-person or virtual 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 understand their right to be free from discrimination in employment, housing, public services and accommodations 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 entities and accommodations and voting.

Objectives:

- 3.1 Provide direct legal and advocacy services 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 reasonable modifications to rules and policies, including but not limited to modifications for service animals
 - Discriminatory housing practices that prevent or burden people with mental illness from living in the housing of their choice.
 - Denial of reasonable modifications for justice-involved individuals with mental illness in criminal justice proceedings and to offer services in most integrated setting possible.
- 3.2 Provide timely and accurate disability rights information on employment, housing, public services and accommodations 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 created the Protection and Advocacy for Persons with Developmental Disabilities (PADD) program. As a PADD program, 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, Administration for Community Living oversees the PADD program.

The following PADD focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021).

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.

Objectives:

- 1.1 Conduct investigations of alleged abuse or neglect related to incidents of suspicious death, restraint and seclusion, and physical or sexual assault of Arizonans with disabilities in a variety of placement settings, for example, at facilities or in community-based care homes, and when appropriate, make recommendations for corrective action, preventive measures, and policy modifications through letters of concern and/or public reports. Within this objective, ACDL will give priority to cases in which there are systemic problems that may result in additional incidents if uncorrected.
- 1.2 Utilize a monitoring protocol to conduct in-person or virtual monitoring visits at four select state-run and/or state-contracted facilities.
- 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 in-person or virtual legal rights training sessions.

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.

Objectives:

- 2.1 Provide individual advocacy to individuals with developmental disabilities who have received Medicaid denials of disability-related eligibility, denials, terminations, or reductions to medically necessary services, such as therapies, medical supplies, durable medical equipment, and/or in-home supports. Within this objective, 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 in-person or virtual legal rights training sessions.

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.

Objectives:

- 3.1 Provide individual advocacy to students who have been deprived a free appropriate public education (FAPE) due to any of the following:
 - Failure to identify the student as a child who needs special education, particularly when the student is at risk of being denied appropriate accommodations, placement, and services, or is at risk of 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.
 - Failure to develop and offer adequate compensatory education services related to the denial of FAPE during COVID-19.
 - Lack of appropriate and comprehensive transition services.
 - Denial of FAPE due to inappropriate or excessive discipline or seclusion and/or other removal from the educational environment because of disability-related behaviors.
 - Disability-related abuse, neglect, or harassment; or

- Improper use of restraint and seclusion resulting in denial of FAPE or injury.
- 3.2 Represent or assist students with developmental disabilities or their special education parents in filing or resolving administrative complaints with the U.S. Department of Education (Office of Civil Rights, Office of Special Education Programs, or Family Policy Compliance Office), 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, 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.

FOCUS AREA #4:

Assist individuals with developmental disabilities to understand their right to be free from discrimination in employment, housing, public services and accommodations, and voting, and to take steps to secure those rights.

Description: Individuals with developmental disabilities have the right to be free from disability discrimination in employment, housing, public entities and accommodations and voting.

Objectives:

- 4.1 Provide direct legal and advocacy services in matters involving individuals with developmental disabilities 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 reasonable modifications to rules and policies, including but not limited to modifications for service animals and effective communication.
 - Discriminatory housing practices that prevent or burden people with mental illness from living in the housing of their choice.
 - Denial of reasonable modifications for justice-involved individuals with developmental disabilities in criminal justice proceedings and to offer services in most integrated setting possible.

- 4.2 Provide timely and accurate disability rights information on employment, housing, public services and accommodations, and voting to provide individuals the tools to secure their rights.

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 advocacy work related to the COVID-19 pandemic.

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, ACDL must protect and advocate for the legal and human rights of people with disabilities who do not meet the eligibility criteria 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.

The following PAIR focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021).

FOCUS AREA #1:

Ensure that individuals with disabilities (who do not meet the criteria for developmental disability or mental illness) are free from abuse and neglect and have appropriate safeguards to ensure their legal rights are protected.

Objectives:

- 1.1 Conduct investigations of alleged abuse or neglect related to incidents of suspicious death, restraint and seclusion, and physical or sexual assault of Arizonans with disabilities in a variety of placement settings, for example, nursing homes, assisted living facilities, board and care homes, and recommendations for corrective action, preventive measures, and policy modifications through letters of concern and/or public reports. Within this objective, ACDL will give priority to cases in which there are systemic problems that may result in additional incidents if uncorrected.
- 1.2 Utilize a monitoring protocol to conduct in-person or virtual monitoring visits at select nursing homes, assisted living facilities, or rehabilitation centers.
- 1.3 Provide timely and accurate information about reporting abuse and neglect to responsible agencies.

FOCUS AREA # 2

Assist individuals with disabilities (who do not qualify as a person with a developmental disability or mental illness) living in the community to know their right to be free from discrimination in employment, housing, public services and accommodations and voting, and to take steps to secure those rights.

Description: Individuals with disabilities have the right to be free from disability discrimination in employment, housing, public services and accommodations, and voting.

Objectives:

- 3.1 Provide legal representation in matters involving an individual with disabilities 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 reasonable modifications to rules and policies, including but not limited to the modifications for service animals effective communication, and voting access.
 - Discriminatory housing practices that prevent or burden people with disabilities from living in the housing of their choice.
- 3.2 Provide timely and accurate disability rights information on employment, housing, public services and accommodations, and voting to provide individuals the tools to secure their rights.

FOCUS AREA #3:

Ensure an adequate network of 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, and the denial of reasonable modifications and auxiliary aids and services needed to participate fully in healthcare decisions and live as independently as possible.

Objectives:

- 3.1 Provide technical assistance and/or direct representation to address issues related to disability-related eligibility for services, the provision of medically necessary services, reasonable modifications, 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.
- 3.2 Provide timely and accurate rights information.

Other Federal Grant Programs

The following focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021) for the following grants.

Client Assistance Program – CAP

The Client Assistance Program (CAP) is authorized under the 1984 Amendments to the Rehabilitation Act of 1973. CAP ensures that Arizona's Vocational Rehabilitation (VR) Program assists individuals with disabilities to receive the services they require to become successfully employed. CAP services include referral services, creation and dissemination of self-advocacy materials, direct advocacy services, representation during the administrative appeal process, such as administrative reviews, mediation, fair hearings and reconsideration requests, and systems advocacy.

FOCUS AREA #1:

Assist clients and applicants of the Arizona's Vocational Rehabilitation (VR) Program and other Rehabilitation Services Administration services in addressing conflicts relating to denial or unreasonable delay of necessary VR services for successful employment based on:

- ***arbitrary or absolute limitations on services,***
- ***unlawful state policies in conflict with federal law,***
- ***relegation of clients to entry-level and low-wage employment outcomes that do not reflect their interests, capabilities, and preferences, and/or***
- ***agency non-responsiveness related to high staff turnover or lack of training.***

Objectives:

- 1.1 CAP Services

Protection and Advocacy for Assistive Technology – PAAT

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

The following PAAT focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021).

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 PAAT Services

Protection and Advocacy for Beneficiaries of Social Security – PABSS

Protection and Advocacy for Beneficiaries of Social Security (PABSS) services are authorized under the Ticket to Work and Work Incentives Improvement Act of 1999. ACDL's PABSS program provides information and referral, education, and in-person and virtual training, technical assistance, and individual representation to Social Security Disability Insurance (SSDI) beneficiaries and Supplemental Security Income (SSI) recipients who are experiencing barriers to employment.

The following PABSS focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021).

FOCUS AREA #1:

Assist individuals who receive SSDI or SSI to address a barrier to employment. Barriers to employment include 1) disability-related employment discrimination, 2) provision or implementation of appropriate Vocational Rehabilitation services through the Arizona Rehabilitation Services Administration or Employment Networks, 3) discrimination in housing, transportation, post-secondary education, or 4) denial of necessary Assistive Technology or medically necessary services through AHCCCS, ALTCS, or Medicare.

Objectives:

- 1.1 PABSS Services

Protection and Advocacy for Individuals with Traumatic Brain Injury – PATBI

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

The following PATBI focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021).

FOCUS AREA #1:

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

Objectives:

- 1.1 PATBI Services

Protection and Advocacy for Voting Assistance – PAVA

The Protection and Advocacy for Voting Assistance (PAVA) program was created in 2002 when Congress passed the Help America Vote Act to ensure that persons with disabilities can cast a private and independent vote. ACDL's PAVA work focuses on ensuring that people with disabilities have equal access to all aspects of the electoral process.

The following PAVA focus areas and objectives will be followed in accordance with our Case Selection Factors during FY 2021 (October 1, 2020 through September 30, 2021).

FOCUS AREA #1:

Ensuring full access to the electoral process for persons with disabilities in registering to vote, casting a vote, and accessing a polling place.

Objectives:

- 1.1 PAVA Services