



We have the legal right of way.

DISABILITY RIGHTS OHIO: Goals and Objectives *October 1, 2021 to September 30, 2022*

Disability Rights Ohio is a non-profit organization with a mission of advocating for the human, civil and legal rights of people with disabilities.

Every year, we seek community input to focus our advocacy on issues of the highest importance to Ohioans with disabilities and strategies where we can have the most effective impact. Our work will focus on empowering Ohioans with disabilities to live, work, learn, go, and receive services where and how they choose.

The ongoing COVID-19 pandemic continues to disproportionately impact people with disabilities. In this coming year, we will remain focused on lifting up the perspectives of Ohioans with disabilities and providing advocacy, resources, and outreach to promote access to needed services across many affected systems from healthcare to education.

In addition, we will continue to recognize how racial justice and disability rights intersect. Our mission may be to advocate for the human, civil and legal rights of Ohioans with disabilities, but that is not in a vacuum. We know that the intersection of race and disability impacts our clients. Our mission, our vision and our strategic direction is about equality, freedom from discrimination, and empowering the voices of those who are frequently not valued or listened to. These values will guide how we implement our goals and strive to do more to fight for justice and end discrimination in all its forms.

1. Strengthening and expanding the community mental health service system.

The community mental health system in Ohio is deeply broken, underfunded, and fragmented, with gaps in critical services and supports. Harmful outcomes occur as a result, including long-term institutionalization in highly restrictive, isolated nursing facilities, which have been deadly places during the COVID-19 pandemic; involuntary psychiatric hospitalization; interactions with law enforcement; and incarceration in prisons and jails. Marginalized communities suffer the most from these system failures.

DRO will:

- Continue collaboration with the Ohio Department of Mental Health and Addiction Services (OhioMHAS) and other stakeholders to design and

implement a pilot program in multiple counties in Ohio. The purpose is to evaluate long-term, statewide solutions to address widespread segregation of people who have mental health diagnoses—some of whom also have traumatic brain injuries— in nursing facilities across the state, and the lack of adequate community supports and transition and diversion services for this population.

- Engage in systemic advocacy for people with mental health diagnoses and traumatic brain injuries who are in nursing facilities where they face a lack of recovery-based supports as preparation for transition to community living and improper reliance on locked behavioral units within these facilities.
- Engage in systemic advocacy to strengthen and expand community mental health services to prevent law enforcement interactions and involvement in criminal justice systems for people with mental health labels, particularly people of color who are disproportionately affected by these punitive outcomes.
- Evaluate strategies and engage in systemic advocacy to ensure culturally and linguistically competent community mental health services for foster care kids, immigrants and refugees, those with limited English proficiency, people who are deaf, and other marginalized communities.

2. Improving access and quality services for kids with behavioral health needs.

Kids with behavioral health needs across Ohio are too often separated from their families and communities, sometimes segregated in youth residential treatment facilities or in foster care systems. Many suffer from abuse and neglect by those entrusted to support them. And many are involved in the juvenile justice system, or are experiencing regression in their development or other harmful outcomes. These result from long-standing problems in service systems that should be protecting kids.

To address them, DRO will:

- Monitor implementation of the state’s new OhioRISE Medicaid program for kids with behavioral health needs, and engage in systemic and individual advocacy regarding adequate capacity for community-based services, to avoid custody relinquishment or foster care placement or institutionalization, and to ensure compliance with federal Medicaid ESPDT standards under this new program.
- Review Ohio’s foster care system and harmful outcomes from a broken system: institutionalization, hospitalization, family separation, multiple placements and resulting trauma, and geographical and racial disparities.
- Monitor youth residential treatment facilities and juvenile detention facilities to address instances of abuse, neglect, and exploitation and to inform broader strategies for expanding and strengthening community services.

3. Empowering people with disabilities to participate in advocacy with policymakers to address the caregiver workforce crisis in Medicaid waiver programs and other policymaking activities at the state and federal levels.

Tens of thousands of people with disabilities in Ohio rely on paid providers –home health aides, personal care aides, nurses – to meet their needs and enable them to be a part of their communities instead of segregated in institutions and facilities. Low wages and high turnover have long been a reality for this workforce, which is disproportionately women of color. The COVID-19 pandemic has severely worsened this crisis, causing people to be segregated in, or at risk of admission to, institutional settings, and adversely affecting their quality of life and overwhelming their families and loved ones.

And from a broader perspective, people with disabilities are typically excluded from meaningful participation in the development of legislation, regulations, rules and policies at the federal and state levels.

To address these serious problems, DRO will:

- Devise strategies to uplift, empower, and center the lived experiences of people with disabilities in policy and legislative forums, particularly the caregiver workforce crisis but also in other areas that directly impact their lives.
- Continue leadership in the Ohio Home and Community Based Services (HCBS) coalition to advocate for increased investments in systems that fund home and community-based services.

4. Increasing positive educational outcomes for students with disabilities.

Students with disabilities need special education and related supports to benefit from school and receive a free and appropriate public education. Numerous barriers to the provision of appropriate services exist that negatively impact students with disabilities, especially kids of color and kids in rural Ohio. Issues like the overuse of discipline, unnecessary segregation in special classrooms or schools, the lack of behavioral health programming, and the lack of attention to literacy, all lead to the underachievement of students with disabilities compared to their nondisabled peers.

To ensure these and other barriers to a free appropriate public education are reduced or eliminated for Ohio's children with disabilities, DRO will:

- Provide general information and advice and conduct trainings on rights and remedies to students with disabilities, parents, and families regarding the impact of the COVID-19 pandemic on individualized educational services (like remote learning and compensatory or recovery services).
- Engage in systemic and individual advocacy to address inadequate access to programming and individualized educational services (such as school-based mental health services, positive behavioral interventions and supports, and assistive technology), the use of seclusion and restraint (including the state's

new administrative rule and complaint mechanism), the use of discipline (suspensions, expulsions), the use of school resource officers, the school-to-prison pipeline, and the existence of racial disparities in these categories.

- Monitor implementation of the *Doe* settlement agreement and collaborate with community organizations to improve outcomes for students with disabilities.
- Provide short-term assistance or individual advocacy, as appropriate, on special education issues to the students, parents, and families in the eleven *Doe* school districts and the special education fellowship counties.
- Provide short-term assistances to students who need assistive technology or other access to programming, or who have language barriers or communication needs.
- Provide self-advocacy materials and resources, individual advocacy, and trainings and outreach for transition-age kids and their families, with a focus on access to integrated, competitive employment and vocational rehabilitation services.

5. Promoting equity and increasing positive employment outcomes for people with disabilities to prepare for, enter, or remain in the workplace.

Many people with disabilities want to work, but face barriers, like discrimination, an employer's refusal to provide reasonable accommodations, inaccessible work places, insufficient adaptive technologies, unavailable services to prepare for work, and, if hired, the loss of essential benefits and medical insurance. Ohio's vocational rehabilitation system is an important resource for many people, but too frequently there are obstacles in the way. DRO will:

- Continue work on the Seneca Re-Ad litigation to ensure the rights of individuals working in non-integrated work environments are protected, including minimum wage and reasonable accommodations necessary to eliminate discrimination. This includes continued representation of three clients in defending against appeal of federal administrative proceedings, enforcing their Fair Labor Standards Act rights in federal court, and litigating their Americans with Disabilities Act employment and integration claims against their employer, workshop and the county board.
- Provide benefits counseling under the WIPA program within our northern and western county area in Ohio, using the priorities set by the Social Security Administration (including a focus on transition-age youth and veterans) including referrals from the Ticket to Work helpline and Opportunities for Ohioans with Disabilities.
- Provide short-term assistance, including legal information and referrals, on employment discrimination issues in which an employer has denied a person reasonable accommodations for their disability that would enable them to do their job.

- Participate in Ohio APSE and People First of Ohio’s task force to advocate for elimination of 14(c) sub-minimum wage certificates in Ohio and for increases in supports for competitive, integrated employment opportunities.
- Participate in the State Rehabilitation Council (SRC) to monitor and partner on the activities of the state vocational rehabilitation authority called Opportunities for Ohioans with Disabilities, and as a designated member of the SRC, attend meetings and identify opportunities to advocate for policies and procedures that comply with federal law.
- Review and, when appropriate, submit comments and engage in advocacy on new or proposed changes to administrative rules, policies, procedures and Ohio’s state plan governing its vocational rehabilitation and independent living systems.
- Assist with issues or problems in accessing vocational rehabilitation services or independent living services by providing self-advocacy assistance, information, advice, negotiation, and, when appropriate, advocacy within the administrative hearing process.
- Address blanket denials by Opportunities for Ohioans with Disabilities through individual advocacy and litigation where services are denied without individual analysis or because of policies that conflict with federal law. This includes situations where the state denies a service on the basis that it does not cover that category of service, or denies a service without determining eligibility for the service based on the individual need or ability of client (e.g., service is denied based on type of disability instead of the client’s abilities).

6. Protecting people with disabilities in facilities from abuse, neglect, and rights violations.

Many people with disabilities are segregated in facilities and other institutional settings across Ohio, and are too often subjected to abuse, neglect, exploitation, and rights violations in these settings. Race, gender identity, and other personal characteristics add more dimensions to people’s experiences residing in facilities. Isolation is common, and many people lack connections to resources in the community or advocacy services and are not aware of their rights. The state’s longstanding overreliance on institutional care is part of broader failures in community service systems.

Furthermore, people with mental health labels are incarcerated in jails and prisons at overwhelmingly disproportionate rates, an illustration of broader failures in the community mental health system and the criminalization of mental illness. Racial disparities persist. Jails and prisons too often fail to provide critical mental health care and treatment to this population, particularly suicide prevention. And many people in prisons and jails who have hearing or vision impairments often do not have access to effective communication and assistive technology so they can raise concerns, request services, or file grievances.

DRO will:

- Monitor state-licensed, segregated residential facilities, with a focus on facilities where many people with mental health diagnoses are (nursing facilities, private and public psychiatric hospitals, adult residential facilities, jails and prisons), where many kids with behavioral health needs are (youth residential treatment facilities, juvenile detention facilities), and where many people with intellectual and developmental disabilities are (state-operated developmental centers, private intermediate care facilities).
- Through our monitoring activities, DRO will provide information to people about their rights and available resources, including the protection and advocacy system; monitor compliance with respect to the rights, safety, and needs of people with disabilities; and reduce the isolation that residents of facilities experience, especially those with communication needs.
- Investigate allegations of abuse and neglect and exploitation in a variety of state-licensed or state-operated segregated settings where necessary to ensure systems and service providers are held accountable, policy changes are made, and individuals with disabilities are safe. Suspicious deaths, serious injury resulting in hospitalization, restraint and seclusion that is frequent and reoccurring or for long periods of time, and sexual abuse and human trafficking will be prioritized, particularly those allegations in which race, gender identity, or other intersections are also present.
- Engage in systemic and individual advocacy for people in jails and prisons who are experiencing suicidal ideations or who express a need for or problems with the conditions of suicide observation.
- Engage in systemic advocacy on issues of effective communication and access to assistive technology for people in prisons or jails to ask for services or raise concerns, to access medical and mental health services, and to talk safely to an attorney and visitors during the COVID-19 pandemic.

7. Strengthening accessibility of Ohio's voting systems and ensuring voters with disabilities have the information they need about their rights and voting options.

For many voters with disabilities, there is unequal access to casting a ballot. This is especially true for voters who are unexpectedly hospitalized, for voters who are in nursing facilities or other institutional settings or are home-bound, for voters who need to use curbside voting at polling locations or boards of elections, and for voters who need to use the accessible remote absentee ballot marking tool. Further, many voters with disabilities do not know about these voting options and how to utilize them, or more generally about their voting rights.

To address these systemic obstacles to accessibility in the electoral system, to ensure people with disabilities know about their voting options and their rights, and to protect the fundamental right to vote, DRO will:

- Build upon our 2020 post-election report and advocate with the Ohio Secretary of State's office and county boards of elections to fix long-standing systemic issues, which have been amplified by the COVID-19 pandemic, in four main areas: people unexpectedly hospitalized before Election Day, people in facilities or institutions or who are home-bound, curbside voting, and the accessible remote absentee ballot marking tool.
- Work with the Ohio Secretary of State, county boards of elections, nursing facilities, hospitals, voter advocates, disability groups, and other stakeholders to develop an outreach and communications plan to spread awareness about various voting options for people with disabilities, in anticipation of primary elections in May 2022 and for general elections in November 2022 and beyond.
- Operate a voter hotline for the primary elections in May 2022 to answer questions, provide information and referrals, short-term assistance, and legal advocacy.
- Engage in policy and legislative advocacy to protect the right to vote for people with disabilities.

8. Expanding and strengthening home and community-based services for people with intellectual and developmental disabilities.

Many people with intellectual and developmental disabilities reside in segregated, restrictive nursing facilities across Ohio, without access to home and community-based services, and are isolated from their families and communities. These settings have been deadly during the COVID-19 pandemic. Many people in private intermediate care facilities (ICFs) are unaware of their rights to live in and receive services and supports in the community and the benefits of the court-approved settlement agreement in the federal *Ball v. DeWine* class action lawsuit.

And many people with intellectual and developmental disabilities in marginalized communities struggle to gain access to services in the broader service system. DRO will:

- Continue systemic advocacy with the state to increase waiver capacity and eliminate barriers for people with intellectual and developmental disabilities in nursing facilities who do not have access to home and community-based services or information about their community service options.
- Monitor the state's implementation of *Ball v. DeWine* court-approved settlement agreement, and continue visits to private ICFs across Ohio to inform people about their rights and provide information and resources about community service options so that they, and where applicable in partnership with their legal guardians, can make the best decisions about the direction of their lives.
- Evaluate strategies and engage in systemic advocacy for foster care youth and alum, immigrants and refugees, those with limited English proficiency, and other marginalized communities to address challenges in gaining eligibility

for services (particularly because of the lack of childhood records) in the developmental disabilities system.

9. Promoting equity in the health care context, including expanding access to the COVID-19 vaccine.

People with disabilities with disabilities have been disproportionately impacted by the COVID-19 pandemic. Serious concerns have persisted throughout this public health emergency that hospitals reaching full capacity would have to activate crisis plans and begin to ration care. Due to discrimination and biases in the medical field, this would put people with disabilities at risk of being excluded from or de-prioritized for care.

In addition, there are unique challenges to ensuring people with disabilities have access to the COVID-19 vaccine. Many people with disabilities do not have access to public or private transportation to travel to a vaccination site, or are home-bound, or are confined to a facility or institution or homeless shelter or live on the streets, or live in a disadvantaged community that has fewer access to resources and services. And many people lack necessary information about the benefits of the vaccine to be able to make an informed choice. DRO will:

- In light of new state licensure requirements for hospitals, engage in systemic advocacy for statewide standards for hospital crisis plans that do not allocate scarce resources in a discriminatory manner.
- Working with disability and aging partners, develop a plan to engage in systemic and individual advocacy and effective communication and outreach so that people with disabilities have access to the vaccine and information about its benefits.

10. Implementing Social Security representative payee review program.

- Review at least 136 representative payees in FY 2022, as well as engaging in Quick Reviews and other activities, like assistance in implementing corrective action plans, as needed to implement the representative payee grant.
- Conduct outreach to places where Social Security beneficiaries receive services.
- Make referrals to other protection and advocacy programs to address problems identified during reviews, including collaborating with DRO's abuse and neglect team for referrals of abuse or neglect and conditions issues.

11. Assisting people with disabilities to advocate for their rights.

DRO has limited resources and cannot meet all of the advocacy needs of people with disabilities and their families across the state. To maximize our ability to assist people with disabilities to advocate for their rights, DRO will provide short-term assistance and advice, information and referrals, and self-advocacy materials on the following issues:

- Housing discrimination, including a landlord’s refusal to provide reasonable accommodations (like service animals, emotional support animals, accessible parking) or to allow reasonable modifications (physical modifications to one’s dwelling) that have a significant impact on one’s ability to use and enjoy their home, do daily tasks, have their needs met, or be integrated in their community.
- Access to services for adults with intellectual and developmental disabilities, including home and community-based waiver programs and the waiver waiting list assessment process, and eligibility for services in the developmental disabilities system.
- Access to programs and services of places of public accommodation, including health care settings and post-secondary education that does not involve vocational rehabilitation services, and refusal to provide reasonable accommodations in these settings.
- Access to Medicaid services or equipment, where a denial causes a significant and negative impact on one’s health and safety, independence, and community integration.
- Rights within the guardianship process, including circumstances where a person is wrongfully denied legal representation at a probate court hearing, denied notice of a hearing or the right to attend, or denied the right to an independent evaluation; where a person’s attorney requests technical assistance on disability rights issues; or where a person needs advice on supported decision-making and other less restrictive alternatives to guardianship or wants to terminate their guardianship.
- Access to assistive technology, the lack of which causes a significant and negative impact on access to programs, services, housing, transportation, or medical care.
- Hospital visitation rights during the COVID-19 pandemic, including when a person needs accommodations for a family member, caregiver, or other person to be present because of communication, behavioral, or other disability needs.

The level of short-term assistance and advice depends on a number of factors, including:

- whether there is legal merit (meaning the facts and law support what the individual wants);
- whether the type of issue and the individual’s situation is able to be resolved with short- term assistance; and
- whether DRO has the necessary resources (attorney time, funding grant resources, etc.).

There are many types of requests for advice and assistance where DRO does not have the staff resources to provide any individualized help at all. For those requests, DRO will develop plain language fact sheets, general information in multiple formats, or lists of referrals and resources to provide to people. Generally, this will include requests in the following areas, though this is not a complete list:

- Social Security overpayments or eligibility for Social Security disability insurance or Supplemental Security Income benefits;
- Veterans benefits;
- Victims of crime services;
- Other abuse, neglect or financial exploitation by a service provider or guardian, not covered above;
- Parental or custody issues;
- Evictions or general landlord-tenant issues;
- Housing discrimination where a request for reasonable accommodation has not yet been made, or where only general information on reasonable accommodations is needed;
- Complaints about one's current attorney;
- Criminal or forensic matters;
- Nursing facility discharge issues or complaints;
- Employment discrimination where the employee has already been terminated;
- Other prisons or jails issues not covered above, including where a person incarcerated in a prison has concerns about general medical care, insufficient mental health care or treatment, or ineffective communication;
- Complaints or questions from people in mental health facilities, including those involving voluntary or involuntary admissions to psychiatric hospitals.

12. Taking necessary steps to enforce DRO's statutory access under federal and state law to facilities, individuals and their records.

As the protection and advocacy system for Ohio, DRO has federal and state authority to monitor any facility or service provider in the state providing care or treatment to individuals with disabilities, or to investigate incidents of abuse and neglect of individuals with disabilities. DRO will enforce this access authority when necessary to fulfill its role as Ohio's protection and advocacy organization.

13. Conducting outreach and training to people with disabilities, their families and advocates, with a focus on reaching underserved communities and diverse populations.

DRO is committed to reaching underserved communities and diverse populations. While the pandemic has changed the way we do outreach, DRO will develop a culturally and linguistically competent communications and outreach plan to accomplish this goal. In addition, outreach and trainings on important topics, like supported decision-making as an alternative to guardianship, are critical in staying connected to people with disabilities and their families across Ohio and ensuring people know about their rights and available resources.