



OMB Approval No.: 0980-0162

Expiration Date: pending

PADD Project Performance Report

For Year 2017

I. Demographics

A. Individuals Served

* - Required field

What to Count	Number
1. Individuals served as of October 1 (Carried over from previous FY)*	99
2. Additional individuals served during the year*	182
3. Total individuals served during the year (Add lines A1 and A2)*	281
4. Individuals with more than one (1) intervention opened/closed FY*	26
5. Individuals served as of September 30 (Carry over to next FY; <= A3)*	92

B. Problem Areas/Complaints of Individuals Served

* - Required field

ProblemAreas/Complaints of Individuals Served	Number
1. Abuse*	
1. Inappropriate Use of Restraint & Seclusion*	4
2. Involuntary Treatment*	0
3. Physical, Verbal, & Sexual Assault*	26
4. Excessive Medication*	2
5. Financial Exploitation*	1
6. Other*	0
Total Abuse	33

ProblemAreas/Complaints of Individuals Served	Number
2. Access to Administrative or Judicial Processes*	0
3. Access to Records*	0
4. Advance Directives*	0
5. Architectural Accessibility*	0
6. Assistive Technology*	
1. Augmentative Communication Devices*	0
2. Durable Medical Equipment*	0
3. Vehicle Modification/ Transportation*	0
4. Other*	0
Total Assistive Technology	0
7. Aversives (including ECT)*	0
8. Civil Commitment*	0
9. Criminal Justice*	4
10. Custody/Parental Rights*	2
11. Education*	
1. FAPE: IEP/IFSP Planning/ Development/ Implementation*	11
2. FAPE: Discipline/ Procedural Safeguards*	8
3. FAPE: Eligibility*	5

ProblemAreas/Complaints of Individuals Served	Number
4. FAPE: Least Restrictive Environment*	28
5. FAPE: Multi-disciplinary Evaluation/Assessments*	0
6. FAPE: Transition Services*	2
7. Other*	7
Total Education	61
12. Employment Discrimination*	
1. Benefits*	0
2. Hiring/Termination*	1
3. Reasonable Accommodations*	1
4. Service Provider Issues*	0
5. Supported Employment*	1
6. Wage and Hour Issues*	0
7. Other*	0
Total Employment Discrimination	3
13. Employment Preparation*	2
14. Financial Benefits*	
1. SSDI Work Incentives*	0
2. SSI Eligibility*	0

ProblemAreas/Complaints of Individuals Served	Number
3. SSI Work Incentives*	0
4. Social Security Benefits Cessation*	1
5. Work Related Overpayments*	0
6. Welfare Reform*	0
7. Other Financial Entitlements*	1
Total Financial Benefits	2
15. Forensic Commitment*	0
16. Government Benefits/Services*	20
17. Guardianship/Conservatorship/ Substitute Decision Maker*	22
18. Home & Community Based Services including Discharge Planning Transition Follow-up*	83
19. Healthcare*	
1. General Healthcare*	6
2. Medicaid*	8
3. Medicare*	0
4. Private Medical Insurance*	1
5. Other*	0
Total Healthcare	15
20. Housing*	

ProblemAreas/Complaints of Individuals Served	Number
1. Accommodations *	3
2. Architectural Barriers*	1
3. Landlord/Tenant*	3
4. Modifications*	3
5. Rental Denial/ Termination*	1
6. Sales/Contracts/ Ownership*	1
7. Subsidized Housing/ Section 8*	0
8. Zoning/Restrictive Covenants*	0
9. Other*	7
Total Housing	19
21. Immigration*	0
22. Juvenile Justice*	0
23. Neglect*	
1. Failure to Provide Necessary or Appropriate Medical Treatment*	2
2. Failure to Provide Necessary or Appropriate Mental Health Treatment*	2
3. Failure to Provide Necessary or Appropriate Personal Care & Safety*	19
4. Other*	0

ProblemAreas/Complaints of Individuals Served	Number
Total Neglect	23
24. Post-Secondary Education*	3
25. Non-Medical Insurance*	2
26. Privacy Rights*	2
27. Public Accommodations*	2
28. Rehabilitation Services*	
1. Communication Problems*	0
2. Conflict About Services To Be Provided*	1
3. Individual Request Information*	0
4. Non-Rehabilitation Act*	0
5. Private Providers*	0
6. Related to Application/ Eligibility Process*	0
7. Related to IWRP Development/ Implementation*	0
8. Related to Title I of ADA*	2
9. Other Rehabilitation Act-related problems*	0
Total Rehabilitation Services	3
29. Suspicious Death*	5
30. Transportation*	

ProblemAreas/Complaints of Individuals Served	Number
1. Air Carrier*	0
2. Paratransit*	0
3. Public Transportation*	2
4. Other*	2
Total Transportation	4
31. Unnecessary Institutionalization including identification and assessment*	1
32. Voting*	
1. Accessible Polling Place/ Equipment*	0
2. Registration*	0
3. Other*	0
Total Voting	0
33. Other*	0
34. Total Complaints	311

C. Gender of Individuals Served

* - Required field

Gender	Number
1. Female*	88
2. Male*	193

Gender	Number
3. Total	281

D. Living Arrangements of Individuals Served

* - Required field

Living Arrangement	Number
1. Independent*	30
2. Parental or Other Family Home*	114
3. Community Residential Home for Children/Youth (0-18 Yrs)*	5
4. Community Residential Home for Adults*	47
5. Non-Medical Community Base Residential Facility for Children and Youth*	0
6. Foster Care*	1
7. Nursing Homes, Including Skilled Nursing Facilities (SNF)*	14
8. Intermediate Care Facilities (Icf)*	0
9. Public And Private General Hospitals including Emergency Rooms*	0
10. Public Institutional Living Arrangement*	7
11. Private Institutional Living Arrangement*	44
12. Psychiatric Wards (Public or Private)*	0
13. Jail*	1
14. State Prison*	6

Living Arrangement	Number
15. Federal Detention Center*	0
16. Federal Prison*	0
17. Veterans Administration Hospital*	0
18. Other Federal Facility*	1
19. Homeless*	5
20. Unknown*	6
Total	281

E. Reasons for Closing Individual Intervention Files

* - Required field

Reasons for Closing Individual Advocacy Case File	Number
1. Number of Closed Cases in Which Client's Objective Was Partially or Fully Met*	121
2. Other Representative Found*	12
3. Individual Withdrew Complaint*	17
4. Services Were Not Needed Due To Client's Death or Relocation*	6
5. P&A Withdrew Because Individual or Client Would Not Cooperate*	13
6. Individual's Case Lacked Merit*	12
7. Individual's Issue Not Favorably Resolved*	7
8. Appeal(s) Unsuccessful*	0

Reasons for Closing Individual Advocacy Case File	Number
Total	188
Reason for Closing Individual Investigation File	
1. Complaint Was Withdrawn*	1
2. Other Appropriate Entity Investigating*	4
3. P&A withdrew because Individual or Client Would Not Cooperate*	0
4. Investigation completed*	17
Total	22

F. Intervention Strategies Used in Serving Individuals

* - Required field

Individual Advocacy	Number
1. Self-Advocacy Assistance*	47
2. Limited Advocacy*	71
3. Administrative Remedies*	6
4. Negotiation*	57
5. Mediation/Alternative Dispute Resolution*	0
6. Litigation*	7
Total	188
Individual Investigation Service	

Individual Advocacy	Number
7. Investigation*	22
Total	210

G. Age Range of Individual Served

* - Required field

Range	Number
1. 0-2*	0
2. 3-5*	2
3. 5-10*	19
4. 11-22*	117
5. 23-64*	135
6. 65 & Over*	8
Total	281

H. Primary Disability of Individuals Served

* - Required field

Primary Disability	Number
1. Absence of Extremities*	0
2. Acquired Brain Injury*	1
3. ADD/ADHD*	0

Primary Disability	Number
4. AIDS/HIV Positive*	0
5. All Other Disabilities*	1
6. Autism*	118
7. Auto-immune (non-AIDS/HIV)*	0
8. Blindness (Both Eyes)*	4
9. Cancer*	0
10. Cerebral Palsy*	29
11. Deafness*	2
12. Deaf-Blind*	0
13. Diabetes*	0
14. Digestive Disorders*	0
15. Epilepsy*	2
16. Genitourinary Conditions*	0
17. Hearing Impaired (Not Deaf)/ Heard of Hearing*	1
18. Heart & Other Circulatory Conditions*	0
19. Intellectual Disability*	80
20. Mental Illness*	13
21. Multiple Sclerosis*	0
22. Muscular Dystrophy*	0

Primary Disability	Number
23. Muscular/Skeletal Dystrophy*	0
24. Orthopedic Impairments*	0
25. Other Emotional/Behavioral*	3
26. Other Visual Impairments (not blind)*	2
27. Neurological Disorders/Impairments*	0
28. Respiratory Disorders/Impairments*	0
29. Skin Conditions*	0
30. Specific Learning Disabilities (SLD)*	18
31. Speech Impairments*	0
32. Spina Bifida*	1
33. Substance Abuse (Alcohol or Drugs)*	0
34. Tourette Syndrome*	0
35. Traumatic Brain Injury (TBI)*	10
Total	

I. Racial and Ethnic Diversity of Individuals Served

* - Required field

Race/Ethnicity	State %	Individual Advocacy #	Individual Advocacy %
1. Hispanic/Latino (of any race) *	19.00	39.00	13.88

Race/Ethnicity(NOT Hispanic/Latino)	State %	Individual Advocacy #	Individual Advocacy %
2. American Indian/ Alaskan Native *	1.00	0.00	0.00
3. Asian *	8.90	1.00	0.36
4. Black/African American *	17.70	56.00	19.93
5. Native Hawaiian/ Other Pacific Islander *	0.10	0.00	0.00
6. White *	69.00	164.00	58.36
7. Two or more races *	2.50	20.00	7.12
8. Race/Ethnicity Unknown *	0.00	2.00	0.71

J. Groups Served

* - Required field

What to Count	Number
1. Group cases/projects still open at October 1 (Carried over from prior FY(s))*	41
2. New group cases/projects opened during the year*	30
3. Total group cases/projects worked on during the year (Add lines I1 and I2)*	71
4. Total group cases/projects as of September 30 (Carry over to next FY)*	47
5. Group cases/projects targeted at serving racial/ethnic minority(ies)*	56
6. Total # of individuals potentially impacted by the line I.J.3 projects/cases	311975

K. Problem Areas/Complaints of Groups Served

* - Required field

Problem Area/Complaint	Number
1. Abuse*	24
2. Access to Administrative or Judicial Processes*	0
3. Access to Records*	4
4. Advance Directives*	0
5. Architectural Accessibility*	1
6. Assistive Technology*	5
7. Aversives (including ECT)*	0
8. Civil Commitment*	0
9. Custody/Parental Rights*	0
10. Education*	30
11. Employment Discrimination*	0
12. Employment Preparation*	3
13. Financial Benefits*	0
14. Forensic Commitment*	0
15. Government Benefits/Services*	1
16. Guardianship/Conservatorship/ Substitute Decision Maker*	4
17. Home & Community Based Services including Discharge Planning Transition Follow-up*	5

Problem Area/Complaint	Number
18. Healthcare*	3
19. Housing*	0
20. Immigration*	0
21. Neglect*	29
22. Post-Secondary Education*	1
23. Non-Medical Insurance*	0
24. Privacy Rights*	3
25. Rehabilitation Services*	2
26. Suspicious Death*	4
27. Transportation*	1
28. Unnecessary Institutionalization including Identification and Assessment *	5
29. Voting*	0
Total	125

L. Living Arrangements Targeted by Groups Interventions * - Required field

Living Arrangement	Number
1. Independent*	6
2. Parental or Other Family Home*	12

Living Arrangement	Number
3. Community Residential Home for Children/Youth (0-18 Yrs)*	2
4. Community Residential Home for Adults*	5
5. Non-Medical Community Base Residential Facility for Children and Youth*	0
6. Foster Care*	3
7. Nursing Homes, Including Skilled Nursing Facilities (SNF)*	5
8. Intermediate Care Facilities (Icf)*	0
9. Public And Private General Hospitals including Emergency Rooms*	0
10. Public Institutional Living Arrangement*	9
11. Private Institutional Living Arrangement*	11
12. Psychiatric Wards (Public or Private)*	0
13. Jail*	4
14. State Prison*	8
15. Federal Detention Center*	0
16. Federal Prison*	0
17. Veterans Administration Hospital*	0
18. Other Federal Facility*	0
19. Homeless*	4
20. Not Applicable - Intervention not Focused on a Particular Living Arrangement*	29

Living Arrangement	Number
Total	98

M. Reasons for Closing Group Cases/Projects

* - Required field

Reason	Number
1. Concluded Successfully*	23
2. Concluded Unsuccessfully*	1
3. Other*	0
Total	24

N. Intervention Strategies Used in Group Cases/Projects

* - Required field

Intervention Strategy	Number
1. Abuse and Neglect Investigation*	29
2. Systemic Litigation*	12
3. Educating Policymakers*	12
4. Other Systemic Advocacy*	18
Total	71

O. Age Ranges Targeted by Interventions for Groups

* - Required field

Focus	Number
1. Group Cases/Projects Focused on Children Approximately 0-2 yrs. old*	7
2. Group Cases/Projects Focused on Children Approximately 3-5 yrs. old*	26
3. Group Cases/Projects Focused on Young People Approximately 5-10 yrs. old*	38
4. Group Cases/Projects Focused on Young People Approximately 11-23 yrs. old*	61
5. Group Cases/Projects Focused on Adults Approximately 23-64 yrs. old*	23
6. Group Cases/Projects Focused on Seniors Approximately 65 yrs & older*	13
7. Not Applicable - Intervention Not Focused on Any Particular Age Range Grouping*	9
Total	177

P. Race/Ethnicity of Groups Served

* - Required field

Race/Ethnicity	Number
1. Hispanic/Latino (of any race)*	16
2. American Indian/Alaskan Native*	10
3. Asian*	10
4. Black/African American*	14
5. Native Hawaiian/Other Pacific Islander*	9
6. White*	17
7. Two or more races*	23

Race/Ethnicity	Number
8. Unknown*	30

II. Statement of Goals and Priorities

A. Report on Statement of Goals and Priorities (SGP)

* - Required field

1.

Goal Statement: Protect people with intellectual and developmental disabilities by investigating allegations of abuse and neglect and advocating for individuals receiving care or treatment from state, city, local or private agencies or schools.

1. Priorities

Priority 1* Investigate allegations of abuse and neglect of individuals receiving care or treatment from entities licensed, certified, funded, or operated by the state, city or localities of New York

2. Strategies Used to Implement Goal and Address Priorities

- Collaboration
- Systemic Litigation
- Rights-Based Individual Advocacy Services **true**
- Educating Policy Makers **true**
- Investigations of Abuse and Neglect **true**
- Other Systemic Advocacy
- Monitoring **true**
- Training/Outreach **true**

3. Extent to Which Goal was Achieved (select one) Partially Achieved

4. Stage of Implementation (select one) Implementation

5. Results Narratives of P&A Activities and Accomplishments Related to Above Goal

Narrative 1.

Narrative Title

DRNY Statewide Investigation Reveals Neglect and IDEA Violations in Pediatric Nursing Homes and Units

Priority Number *

["Investigate allegations of abuse and neglect of individuals receiving care or treatment from entities licensed, certified, funded, or operated by the state, city or localities of New York"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY investigated complaints that children were languishing in pediatric nursing homes in New York and three out of state facilities serving New York children. Approximately 670 children reside in such facilities - many for years or decades.

Most long-term skilled nursing facilities with pediatric beds had child residents who no longer required an institutional level of care. DRNY uncovered disparities in the quality of services for children in specialized pediatric long-term care facilities versus adult long-term care facilities that also have pediatric beds. Many children occupying pediatric beds at adult nursing facilities are transitioned directly to adult units within the facility and are never afforded the opportunity to reside in community settings.

DRNY also found that many children were not receiving appropriate educational services. In some cases, the children were never referred to a committee on special education to be evaluated for appropriate educational services. In other cases there was failure to follow up with parents to get children registered in school so educational services could be obtained. At least one out of state facility does not provide educational services. Moreover, there is almost no regulatory oversight by New York State.

DRNY has opened several service requests to provide assistance to residents who should be in less restrictive settings or receiving educational services. DRNY is planning to issue a public report next fiscal year and is exploring other legal remedies.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	670

Narrative 2.

Narrative Title

DRNY Investigation Leads to Proper Training and Protocols to Prevent Abuse

Priority Number *

["Investigate allegations of abuse and neglect of individuals receiving care or treatment from entities licensed, certified, funded, or operated by the state, city or localities of New York"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY investigated a complaint of excessive force against a person in a group residence. The resident was found with bruises across his chest from an unknown origin. DRNY’s investigation revealed concerning discrepancies between the investigatory reports of the New York State Justice Center and the provider agency. DRNY conducted an on-site investigation and interviewed the resident and relevant staff. DRNY found that employees had not received proper training in the use of restraints, which may have caused the alleged abuse. DRNY also identified a lack of internal protocol for reporting abuse which resulted in a delayed investigation by the group home operator. DRNY issued a findings letter to the agency as well as notice to the Justice Center and the state licensing agency. DRNY recommended corrective action including proper training for all staff on the use of restraints and behavior de-escalation and immediate development of a protocol for reporting abuse and neglect. The agency agreed to implement these recommendations.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	8

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	8

Narrative 3.

Narrative Title

DRNY Investigation Reveals Widespread Failures in Conducting Investigations in the New York City School System

Priority Number *

["Investigate allegations of abuse and neglect of individuals receiving care or treatment from entities licensed, certified, funded, or operated by the state, city or localities of New York"; "Investigate allegations of abuse and neglect in schools due to improper or excessive use of restraint or seclusion"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY received three separate reports of abuse and neglect against students with disabilities by employees of special education schools operated by the New York City Department of Education (NYCDOE). The special schools serve students with autism, intellectual and developmental disabilities, severe emotional disabilities and multiple disabilities. DRNY's investigation found flagrant violations of New York law and a pattern of: delayed investigations; failure to inform parents of their rights; spoliation of evidence; unfounded assumptions that the student/victim's disability prevented him/her from being questioned about the incident; failure to question the alleged perpetrator in a timely manner or at all; use of leading questionnaires to obtain witness statements favoring an unsubstantiated result; and a bias favoring the unionized employee/perpetrator. As a result, NYCDOE concluded each allegation was unsubstantiated despite evidence of physical injury.

DRNY reported these deficiencies to the NYCDOE in a formal findings letter and demanded immediate action to ensure accurate and valid investigations in the future. In addition, DRNY shared its findings with New York Civil Liberties Union in furtherance of systemic litigation challenging the NYCDOE's investigatory methods.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	22867

Narrative 4.

Narrative Title

DRNY Exposes Systemic Restraint Abuses, Neglect and Human Rights Violations at Out-of-State Residential Facility

Priority Number *

["Investigate allegations of abuse and neglect of individuals receiving care or treatment from entities licensed, certified, funded, or operated by the state, city or localities of New York", "Investigate allegations of abuse and neglect in schools due to improper or excessive use of restraint or seclusion"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY received five complaints of excessive restraints, abuse, and neglect from parents of young adults at Wood Services (Woods) in Langhorne, Pennsylvania. DRNY spearheaded a comprehensive joint investigation with Disability Rights Pennsylvania (DRP) and Disability Rights New Jersey (DRNJ), conducting two multi-day monitoring visits, numerous interviews of staff, residents, and administrators, and extensive records review. DRNY informed other state's Protection and Advocacy systems of the issues identified and ultimately coordinated the efforts of ten different P & A systems with residents at Woods.

DRNY met with the New York State Education Department and the New York Office for People with Developmental Disabilities to advise each of the systemic abuse and neglect of the 111 New York children and adults placed at Woods. This prompted both agencies to conduct their own monitoring visits where they too identified significant deficiencies.

DRNY's investigation revealed significant findings including: excessive use of physical restraints, at times resulting in serious injury; non-compliant restraint training; failure to report and investigate restraints, abuse, and neglect; failure to use appropriate behavior intervention strategies; use of punitive behavior intervention; fear of retaliation among residents; unsanitary and unsafe facilities; failure to use assistive technology; failure to comply with regulations governing sheltered workshops; failure to provide transition

services and skill building; and failure to use a Human Rights Committee for decisions related to medical treatment, behavioral modification, and human rights restrictions. DRNY published a comprehensive report document its finding on October 30, 2017. The Report is available at <http://new.drny.org/docs/reports/woods-report-10-27-17.pdf>.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	320
People with disabilities who live in a healthier, safer, or otherwise improved environment	330
People with disabilities who work in safer and more humane conditions	150

Narrative 5.

Narrative Title

DRNY Advocates for Victim of Excessive Restraints Resulting in Facility-Wide Reform

Priority Number *

["Investigate allegations of abuse and neglect of individuals receiving care or treatment from entities licensed, certified, funded, or operated by the state, city or localities of New York", "Investigate allegations of abuse and neglect in schools due to improper or excessive use of restraint or seclusion"]

Collaborator(s)

New York Developmental Disabilities Planning Council

Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY continues to help people by investigating allegations of abuse and neglect and by advocating for individuals receiving care in residential educational programs engaging in improper or excessive use of restraints in New York State. DRNY successfully advocated for a teenage girl subjected to dozens of restraints in a residential treatment center and denied special education services required by her Individual Education Program. She was at risk of transfer to a juvenile detention facility. DRNY educated her appointed attorney about her treatment at the facility, causing the charges to be dropped. DRNY then successfully advocated for her return home. She is now attending public school with the implementation of a successful behavioral intervention plan and compensatory special education services. This individual advocacy led to a larger monitoring project of the facility, and to a corrective action plan which included the implementation of staff training on behavior de-escalation, safe and appropriate use of restraints, and bullying-prevention on their campus

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	106
People with disabilities who go to school in safer and more humane conditions	106

Narrative 6.

Narrative Title

DRNY Successfully Eliminates Use of Restraints and Threat of Residential Placement

Priority Number *

["Investigate allegations of abuse and neglect in schools due to improper or excessive use of restraint or seclusion"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY assisted a 12 year-old girl with a complex medical and psychiatric history, including a traumatic brain injury, juvenile rheumatoid arthritis, and post-traumatic stress disorder. The school frequently and excessively restrained our client while failing to provide necessary behavior interventions. When DRNY began representation, our client was on home instruction without a tutor or related services. The District was seeking residential placement over the client's objection. DRNY obtained tutoring services, and an evaluation from University of Rochester's Golisano Children's Hospital Developmental and Pediatrics Community Consultation Program, a University of Excellence for Developmental Disabilities. DRNY advocated for an appropriate placement within the district and provide reasonable accommodations for the student to attend extracurricular activities, including track. DRNY also filed a complaint with the New York State Department of Education detailing the denial of a free appropriate public education and

systemic overuse of restraints. As a result, DRNY obtained compensatory tutoring and services for the student and prompted a more systemic investigation of the District's use of restraints and improper practices in behavioral intervention.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1

Narrative 7.

Narrative Title

DRNY Wins Access and Restraint Reforms at Public School

Priority Number *

["Investigate allegations of abuse and neglect in schools due to improper or excessive use of restraint or seclusion"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

In June 2014, DRNY sought access to a local public elementary school upon receiving multiple complaints of abuse and neglect relating to the use of restraints, inadequacy of staff and staff training, and student elopement. The school district refused access, claiming DRNY's access authority did not extend to public schools. DRNY immediately filed suit and secured a temporary restraining order permitting DRNY access for the remaining days in the school year to initiate its investigation. The district subsequently denied access to records requested under P&A authority. In *Disability Rights New York v. N. Colonie Bd. of Educ.*, the District Court for the Northern District of New York confirmed: (1) a public elementary school is a "facility" or "service provider" under the P&A Statutes; (2) complaints of improper use of physical restraints and time out rooms and verbal abuse by school staff constitute "abuse" or "neglect" as defined by the P&A Statutes; (3) students with a variety of disabilities in a self-contained special education classroom constitute disabled individuals under the P&A Statutes; (4) as the P&A System in New York, DRNY is authorized to exercise its full monitoring authority in the public school serving these students. No. 1:14-CV-0744, 2016 WL 1122055 (N.D.N.Y. Mar. 21, 2016). The Northern District of New York awarded attorney fees for its substantial efforts in May 2015.

During this fiscal year, DRNY published a public report documenting violations of State special education regulations relating to the use of restraints, appropriate behavior assessment and intervention, reporting requirements, elopement procedures, and staff training. The report is available at <http://www.new.drny.org/docs/north-colonie-report-2017-drny.pdf>. As a result of DRNY's litigation, investigation and advocacy, the school district reformed its policies on all of these issues and conceded DRNY's authority to both monitor and investigate. This case establishes powerful precedent for DRNY's access authority in public schools throughout the State.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	804

Narrative 8.

Narrative Title

Individual Investigation Leads to Reforms Impacting Multiple Residents

Priority Number *

["Advocate for individuals subject to abuse or neglect to ensure proper care and treatment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY received complaints of neglect of a 20 year-old with autism, cerebral palsy, and intellectual disabilities residing in an Intermediate Care Facility (ICF). It was alleged the ICF failed to adequately supervise our client, resulting in his ingestion of Pine-Sol, eloping on numerous occasions, and failed to provide basic food staples such as milk, bread, fruit, and meat for over two months. DRNY substantiated these allegations following an individual investigation and recommended specific corrective actions to address the needs of our client, as well as the other ICF residents. The ICF thoroughly revised and implemented our client's behavior plan, increased staff support, and took action to avoid future food shortages. To ensure ongoing compliance, DRNY also used its access to directory information of parents and guardians of residents to inform them of our finding and the corrective actions taken by the facility. Finally, DRNY successfully advocated for our client to transition back to the community upon graduation.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	10

Narrative 9.

Narrative Title

DRNY Secures Community Placement and Supports for Youth Restrained in Facility

Priority Number *

["Advocate for individuals subject to abuse or neglect to ensure proper care and treatment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY successfully advocated for a school-age client languishing at a psychiatric hospital for five months where he was regularly placed in mechanical restraints and denied an education. DRNY secured community supports and services to facilitate the client's discharge from the psychiatric hospital to his home. As a result, the client was discharged to the community with supports. Once integrated back into the community, DRNY secured an appropriate educational placement.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1
Children with disabilities receiving appropriate services in most integrated settings	1

Narrative 10.

Narrative Title

Abuse on the Bus Ends for Student

Priority Number *

["Advocate for individuals subject to abuse or neglect to ensure proper care and treatment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY investigated a complaint of abuse and neglect on a school bus operated by a private school bus provider. The client had been scratched by a student on one occasion, and on two occasions, had missed programming because the school bus failed to pick him up. DRNY reviewed bus videos and successfully negotiated corrective actions including a change in bus contractors, bus monitors, and route monitoring to ensure timely transportation.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1

Narrative 11.

Narrative Title

DRNY Monitors Downstate Residences to Prevent Future Abuse and Neglect of Residents

Priority Number *

["Advocate for individuals subject to abuse or neglect to ensure proper care and treatment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY is monitoring Individualized Residential Alternatives (IRAs) and Intermediate Care Facilities (ICFs) to ensure that our clients are protected from abuse and neglect and are informed about their rights. DRNY has focused on service providers which DRNY has received repeated or particularly serious complaints. DRNY meets with service recipients and staff at agencies, discusses any deficiencies in service provision, provides agencies with a findings letter, notifies the State's Department of Quality Improvement about any systemic claims, and follows up with the agency to ensure that DRNY's recommendations have been implemented. A second visit is focused on monitoring corrective action and providing a *Know Your Rights* training for residents. As part of this ongoing project, DRNY monitored and provided training in 10 residences in the greater New York City area and Long Island over this fiscal year.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	106

2.

Goal Statement: Ensure that people with intellectual and developmental disabilities are free to exercise their own expressed/known wishes, retain or restore decision-making authority and make their own decisions

1. Priorities

Priority 1* Advocate for reform of guardianship and other surrogate decision-making processes for people with intellectual and developmental disabilities

2. Strategies Used to Implement Goal and Address Priorities

Collaboration **true**
Systemic Litigation **true**
Rights-Based Individual Advocacy Services **true**
Educating Policy Makers
Investigations of Abuse and Neglect
Other Systemic Advocacy
Monitoring
Training/Outreach **true**

3. Extent to Which Goal was Achieved (select one) Partially Achieved

4. Stage of Implementation (select one) Implementation

5. Results Narratives of P&A Activities and Accomplishments Related to Above Goal

Narrative 1.

Narrative Title

DRNY Pursues Landmark Litigation to Put an End to Plenary Guardianship in New York State

Priority Number *

["Advocate for reform of guardianship and other surrogate decision-making processes for people with ID/DD"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

New York has one of the most restrictive guardianship statutes in the country. Article 17A of the Surrogate’s Court Procedure Act (Article 17A) enables courts to impose a plenary guardianship over a person with an intellectual or developmental disability with minimal documentation. The result is termination of all decision making rights. This process does not require an assessment of lesser restrictive measures or even the consideration of functional abilities of the alleged incapacitated person. Moreover, Article 17A provides insufficient or non-existent substantive and procedural due process protections. New York State's Olmstead Plan has identified Article 17A as a violation of the Americans with Disabilities Act. On average, over 1700 guardianship proceedings are initiated against individuals with ID/DD in New York each year.

In September 2016, DRNY filed a complaint in federal court against the State of New York, the New York State Unified Court System, and others to enjoin them from appointing guardianships pursuant to Article 17A. DRNY asserted Article 17A violates the Fifth and Fourteenth Amendments of the United States Constitution, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973 (Section 504). DRNY submitted a comprehensive memorandum of law in response to a motion by Defendants to dismiss the complaint on multiple grounds. In a terse and erroneous decision, the District Court determined it was obligated to abstain from hearing the case. DRNY is appealing this dismissal to the United States Court of Appeals for the Second Circuit. Through this historic litigation, DRNY will ensure individuals with intellectual and developmental disabilities are free to exercise their own expressed or known wishes to the greatest extent possible and retain or get back their decision-making authority.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	20000

Narrative 2.

Narrative Title

Individuals with Developmental and Intellectual Disabilities Retain/Regain Decision Making Autonomy

Priority Number *

["Advocate for reform of guardianship and other surrogate decision-making processes for people with ID/DD", "Represent individuals with ID/DD who are at risk of or subject to guardianship to retain or restore decision-making authority"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY had an active and substantial caseload involving Surrogate's Court Procedure Act Article 17A guardianships. For some clients, DRNY defended against the imposition of guardianship. In others, DRNY restored our clients' rights to self-determination free from guardianship. DRNY was successful in all three cases filed during this reporting period. In one, a 26 year-old man with mild intellectual disability was released from guardianship without a hearing upon the undeniable evidence DRNY produced documenting the client's ability to make his own decisions in all aspects of his life. A similar outcome was achieved for a 42 year-old woman with an intellectual disability who had been subject to irrational and harmful decision making by her parent-guardian for over 15 years. In another, DRNY's strong legal advocacy and motion practice caused an overreaching

parent to withdraw his petition for plenary guardianship over his son with autism. That young man is now pursuing his education at the college of his choice.

DRNY continues to fight for the right to self-determination for individuals with intellectual and developmental disabilities in an ongoing restoration case and two cases we anticipate filing in early 2018.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	3

Narrative 3.

Narrative Title

DRNY Challenges Paternalistic Guardianship Practices in New York Supreme Court

Priority Number *

["Represent individuals with ID/DD who are at risk of or subject to guardianship to retain or restore decision-making authority"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY is appellate counsel for a 19 year-old with mild cerebral palsy. When the client was 17 years old, a Guardian ad Litem was appointed in client's parent's matrimonial proceeding in Family Court. Just before client's 18th birthday, the GAL petitioned in the Richmond County Supreme Court for the imposition of an Article 81 guardianship. The GAL had not met with the client at the time of filing the petition and did not know anything about his abilities. Rather, the petition simply alleged that because the individual had a disability, a guardian of the person and property was required. Nevertheless, the Court permitted the petition to proceed and, relying on an improper "best interest" standard, dismissed the client's objections. The Court then unilaterally removed the client's chosen counsel over his objection, and refused to allow DRNY to serve as counsel at client's request. The Court also refused to consider less restrictive alternatives to the imposition of a guardian. DRNY is challenging all these decisions on appeal to the Appellate Division of the Supreme Court.

Further, DRNY has uncovered a pattern of similar conduct by this Court and the attorney appointed by the Court in cases, like this one, involving people with disabilities with significant assets. DRNY is working with the New York Office of the Attorney General and the United States Attorney's Office to investigate systemic financial abuse.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1

Narrative 4.

Narrative Title

DRNY Continues Collaborative Effort to Foster Supported Decision Making in New York

Priority Number *

["Foster supported decision-making and the ability for individuals with intellectual and developmental disabilities to exercise their own wishes in New York through education, direct advocacy, and coalition building"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY continued its active collaboration with the State's Developmental Disabilities Planning Council (DDPC) and City University of New York - Hunter College, in a five-year pilot program to develop Surrogate Decision Making (SDM) as a lesser restrictive alternative to guardianship. The Pilot targets individuals with developmental and intellectual disabilities. SDM is a model that provides people with intellectual and developmental disabilities with the individualized supports and services necessary to make informed decisions about all aspects of everyday living. SDM emphasizes that the majority of individuals with disabilities, even those with the most significant disabilities, have the right and ability to make important decisions impacting their lives. SDM is a functioning alternative to surrogate decision making and should be exhausted prior to anyone seeking or being granted guardianship over a person with intellectual or developmental disabilities. Similar models that assist individuals to live, work, and recreate in the most integrated setting are consistent with the New York State Olmstead Plan and our state DD agency's Transformation Agreement.

This fiscal year, a three-phase process was established for individuals with intellectual and developmental disabilities to formalize a SDM agreement. Thirty-eight professionals were trained to serve as “facilitators”, i.e. individuals who work closely with the Decision Maker and his or her Supporters. Twenty-two individuals and their supporters are currently engaged in the SDM process. In addition, the SDM project partners trained 1247 people on SDM and the pilot program. A website providing information on SDM is now available to facilitate greater outreach. See www.sdmny.org. All of these activities were guided by a newly formed Advisory Council consisting of 54 stakeholders including self-advocates, family members, service providers, judges, attorneys, and policy-makers.

DRNY is an essential partner in implementing the pilot, including providing legal representation in decision making restoration proceedings when SDM is a preferred and feasible alternative. Through this pilot, it will be demonstrated that SDM is a functioning and functional alternative to surrogate decision making for the 311,975 individuals with intellectual and developmental disabilities in New York who are under guardianship or at risk of guardianship.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	500

Narrative 5.

Narrative Title

DRNY Enforces Right to Self-Determination

Priority Number *

["Foster supported decision-making and the ability for individuals with intellectual and developmental disabilities to exercise their own wishes in New York through education, direct advocacy, and coalition building"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

A 21 year-old client with a mild intellectual disability in a group home sought DRNY’s assistance in securing independent access to the community. The group home operator resisted his efforts without cause. As a result of DRNY’s advocacy, the client now enjoys significantly more freedom to participate in the community and foster relationships with his family and his girlfriend.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1

3.

Goal Statement: Advocate for individuals with ID/DD to receive meaningful access to integrated employment, free from discrimination, and paid at least minimum wage.

1. Priorities

Priority 1*

Monitor New York State's plan to downsize the number of segregated work settings and advocate for individuals in segregated settings to receive pre-vocational and vocational services to transition to employment

2. Strategies Used to Implement Goal and Address Priorities

Collaboration **true**
Systemic Litigation
Rights-Based Individual Advocacy Services **true**
Educating Policy Makers
Investigations of Abuse and Neglect
Other Systemic Advocacy
Monitoring **true**
Training/Outreach **true**

3. Extent to Which Goal was Achieved (select one) Partially Achieved

4. Stage of Implementation (select one) Implementation

5. Results Narratives of P&A Activities and Accomplishments Related to Above Goal

Narrative 1.

Narrative Title

DRNY PADD and CAP Teams Partner to Promote Paid Employment and the End of Sheltered Workshops

Priority Number *

["Monitor New York State's plan to downsize the number of segregated work settings and advocate for individuals in segregated settings to receive pre-vocational and vocational services to transition to employment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

Segregated employment settings or sheltered workshop is a work environment where workers with intellectual and developmental disabilities interact with and work alongside other workers with disabilities. These settings may include prevocational services to prepare a person for a generic work environment. The New York Office for People with Developmental Disabilities (OPWDD) prohibited new admissions to sheltered workshops (segregated employment settings) and is slowly implementing a work plan to increase the number of people in these settings to transition to competitive employment.

This fiscal year, DRNY’s PADD and Client Assistance Program (CAP) have partnered to address concerns from monitoring over 50 sheltered workshops and sheltered employment settings. DRNY found that entities were regularly paying subminimum wage simply because the worker had a disability. This is a violation of Section 14(c) of the Fair Labor Standards Act, which requires a nexus between the worker’s disability and the task being performed to justify subminimum wages. Likewise, many employers neither understand how to calculate an individual’s subminimum wage nor fear reprisal for failure to comply with 14C regulations. Consequently, the 14C Program is susceptible to employer abuse and/or miscalculation of wages. Accordingly, DRNY’s ongoing monitoring will assess employer compliance with these provisions.

DRNY has developed a list of Sheltered Workshops to visit based on shared concerns and objectives, created monitoring materials to be used at each site to gather and collect data, and developed a “Know Your Employment Rights” presentation which will be given to workers during monitoring and outreach visits beginning December 2017.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who work in safer and more humane conditions	9200

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	9200

Narrative 2.

Narrative Title

DRNY Advocates for Individually-Tailored Employment Program

Priority Number *

["Advocate for individuals with ID/DD to be free from discrimination, receive reasonable workplace accommodations and needed supports and services to access competitive employment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

An adult client with an intellectual disability contacted DRNY when he was suspended from the Pathways to Employment (PTE) program. PTE is New York's primary employment training program for individuals with developmental and intellectual disabilities not served

by New York's Vocational Rehabilitation program. DRNY determined the client had not been provided with a support counselor for over three months, had been forced into career training in an area he was not interested in, and forced to participate in activities that were not individualized and did not align with his career goals. Even though our client had told the provider he was interested in writing and advocating for people with disabilities, he was on tours to the mall and to Walmart.

DRNY advocated for an alternate program that suited his needs and preferences. DRNY also reported the issues the client encountered and the non-compliance with regulatory requirements to the New York Office for People with Developmental Disabilities (OPWDD), which funds the PTE program. As a result, OPWDD reprimanded the provider for suspending the client and failing to individualize the program to the client's career goals. OPWDD agreed to review the habilitation plans developed by the provider for all program participants, and monitor the provider for compliance on a monthly basis.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1

Narrative 3.

Narrative Title

DRNY Successfully Challenges Wrongful Termination of Employment

Priority Number *

["Advocate for individuals with ID/DD to be free from discrimination, receive reasonable workplace accommodations and needed supports and services to access competitive employment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

An individual with an intellectual disability recently released from a developmental center lost his job as a crossing guard after someone made false allegations to his employer that he had a forensic background. The employer made no efforts to verify the accuracy of the claims. As a result of DRNY's advocacy, the client's position was promptly restored and lost wages paid.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1
People with disabilities who work in safer and more humane conditions	1

4.

Goal Statement: Advocate for individuals with disabilities to receive appropriate supports and services in the most integrated setting appropriate with maximum autonomy for self-direction

1. Priorities

Priority 1* Monitor the closure of state operated Intermediate Care Facilities (ICFs) to ensure that individuals with ID/DD are transitioned to the most integrated settings

2. Strategies Used to Implement Goal and Address Priorities

- Collaboration
- Systemic Litigation **true**
- Rights-Based Individual Advocacy Services **true**
- Educating Policy Makers **true**
- Investigations of Abuse and Neglect
- Other Systemic Advocacy
- Monitoring **true**
- Training/Outreach **true**

3. Extent to Which Goal was Achieved (select one) Partially Achieved

4. Stage of Implementation (select one) Implementation

5. Results Narratives of P&A Activities and Accomplishments Related to Above Goal

Narrative 1.

Narrative Title

Community Access Improved and Systemic Issues Addressed at Developmental Center

Priority Number *

["Monitor the closure of state operated Intermediate Care Facilities (ICFs) to ensure that individuals with ID/DD are transitioned to the most integrated settings"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY continues to monitor Sunmount Developmental Center to ensure residents with intellectual and developmental disabilities receive proper care and treatment, transition services, freedom from abuse and neglect, and maximum community integration. DRNY works collaboratively with Mental Hygiene Legal Service (MHLS), the New York State agency that provides legal advocacy on site at Sunmount for specific rights violations.

In 2015, MHLS attorneys expressed concerns regarding residents' access to the community. Data on community outings revealed an average of only 18 outings per year, less than 2 per month. Through the collaborative efforts of DRNY and MHLS, the New York State Office for People with Developmental Disabilities (OPWDD) agreed to implement a tracking system and monitor the number of outings. In the first seven months of 2016, the average number of outings per resident increased to 2.89 per month. That number increased to over 3 per month by the end of 2016. Residents are now generally going out into the community about once a week and receiving more quality community integration opportunities. DRNY continues to monitor to ensure the increase in outings continues.

In addition, at a monitoring visit at Sunmount in June 2017, DRNY identified concerns regarding an increasing number of school age youth being sent from Riker's Island Correctional Facility and a lack of quality special education programming. DRNY assisted MHLS to advocate for specific students and program-wide reforms. DRNY also secured membership on a task force comprised of representatives from the Department of Corrections, the Riker's Island treatment team, OPWDD, MHLS, and attorneys and advocates from downstate providers. The focus of the task force is improving the identification and support of individuals with intellectual and developmental disabilities, develop diversion programs, and avoid unnecessary placement at institutions such as Sunmount.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	105

Narrative 2.

Narrative Title

Monitoring of Developmental Center Reveals Systemic Obstacles to Community Placement

Priority Number *

["Monitor the closure of state operated Intermediate Care Facilities (ICFs) to ensure that individuals with ID/DD are transitioned to the most integrated settings"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY monitored the Bernard M. Fineson Developmental Center in Queens, New York. This facility was originally slated to close on March 31, 2017. However, due to the failure of the New York Office of People for Developmental Disabilities (OPWDD) to develop sufficient, appropriate community placements on time, the deadline has been extended to December 31, 2017. In light of the delayed closure, DRNY conducted another monitoring visit of Fineson on May 31, 2017. During this visit, DRNY found 24 residents still residing at Fineson, 10 of which are waiting on local government approval of planned community residences. DRNY has collaborated with Mental Hygiene Legal Service (MHLS) to ensure timely and appropriate community placements for the remaining residents. This delay

in closure is evidence of a larger systemic issues in which OPWDD does not have sufficient community-based resources to place people with intellectual and developmental disabilities living in more restrictive settings such as Intermediate Care Facilities, nursing homes, residential schools, and hospitals. DRNY is actively pursuing this broader issue through litigation and public reports.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	24

Narrative 3.

Narrative Title

DRNY Prepares Systemic Litigation to Secure Timely Discharge Planning for Young Adults

Priority Number *

["Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY received complaints that adults who were former students at residential schools unnecessarily remained in these institutions due to inadequate discharge and transition planning by the New York Office for Developmental Disabilities (OPWDD). State law requires OPWDD to provide transitional care funding to adults who have completed their education who are eligible for OPWDD services and have been placed in a residential school by the foster care system or a committee on special education. These adults can languish for years in these settings. Significantly, most of the residential schools do not offer adult programming and, because these individuals are technically in a residential program, they are not eligible for community habilitation or Vocational Rehabilitation services. Thus, many have little or no programming.

DRNY surveyed 88 New York State residential schools to assess the obstacles to discharge. Nearly all reported that OPWDD does not offer timely discharge planning to ensure compliance with a state mandate to ensure appropriate community placement at age 21. In fact, DRNY identified several individuals in their late twenties, thirties, and forties still residing at residential schools. Further, even where OPWDD appeared to begin this process for residential school students in advance of their twenty-first birthday, OPWDD provider agencies typically require a minimum of two years to fully develop a plan and to certify an individualized residential alternative (IRA). For individuals with more complex needs, the discharge planning process and development of an IRA can take even longer.

DRNY also received a complaint from the New York State Department of Education (NYSED) that due to the large numbers of adult graduates taking up beds in in-state residential school programs, NYSED is forced to send students in need of a residential school placement to out-of-state programs, often at great distances from their families and home communities.

DRNY determined at least 97 adults in residential schools desire and are ready for discharge to the community, but remain in institutional settings because of OPWDD's neglect to conduct discharge planning in a timely manner. Consequently, DRNY concluded OPWDD has discriminated against these individuals in violation of Title II of the American's with Disabilities Act, the Olmstead Community Integration Mandate, and the Rehabilitation Act of 1973. DRNY filed a complaint in the Eastern District of New York in November 2017. A copy of the complaint is available at <http://www.new.drny.org/docs/litigation/drny-v-opwdd-filed-11-30-17.pdf>.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	97
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	97

Narrative 4.

Narrative Title

DRNY's Advocacy Results in New Regulations Mandating Services and Monitoring for Adults Who Have Aged Out of Foster Care System

Priority Number *

["Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY was contacted by a young woman unnecessarily institutionalized at a Residential Treatment Center despite aging out of foster care. Because the client was no longer eligible for educational services, she spent most of her day in a cottage watching television. DRNY marshalled all agencies responsible for her care and transition, advising them of our client's legal right to community placement, as well as transition services. DRNY also advocated with the Administration for Children Services (ACS) regarding the lack of any policies or procedures for adults in their custody who have aged out of foster care. Because of DRNY's advocacy, ACS created regulations for the first time requiring day services, employment training, judicial oversight, legal representation, and case management. DRNY's advocacy also resulted in the client's reintegration in the community.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1
People with disabilities who accessed benefits	1

Narrative 5.

Narrative Title

Adult Residing at Out-of-State Institution Returns to New York and Community

Priority Number *

["Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

As a result of a monitoring visit, a 27 year-old unhappily living at Woods Services, a large, isolated residential complex in Pennsylvania, contacted DRNY seeking assistance to return to New York State and live in a less restrictive residence. The client was looking for a residence which would allow him to manage his medications, work in the community, and achieve more independence. DRNY identified a residence in New York State that met the individual's needs and successfully obtained placement. The client now enjoys significant freedom and is developing skills to live and work independently.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1

Narrative 6.

Narrative Title

DRNY Prevents Discharge to Inappropriate Hotel

Priority Number *

["Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY assisted a young woman who aged out of an out-of-state residential school. Because the community placement planned for the client was not yet certified, the residential school planned to discharge the client to a hotel, an inappropriate and dangerous setting for this client. DRNY advocated with New York’s Housing and Urban Development office to expedite the certification of the residence, and convinced the residential school to maintain our client pending the certification. Within two weeks, the client successfully moved into her IRA.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	1

Narrative 7.

Narrative Title

DRNY Expedites Community Placement

Priority Number *

["Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

Our client had completed his education at a residential treatment center, and was in need of a discharge plan to the community. Prior to DRNY's involvement, the state agency responsible for discharge planning stated it would be two years before a community

placement was available. Asserting violations of the Americans with Disabilities Act and state law, DRNY persuaded the agency to expedite the discharge. The client moved to the community in less than two months.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1

Narrative 8.

Narrative Title

DRNY Facilitates Return to New York of Two Abused Individuals at Judge Rotenberg Center

Priority Number *

["Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY secured the return of two New York residents following complaint of abuse at the Judge Rotenberg Center (JRC). The first was the victim of a violent staff assault. The client's parent was never informed of the assault by JRC or the New York City School District. DRNY convinced the district to terminate placement at JRC, and provide a free appropriate public education in New York City. The second, an adult who had resided at JRC for over a decade, was repeatedly shackled, manacled, and subjected to aversive conditioning on a daily basis. Prior to DRNY's involvement, no discharge plan was in place, despite the parent's repeated requests that her son be returned to New York. As a result of DRNY's advocacy with the guardian and the Office for People with Developmental Disabilities, the client was discharged from JRC, repatriated, and placed in the community.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	2
People with disabilities who live in a healthier, safer, or otherwise improved environment	2

Narrative 9.

Narrative Title

DRNY Facilitates Transition of Individual Residing in Facilities for Years

Priority Number *

["Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

A 25 year-old with ADHD and congenital hypoventilation syndrome requested assistance with discharge planning from a hospital. Prior to the hospitalization, the client resided in a nursing home due to medical needs. DRNY worked with client, his family, and the New York Office of Mental Health to facilitate a community discharge. The client now lives in his own apartment with appropriate supports.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1

Narrative 10.

Narrative Title

DRNY Reverses Termination of Services Decision Impacting Over 50 Children

Priority Number *

["Ensure that individuals with ID/DD have timely access to all needed supports and services to remain in their communities, live independently, and to prevent unnecessary institutionalization to facilities or nursing homes"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY received complaints that approximately 25 children placed at the New York State operated School for the Blind were being terminated from the New York State Office for People with Developmental Disabilities' (OPWDD) Home and Community Based Services (HCBS) Waiver because they technically attended a residential school. However, unlike students in residential schools that typically operate 24-7-365, these students were only at school overnight two or three nights a week, and home at all other times. Nevertheless, the students were losing their Medicaid coverage and community based services even though they spent the majority of the year living with their families. The loss of services would have placed these children at risk of regression and result in placements to more restrictive residential programs. In addition, the loss of Medicaid would prevent one child from receiving life-sustaining surgery.

DRNY tenaciously advocated on behalf of these individuals with OPWDD and the New York State Department of Health (DOH), arguing that these children in fact resided with their families the majority of the year, and therefore were eligible for the Home and Community Based Services (HCBS) Waiver and Medicaid. OPWDD and DOH agreed that these children qualified for the HCBS Waiver for community services when in the

community as well as Medicaid. In addition, OPWDD and DOH agreed to extend this policy to the New York State School for the Deaf which also operates a 180 days a year.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	50
People with disabilities who accessed benefits	50

Narrative 11.

Narrative Title

DRNY Prevents Residential Placement of Student with Autism

Priority Number *

["Ensure that individuals with ID/DD have timely access to all needed supports and services to remain in their communities, live independently, and to prevent unnecessary institutionalization to facilities or nursing homes"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY was contacted by the adoptive parent of an 18 year-old with autism and post-traumatic stress disorder for assistance in opposing their school district's recommendation for residential placement. DRNY obtained a revised educational evaluation and provided technical assistance on special education law in the development of a recommendation from client's pediatrician. Both the evaluation and medical input supported a less restrictive placement. After threatening litigation, the school district identified a local day treatment program and the client now receives his education in the least restrictive environment appropriate to his needs.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	1
People with disabilities who were able to stay in their own home	1

Narrative 12.

Narrative Title

DRNY Secures Eligibility for HCBS Waiver Services for Individual with Autism

Priority Number *

["Ensure that individuals with ID/DD have timely access to all needed supports and services to remain in their communities, live independently, and to prevent unnecessary institutionalization to facilities or nursing homes"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

The New York Office for Developmental Disabilities (OPWDD) repeatedly refused eligibility for the Home and Community Based Waiver, asserting our client’s adaptive functioning did not warrant services based on an assessment conducted by OPWDD. DRNY’s records review and client interview suggested OPWDD’s testing was inaccurate. DRNY secured an independent evaluation which revealed significant errors and discrepancies in OPWDD’s assessment. Upon receipt of the independent assessment, the client was approved for services.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1
People with disabilities who accessed benefits	1

Narrative 13.

Narrative Title

DRNY’s Technical Assistance Leads to Eligibility for Dually Diagnosed Individual

Priority Number *

["Advocate for individuals who are dually diagnosed and eligible for OPWDD, OMH, or DOH to receive cross-system services and supports"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

Our client, a 46 year-old, who was dually diagnosed with intellectual disability and schizophrenia, had resided at a psychiatric center for over 25 years. The psychiatric placement resulted when the client was repeatedly denied DD services in his youth due to his dual diagnosis. The psychiatric facility strongly believed the client was not appropriately placed, and had to segregate him from other patients due to sensory needs. DRNY discovered that the client's autism had been overlooked as the primary diagnosis when the client was a child. As a result of DRNY's recommendations and technical assistance, the client obtained a determination of eligibility for DD services.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1
People with disabilities who accessed benefits	1

Narrative 14.

Narrative Title

DRNY Secures Community Supports for Dually Diagnosed Adult

Priority Number *

["Advocate for individuals who are dually diagnosed and eligible for OPWDD, OMH, or DOH to receive cross-system services and supports"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unerved/Minorities Targeted

No

Narrative

Client was a 21 year old male with autism and mental illness. Client sought assistance with obtaining supportive housing. DRNY successfully advocated before the local county department of social services for available housing. DRNY also advised client on a Medicaid spenddown to qualify for disability-related services and benefits.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1
People with disabilities who live in a healthier, safer, or otherwise improved environment	1

Narrative 15.

Narrative Title

- DRNY Enforces Right of Resident of Developmental Center to Use Local YMCA

Priority Number *

["Monitor the closure of state operated Intermediate Care Facilities (ICFs) to ensure that individuals with ID/DD are transitioned to the most integrated settings", "Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting."]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

Our client was discriminated against by a local YMCA because he resided at a developmental center. The YMCA would not allow him to become a member. DRNY and the Department of Justice were able to settle the case with the YMCA. The client was able to work out and swim at the YMCA and received a monetary settlement. DRNY also secured the establishment of a supplemental needs trust to allow continuance of the client's modest government benefits.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1
Public and private places/services made more accessible	1

5.

Goal Statement: Advocate for students to receive a free appropriate public education in their least restrictive environment to ensure independent living and secondary schooling or employment upon graduation

1. Priorities

Priority 1* Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school

2. Strategies Used to Implement Goal and Address Priorities

Collaboration

Systemic Litigation **true**

Rights-Based Individual Advocacy Services **true**

Educating Policy Makers

Investigations of Abuse and Neglect

Other Systemic Advocacy **true**

Monitoring

Training/Outreach

3. Extent to Which Goal was Achieved (select one) Partially Achieved

4. Stage of Implementation (select one) Implementation

5. Results Narratives of P&A Activities and Accomplishments Related to Above Goal

Narrative 1.

Narrative Title

Abused Student Benefits from DRNY Advocacy

Priority Number *

["Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

During a behavior intervention at school, a paraprofessional crushed and fractured a student's finger by asserting excessive force on him. The student's mother pulled the student out of school because the student had been traumatized by the incident and the staff clearly had no effective means of behavior intervention. When the parent contacted DRNY, the student has been languishing on home instruction for over a month. In addition to monitoring the District's investigation of the abuse, DRNY represented the student and secured a comprehensive Behavior Intervention Plan tailored to the student's triggers to prevent physical interventions. In addition, while the school advocated for a more restrictive placement, DRNY secured an appropriate setting in a less restrictive environment.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1
Children with disabilities receiving appropriate services in most integrated settings	1

Narrative 2.

Narrative Title

DRNY Addresses Bullying and Disciplinary Suspension of Teenage Student

Priority Number *

["Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school"]

Collaborator(s)

New York Developmental Disabilities Planning Council

Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

A student was suspended after he was found in possession of a pocket knife on school grounds. The student was in fear for his life as a result of excessive bullying. The District sought a long-term suspension. The 16 year-old student stated he intended to quit school. DRNY successfully represented the student in the disciplinary proceeding and established the conduct was a manifestation of his disability. Working with the student, DRNY successfully negotiated an appropriate placement. The student is now successfully attending school. DRNY also compelled the original school to examine its bullying prevention and intervention procedures. Consequently, the school hired behavioral consultants to reform its practices.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Students with disabilities who stayed in school	1
People with disabilities who go to school in safer and more humane conditions	112
Children with disabilities receiving appropriate services in most integrated settings	1

Narrative 3.

Narrative Title

DRNY's Advocacy Prevents Residential Placement and Increases District Understanding of Trauma on Students

Priority Number *

["Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

An 11 year-old student with a history of significant abuse and neglect as a young child was suspended from school for over two months without any tutoring. Despite a history of imposing physical restraints and suspensions, the school failed to conduct a Functional Behavior Assessment and implement a Behavior Intervention Plan. Without holding a committee on special education meeting, the school recommended residential placement at an out-of-state school in New Mexico and asserted to the parent that children with similar disabilities require residential placement. DRNY immediately secured tutoring and services. Thereafter, DRNY negotiated a settlement with the school for summer programming and compensatory services, reevaluations and expert consultation services at the school's expense and placement in a supportive special education day program. The school also agreed to provide a full day of training on trauma-informed care for school staff and parents. The student now feels safe and likes school, is making academic and behavioral progress, and is developing friendships for the first time.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	1
Students with disabilities who stayed in school	1
People with disabilities who were able to stay in their own home	1

Narrative 4.

Narrative Title

DRNY Advocates for Appropriate Assessments and Reversal of Long-Term Suspension

Priority Number *

["Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

A 13 year-old student with autism classified as emotionally disturbed was suspended from school and placed on home instruction for the remainder of the school year when he injured a staff member during an improper prone restraint. The school recommended a residential psychiatric placement and refused to consider the student's autism diagnosis. DRNY secured independent evaluations by an autism expert at the school's expense. DRNY also worked with the school to develop a crisis management plan. The evaluations revealed significant unmet sensory needs related to the student's unaddressed autism and a severe auditory processing disorder. The District agreed to change the student's classification to autism, approved specialized programming, and developed strategies to address his sensory and auditory processing needs.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1
Children with disabilities receiving appropriate services in most integrated settings	1
People with disabilities who were able to stay in their own home	1

Narrative 5.**Narrative Title**

DRNY Secures Local Placement and Compensatory Services for Student Threatened with Residential Placement

Priority Number *

["Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

A student with an intellectual disability caused by a brain tumor had been on home instruction for over a year without any related services. The student required the use of a wheelchair and an aide for assistance. The school initiated a due process proceeding against the parent to force residential placement for the student without having first tried less restrictive alternatives. DRNY assisted the parent in filing a complaint with the New York State Education Department (NYSED). Consequently, the student was awarded a year's worth of compensatory services for occupational therapy and speech services. When the school refused to comply with NYSED's order and threatened to again remove the student, DRNY immediately and successfully advocated for the student to begin school with appropriate supports and services on his IEP, and compelled the school to provide all compensatory services. The student is now making academic process and independently attend class without his individual aide.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	1
Students with disabilities who stayed in school	1

Performance Measurement	Number of People
People with disabilities who were able to stay in their own home	1

Narrative 6.

Narrative Title

DRNY Ensures IDEA Protections Remain in Disciplinary Diversion Process

Priority Number *

["Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school", "Advocate for students to have access to appropriate services, reasonable accommodations, and high standards in the least restrictive environment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

An urban school district instituted a diversion project as an alternative to a Superintendent's Hearing. However, the forms provided to parents failed to explain the protections provided to students with disabilities under the Individuals with Disabilities Education Act (IDEA). DRNY reviewed the forms and negotiated changes that ensured full disclosure of, and compliance with, the obtained the forms provided to parents and communicated with the IDEA. Both parents and students benefit from the now complementary procedures.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	1689
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1689

Narrative 7.

Narrative Title

DRNY Secures Appropriate, Inclusive Placement

Priority Number *

["Advocate for students to have access to appropriate services, reasonable accommodations, and high standards in the least restrictive environment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

A 13 year-old student with intellectual and physical disabilities was denied a free, appropriate public education in his local school district. His educational placement was inappropriate as he had been placed with children with significantly different academic skills and no opportunity for integration with peers without disabilities. DRNY initiated a due process complaint on the student's behalf. Prior to the hearing, DRNY was able to negotiate a settlement enabling the student to participate in an appropriate educational program with daily opportunities for inclusion.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	1

Narrative 8.

Narrative Title

DRNY Successfully Settles Federal Lawsuit on Student's Right to a Service Animal in School

Priority Number *

["Advocate for students to have access to appropriate services, reasonable accommodations, and high standards in the least restrictive environment"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY filed suit on behalf of a twelve year-old student with autism when his school district denied access to his service dog. The school’s policy barred all service animals from its programs and activities in violation of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and related federal regulations. After extensive discovery and securing a supportive Statement of Interest from the U.S. Department of Justice, the school settled. The student now has access to his service animal at school and is provided a facilitator to assist in handling the dog. In addition, the school agreed to pay the student damages. DRNY highlighted this case in the National Disability Rights Network’s amicus brief supporting the petitioner in Fry v. Napoleon Community School District, a Sixth Circuit case heard by the U.S. Supreme Court on October 31, 2016.
<http://www.new.drny.org/docs/2017-3-17-sachem-settlement-press-release.pdf>

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Public and private places/services made more accessible	1
Children with disabilities receiving appropriate services in most integrated settings	728

Narrative 9.

Narrative Title

DRNY Supports Student in Making Transition Needs and Goals Known

Priority Number *

["Ensure that students are provided with transitional supports, including access to postsecondary supports and services, to achieve independent living, post-secondary instruction and/or competitive employment."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

A fifteen year-old residential student with complex disabilities and significant court involvement had failed to be successful in all educational placements. While working with the client on several educational and disciplinary issues, the student was able to provide valuable information regarding his wishes for educational placement based on his transition goals. He also offered insight into what interventions he felt should be added to his behavior plan. DRNY supported the student at his next Committee on Special Education meeting. The student discussed his needs and post-secondary goals. As a result, an educational program with a significant vocational component consistent with his goals was recommended.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1
Students with disabilities who stayed in school	1

Narrative 10.

Narrative Title

DRNY Fights for Student's Right to Attend University

Priority Number *

["Ensure that students are provided with transitional supports, including access to postsecondary supports and services, to achieve independent living, post-secondary instruction and/or competitive employment."]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

A student was denied admission into a university on the sole basis that he was receiving financial assistance from New York's Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) program. DRNY negotiated with the financial aid office and mediated the dispute between ACCES-VR and the University to address the university's concerns. The university and ACCESS-R agreed to a DRNY-drafted addendum to the ACCES- VR voucher. Client is now able to attend the University with ACCES- VR funds.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Public and private places/services made more accessible	1
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1

6.

Goal Statement: Ensure that individuals with intellectual and developmental disabilities in prison, jails, the juvenile justice system, or under civil confinement are free from abuse and neglect and receive appropriate services in the most integrated environment

1. Priorities

Priority 1* Advocate to reduce and eliminate segregation or solitary confinement for individuals with intellectual and developmental disabilities

2. Strategies Used to Implement Goal and Address Priorities

- Collaboration
- Systemic Litigation **true**
- Rights-Based Individual Advocacy Services **true**
- Educating Policy Makers **true**
- Investigations of Abuse and Neglect
- Other Systemic Advocacy
- Monitoring **true**
- Training/Outreach

3. Extent to Which Goal was Achieved (select one) Partially Achieved

4. Stage of Implementation (select one) Implementation

5. Results Narratives of P&A Activities and Accomplishments Related to Above Goal Narrative 1.

Narrative Title

DRNY Secures Transfer to Unit for Individuals with Intellectual and Developmental Disabilities

Priority Number *

["Advocate to reduce and eliminate segregation or solitary confinement for individuals with intellectual and developmental disabilities"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

An individual with an intellectual disability reported to DRNY that he was improperly sent to the Special Housing Unit ("SHU") rather than the Correctional Alternative Rehabilitation ("CAR") Program. The New York Department of Corrections and Community Supervision created the CAR program specifically to address the needs of individuals with intellectual and developmental disabilities and to serve as a rehabilitative alternative to punitive

isolation in the SHU. As a result of DRNY's representation, DOCCS immediately transferred the individual into the CAR program where he receives services, supports and programming appropriate to his disabilities.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	1

Narrative 2.

Narrative Title

DRNY Victorious in Educational Claims on Behalf of Incarcerated Student with Disabilities

Priority Number *

["Advocate for access to reasonable accommodations, services and supports"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY received complaints from school-age prisoners that they were denied both general and special education in adult prisons operated by the NYS Department of Corrections and Community Supervision (DOCCS). To define the systemic scope of these issues, DRNY monitored Greene and Great Meadow correctional facilities to identify school-age prisoners with intellectual and developmental disabilities who were denied special education. DRNY then initiated a due process proceeding pursuant to the Individual with Disabilities Education Act (IDEA) on behalf of one such individual. In this first-ever IDEA hearing against DOCCS, DRNY successfully convinced the hearing officer that DOCCS failed to identify, evaluate, and provide special education supports and services to the client over his three-year incarceration. The hearing officer further concluded DOCCS failed to comply with IDEA's most fundamental procedural safeguards, and awarded our client nearly 1100 hours of compensatory education and 82 hours of counseling. Capitalizing on the evidence and insight gleaned from the hearing and decision, DRNY is preparing a federal lawsuit to challenge DOCC's systemic violations under the IDEA, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1
Students with disabilities who stayed in school	1
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1

Narrative 3.**Narrative Title**

DRNY Advocates for Discharge of Student in Juvenile Detention Facility

Priority Number *

["Advocate for access to reasonable accommodations, services and supports"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

A fifteen year-old with intellectual disabilities was arrested and placed in juvenile detention because he had assaulted his mother. While he was at juvenile detention, DRNY advocated with the school district, the NY Office for People with Developmental Disabilities (OPWDD), and the court to ensure the client received appropriate supports. As a result, the clients was discharged from the juvenile facility and successfully placed in an OPWDD operated community-based respite program. DRNY also secured appropriate instruction and placement in a local residential school.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	1
Children with disabilities receiving appropriate services in most integrated settings	1

Narrative 4.

Narrative Title

DRNY Enforces Student's Rights in Juvenile Facility and Beyond

Priority Number *

["Advocate for access to reasonable accommodations, services and supports"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

A student diagnosed with Autism, Rhett's Syndrome, and mental health disabilities was arrested, charged as an adult, and placed at a Juvenile Detention Center (JDC) to await his trial. At the time of the arrest, the student was on home instruction following an assault at his residential school in which he suffered significant injuries. While at the JDC, DRNY learned that the student's Individual Education Program (IEP) and behavior plan were not being implemented by the facility, resulting in the student not attending class. Neither the school district of residence nor the district in which the JDC was located accepted responsibility for the provision of a free, appropriate public education. DRNY compelled the transfer of the student's educational records, and monitored the JDC's compliance with the client's IEP and behavior plan. Once implemented, the student began attending classes at the JDC. In addition, DRNY educated the student about his right to both special education and transition services upon his dismissal from the JDC. The

student participated in his next Committee on Special Education meeting, and a placement offering vocational training was recommended. The student is successfully participating and has the tools necessary to self-advocate.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1
Students with disabilities who stayed in school	1
Children with disabilities receiving appropriate services in most integrated settings	1

Narrative 5.

Narrative Title

DRNY Continues Systemic Investigation of Program for Individuals with Intellectual and Developmental Disabilities in Prison

Priority Number *

["Address systemic failures to implement appropriate therapeutic programs and other crisis intervention services"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

In November 2014, DRNY began investigating the Correctional Alternative Rehabilitative (CAR) program after receiving complaints that it was inaccessible and ineffective. The CAR program was implemented in 2014 to address the needs of individuals with intellectual and developmental disabilities and to serve as a rehabilitative alternative to punitive isolation in Special Housing Units (SHU). DRNY issued a report in July 2016 detailing serious deficiencies in the structural framework, program design, and operating of the CAR program. DRNY noted the use of excessive force towards program participants, the under-inclusive eligibility process, and the ill-defined advancement system in CAR, which often allows program graduates to return to SHU.

This fiscal year, DRNY conducted an additional monitoring visit, interviewing more than half the CAR participants, and securing their records. Significant issues remain. DRNY will be publishing its findings in a public report calling for effective corrective action. Systemic litigation is also being considered.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who live in a healthier, safer, or otherwise improved environment	64

7.

Goal Statement: Conduct outreach to ensure that individuals with intellectual and developmental disabilities throughout New York State, including those in underserved communities, know about the Protection & Advocacy (P&A) system, know their rights and can access appropriate supports and services.

1. Priorities

Priority 1* Foster the creation of local regional groups to provide training and resources on supports and services to individuals with ID/DD

2. Strategies Used to Implement Goal and Address Priorities

Collaboration **true**
Systemic Litigation
Rights-Based Individual Advocacy Services
Educating Policy Makers
Investigations of Abuse and Neglect
Other Systemic Advocacy
Monitoring
Training/Outreach **true**

3. Extent to Which Goal was Achieved (select one) Partially Achieved

4. Stage of Implementation (select one) Initiation

5. Results Narratives of P&A Activities and Accomplishments Related to Above Goal

Narrative 1.

Narrative Title

DRNY and the New York DD Network Target Underserved Communities

Priority Number *

["Foster the creation of local regional groups to provide training and resources on supports and services to individuals with ID/DD"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

The New York State Developmental Disabilities Network (DD Network), including DRNY, our three University Centers for Excellence in Developmental Disabilities, and the Developmental Disabilities Planning Council (DDPC), formed a collaborative project to targeting underserved communities. Specifically, the DD Network is focused on Spanish and Chinese speaking individuals with intellectual and developmental disabilities and their families. Together, these two populations represent more than 50% of the Limited English Proficiency (LEP) population in the State. The goal of this five-year project is to increase access to information about services, supports, and rights through outreach, training, and education.

The DD Network began this project with assessments and applications for additional trainings and resources. The DD Network was accepted by Georgetown University's National Center for Cultural Competence (Georgetown) to be a part of an AIDD-funded five year initiative to create Communities of Practice (COP) for cultural and linguistic competence in the DD Networks. In July 2017, representatives from all DD Network partners participated in an informative two-day training. A Transformation Team comprised of the DD partners, the New York Office for People with Developmental Disabilities, Ibero Action League and the Chinese Planning Council. In addition, a workgroup that includes regional Spanish and Chinese focused provider agencies across the State has been formed. DRNY provided a training on its services and programs for the workgroup, and consequently has made individual connections for further training and outreach. The DD Network, Transformation Team, and workgroup are all committed to transcending cultural and linguistic barriers to support the needs of individuals with intellectual and developmental disabilities in the Spanish and Chinese-speaking communities, with ongoing technical assistance from Georgetown.

DRNY is building the cultural and linguistic competence of DRNY staff to ensure more effective outreach and service to individuals and root out systemic rights issues unique to underserved communities. In addition, DRNY has participated in multiple conferences and events targeting the Spanish and Chinese speaking communities. DRNY has also contracted interpreters to facilitate communication with attendees, and secured the translation of DRNY informational materials to both languages. Along with these efforts, DRNY is evaluating its online presence and tools to increase access to individuals with LEP.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	150

Narrative 2.

Narrative Title

Statewide Special Education Task Force Works to Improve Outcomes for Students with Disabilities

Priority Number *

["Foster the creation of local regional groups to provide training and resources on supports and services to individuals with ID/DD"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY spearheads the management and development of the New York Special Education Task Force to reduce special education conflicts and service requests to improve the educational outcomes and opportunities for students with disabilities. The Task Force is dedicated to: (1) improving communication between diverse stakeholders; (2) educating stakeholders on critical issues impacting students with disabilities; and (3) reducing conflict between parents of students with disabilities and schools. The Task Force functions at both a statewide and regional level. Regional affiliates of the State Task Force provide multiple trainings and discussion forums each year, specifically marketing events to diverse stakeholders including individuals with disabilities, representatives of the State Department of Education, regional and federal parent centers, local government agencies, families, school personnel, advocates, and service coordinators. Representatives of these groups, including two of the state's Universities of Excellence for Developmental Disabilities and the Developmental Disabilities Planning Council, serve on executive councils who collaborate to identify regional training needs, systemic concerns in special education, and areas for coalition building.

There are eight regional task forces serving 49 of the 62 counties across New York. Regional affiliate task forces use simulcast technology to provide access to trainings and task force events to underserved stakeholders in rural communities who often cannot travel to more urban locations and thus have limited access to knowledge, strategies and collaborations addressing special education issues. This fiscal year, the regional and statewide task forces offered 34 trainings and a statewide full-day conference, reaching 1,466 parents, students, school personnel, and service providers.

Because DRNY facilitates the development of the state regional task forces and DRNY's staff serve on the Executive Council of every regional affiliate, DRNY has frequent opportunities to inform local stakeholders about DRNY's activities and services, as well as substantive issues impacting individuals with disabilities. In addition, through task force involvement DRNY is now a preferred provider of technical assistance to many of the service providers and stakeholders involved in regional task forces. Likewise, DRNY refers callers to these organizations for advocacy and non-legal assistance, thereby maximizing DRNY's resources and avoiding duplication of services.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	1466

Performance Measurement	Number of People
People with disabilities who go to school in safer and more humane conditions	1466

Narrative 3.

Narrative Title

DRNY Builds Partnerships to Improve Outreach to New York Tribal Nations

Priority Number *

["Foster the creation of local regional groups to provide training and resources on supports and services to individuals with ID/DD"]

Collaborator(s)

New York Developmental Disabilities Planning Council
 Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
 Rose F. Kennedy Center (UCEDD)
 Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

The goals of DRNY's Native American outreach efforts are to: (1) identify the barriers preventing Native Americans in New York from accessing the services offered by the P&A system; (2) increase DRNY's capacity to provide P&A services to Native Americans residing on reservations within New York State ; (3) increase the number of Native

American clients served by DRNY. This fiscal year, DRNY enlisted the partnership of the Strong Center for Developmental Disabilities - University of Rochester UCEDD, the Developmental Disabilities Planning Council, and the New York State Education Department's Native American Education Unit. An outreach plan was developed based on a comprehensive study by the Disability Law Center for Native Americans, a sister protection and advocacy system, as well as local organizations serving tribal nations in New York. The first step in this process is building the cultural competence of the project partners. To this end, DRNY has scheduled a half-day training by a well-respected member of a local nation and staff member at the Native American Independent Living Center. Staff of DRNY and other DD Network Partners will participate.

In addition, DRNY has continues to build relationships with the Native American Independent Living Center and the Native American Community Services of Erie and Niagara Counties. DRNY will expand upon and utilize the relationships and knowledge learned to foster trust and awareness within the tribal communities.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	3492

Narrative 4.

Narrative Title

My Voice Matters: Student Led IEP Meetings Video

Priority Number *

["Create publications and brochures that educate underserved communities about the rights of people with ID/DD"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

Committees on Special Education (CSE) frequently make decisions impacting an individual’s education and future opportunities, but in the vast majority of meetings, the student is left out of this process. To promote student involvement and self-advocacy, DRNY highlighted the efforts of two very special teachers committed to student involvement in CSE meetings in a 30 minute video. This powerful and practical video features nine students with a broad range of intellectual and developmental disabilities describing their experiences leading their own CSE meetings, and the confidence, insight, and impact it has had on their confidence and self-advocacy skills. This video demonstrates the strategies employed by teachers to promote student involvement. The video was featured at a special education conference, and is used by the New York Special Education Task Force, which DRNY administers. It will soon be available to the public on the DRNY website.

It is presently available at https://www.youtube.com/watch?v=a5PN2U7a1Hk&feature=em-share_video_user. It is well worth the watch!

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	225

Narrative 5.

Narrative Title

DRNY Conducts Trainings for Attorneys and Advocates Representing Individuals with Intellectual and Developmental Disabilities

Priority Number *

["Conduct outreach/trainings and educate policymakers regarding DRNY, the P&A system and issues impacting individuals with intellectual and developmental disabilities"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

Yes

Narrative

DRNY regularly provides outreach and rights trainings to individuals with intellectual and developmental disabilities, families, and providers throughout New York. This fiscal year, DRNY trained a total of 176 court-appointed attorney over two events on appropriate behavior intervention and disciplinary safeguards and strategies for students with disabilities. In addition, DRNY trained 150 public defenders on identifying and advocating for individuals with disabilities in the criminal justice system, as well as resources on community supports. DRNY provided insight and legal rights information on preventing institutionalization to 120 attorneys serving individuals with disabilities through Mental Hygiene Legal Services. In all presentations, DRNY informed participants of the history

and mission of the Protection & Advocacy System in New York State and the availability of DRNY to provide technical assistance to attorneys and advocates representing individuals with intellectual and developmental disabilities.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who had their own rights enforced, retained, restored and/or expanded	1000

Narrative 6.

Narrative Title

DRNY Weighs in on State Plan on State ESSA Plan Development

Priority Number *

["Conduct outreach/trainings and educate policymakers regarding DRNY, the P&A system and issues impacting individuals with intellectual and developmental disabilities"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY continued to actively participate in a stakeholder “Think Tank” established by the New York State Department of Education as it developed its plan to meet the mandates of the Every Student Succeeds Act (ESSA). DRNY is one of only a handful of disability rights organizations serving on the Think Tank; the overwhelming majority of members are school district representatives. Consequently, DRNY has actively participated in day-long monthly meetings and sub-committee meetings. In addition, DRNY submitted written comments on the State’s proposed plan to meet the requirements of ESSA. DRNY expressed concerns regarding the lack of meaningful stakeholder involvement, discriminatory assessment practices, and lack of accountability for ensuring a quality education for students with disabilities. DRNY also submitted comments on the State’s subsequent attempt to exclude certain students with disabilities from testing, thereby undermining a school’s accountability to ensure students with disabilities receive appropriate supports for meaningful progress. DRNY has ensured the voice of students with disabilities is heard in the development of this policy-shaping plan.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
Children with disabilities receiving appropriate services in most integrated settings	44290

Narrative 7.**Narrative Title**

DRNY Highlights Flaws in State’s Plan for Transition to Managed Care

Priority Number *

["Conduct outreach/trainings and educate policymakers regarding DRNY, the P&A system and issues impacting individuals with intellectual and developmental disabilities"]

Collaborator(s)

New York Developmental Disabilities Planning Council
Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)
Rose F. Kennedy Center (UCEDD)
Westchester Institute for Human Development (UCEDD)

Underserved/Unserved/Minorities Targeted

No

Narrative

DRNY submitted written comments on the State's draft Plan for the transition to managed care for people with intellectual and developmental disabilities (1115 Plan). The 1115 Plan proposed by the New York Office for People with Developmental Disabilities and the New York Department of Health. DRNY's comments challenged the rushed transition in the face of insufficient testing and analysis, lack of due process protections for eligibility and service decisions, vague eligibility process and standards, lack of sufficient funding for people with complex needs, lack of choice in providers, and several other concerns. In addition, DRNY criticized 1115 Plan's failure to address how managed care providers will address the serious shortage of direct support professionals. The lack of community based service professionals is a leading cause of institutionalization of people with intellectual and developmental disabilities. Finally, DRNY challenged the failure by both the Department of Health and OPWDD to engage stakeholders in developing the transition plan as well as the format of the proposed plan – which was cumbersome, confusing, and relied on technical language and in-depth familiarity with waiver procedures – thereby rendering it inaccessible to the stakeholders who did attempt to comment. DRNY will continue to carefully monitor the transition to managed care given the incredibly high stakes for individuals with intellectual and developmental disabilities.

Choose performance measures from Part III here for activity described above in this Result Narrative

Performance Measurement	Number of People
People with disabilities who are provided with appropriate community based services resulting in community integration and independence	311976

B. Priority Setting Process

* - Required input

Number of days for public comment*

31

Describe how P&A conducted data driven strategic planning *

DRNY provides free legal and advocacy services to individuals with disabilities. Working always to protect and advance the rights of children and adults with disabilities, DRNY is committed to enabling those we serve to exercise their own life choices and fully participate in community life. DRNY envisions an inclusive world that provides equal opportunity for individuals with disabilities - one that is free from discrimination, abuse and neglect. Public input into the determination of DRNY's priority areas of work is vital to fulfilling this mission and the purpose of all DRNY's programs. DRNY generally sets priority areas of work on a three-year basis. These priority areas are reviewed on an annual basis, with opportunity for public input annually.

To support PADD's strategic planning process, DRNY solicited input on the PADD Program's Statement of Goals and Priorities from the PADD Advisory Council (PAC) and the public, including the New York Developmental Disabilities Planning Council, all three University Centers for Excellence in Developmental Disabilities Education, New York State Department of Health, New York State Department of Mental Health, New York Office for People with Developmental Disabilities, State and Federal Parent Centers, State Independent Living Centers, and State Self-Advocate and Family Support Groups for comment. DRNY broadly distributes the proposed Statement of Goals and Priorities in a manner accessible to individuals with developmental disabilities and their representatives. The Program Priorities were provided in electronic, paper, and other accessible formats. Responders were offered the opportunity to communicate with the PADD Program Director directly in person, by phone, or by email. DRNY addressed the comments received through this process.

DRNY also analyzes the nature and number of service requests to guide its priorities. Approximately 25% of the efforts of the PADD team are focused on abuse and neglect, 25% on access to appropriate services and supports in a wide range of settings, 25% on education and transition matters, and the remaining 25% on a broad range of issues including decision making autonomy, housing, employment, and civil rights, among others. To maximize resources and impact, DRNY pursues systemic projects and litigation to address these issues, in addition to individual assistance.

Describe efforts to assure diversity (disability, geographical, racial, etc.) in the data-driven strategic planning process *

As part of the 2016-2017 data-driven strategic planning process, DRNY solicited input on the PADD Program's Statement of Goals and Priorities from the PADD Advisory Council which has disability, geographic and racially diverse members. Additionally, DRNY sought input from stakeholders and organizations across New York State. DRNY solicited comment from individuals, advocates and service providers including the Independent Living Centers, local and state chapters of the Learning Disabilities Association, Cerebral Palsy Association, the Commission for the Blind, Down Syndrome AIM High, NYSARC and Autism Society. DRNY also worked with the State's DD Council (the Developmental Disabilities Planning Council) to identify racially and ethnically diverse groups to solicit input.

Summary of Findings *

DRNY received responses from diverse stakeholders including individuals, advocates, services providers and others across New York State. All commenters supported DRNY's Statement of Goals and Priorities for the 2017-2018 Fiscal Year.

DRNY will continue to explore additional ways to actively involve target groups to expand the number of responses received each year.

Summary of How Data was used to Develop P&A Goals and Priorities (include how priority input used, including input from the DDC and UCEDD) *

The comments DRNY received were overwhelmingly supportive of DRNY's Statement of Goals and Priorities for Fiscal Year 2017-2018. All commenters agreed the goals and priorities were important and relevant.

One commenter, representing an Independent Living Center in upstate New York, confirmed

the difficulties dual-diagnosed individuals encounter in trying to obtain community-based services. She stated that individuals often end up in the criminal justice system where their disabilities compromise their understanding and compliance with rules, thereby putting them at greater risk of segregated confinement.

Another comment focused on the lack of transparency in abuse and neglect investigations in state-operated residences and facilities. This is an issue DRNY is directly addressing in our quality assurance and whistleblower retaliation project under the PADD goal on abuse and neglect in institutions.

The PADD Advisory Council (PAC), comprised of diverse self-advocates and family members, unanimously supported the current PADD goals and priorities. Most of the PAC's comments focused on work under the current PADD priorities. For example, the PAC suggested DRNY investigate abuse by aides and contractors of individuals who reside in unlicensed community settings. This issue fits squarely within the PADD priority on individuals subject to abuse or neglect to ensure proper care and treatment.

In addition, the PAC highlighted the need for advocacy to increase employment of individuals with intellectual and developmental disabilities for at least minimum wage. The PAC agreed the current priorities on this goal adequately address the issues the PAC identified, including discriminatory hiring practices, slow and ineffective dismantlement of sheltered workshops, Labor Law violations, lack of career options and job opportunities, and lack of programs to increase employment skills.

The remainder of the comments received focused on changes to existing laws, the creation of new ones, and increased funding. DRNY's federal grant prohibits the use of federal grant funds for lobbying.

Based on the universal approval of the proposed goals and priorities, DRNY's analysis of service requests, research, investigations, and monitoring, the goals and priorities remain appropriate. No changes were made.

List of topic areas of additional priorities that would be listed but are not due to lack of resources *

- o Children with intellectual and developmental disabilities in the foster care system
- o Human trafficking of individuals with intellectual and developmental disabilities
- o Development of diversion programs for individuals with intellectual and developmental disabilities in the juvenile and adult criminal justice system
- o Shortage of community services and supports
- o Shortage of local special education and services, particularly for students with complex needs

- o Practical barriers inherent in self-directed programs under Medicaid
- o Use of aversives on New Yorkers placed at the Judge Rotenberg Center

C. Statement of Goals and Priorities (SGP) for Next FFY

* - Required field

Protect people with intellectual and developmental disabilities by investigating allegations of abuse and neglect and advocating for individuals receiving care or treatment from state, city, local or private agencies or schools.

I want to change my current Goal Statement

I want to change my current Priority(ies)

1. Priorities

Priority 1 * Investigate allegations of abuse and neglect of individuals receiving care or treatment from entities licensed, certified, funded, or operated by the state, city or localities of New York

Priority 2 * Investigate allegations of abuse and neglect in schools due to improper or excessive use of restraint or seclusion

Priority 3 * Advocate for individuals subject to abuse or neglect to ensure proper care and treatment

2. Strategies Used to Implement Goal and Address Priorities

- Collaboration
- Systemic Litigation
- Rights-Based Individual Advocacy Service
- Educating Policy Maker
- Investigations of Abuse and Neglect
- Other Systemic Advocacy
- Monitoring
- Training/Outreach

Ensure that people with intellectual and developmental disabilities are free to exercise their own expressed/known wishes, retain or restore decision-making authority and make their own decisions

I want to change my current Goal Statement

I want to change my current Priority(ies)

1. Priorities

Priority 1 * Advocate for reform of guardianship and other surrogate decision-making processes for people with intellectual and developmental disabilities

Priority 2 * Represent individuals with ID/DD who are at risk of or subject to guardianship to retain or restore decision-making authority

Priority 3 * Foster supported decision-making and the ability for individuals with intellectual and developmental disabilities to exercise their own wishes in New York through education, direct advocacy, and coalition building

2. Strategies Used to Implement Goal and Address Priorities

- Collaborationtrue
- Systemic Litigationtrue
- Rights-Based Individual Advocacy Servicestrue
- Educating Policy Makers
- Investigations of Abuse and Neglect
- Other Systemic Advocacy
- Monitoring
- Training/Outreachtrue

Advocate for individuals with ID/DD to receive meaningful access to integrated employment, free from discrimination, and paid at least minimum wage.

I want to change my current Goal Statement

I want to change my current Priority(ies)

1. Priorities

Priority 1 * Monitor New York State's plan to downsize the number of segregated work settings and advocate for individuals in segregated settings to receive pre-vocational and vocational services to transition to employment

Priority 2 * Advocate for individuals with ID/DD to be free from discrimination, receive reasonable workplace accommodations and needed supports and services to access competitive employment

2. Strategies Used to Implement Goal and Address Priorities

- Collaborationtrue
- Systemic Litigation
- Rights-Based Individual Advocacy Servicestrue
- Educating Policy Makers

Investigations of Abuse and Neglect
Other Systemic Advocacy
Monitoringtrue
Training/Outreachtrue

Advocate for individuals with disabilities to receive appropriate supports and services in the most integrated setting appropriate with maximum autonomy for self-direction

I want to change my current Goal Statement

I want to change my current Priority(ies)

1. Priorities

Priority 1 * Monitor the closure of state operated Intermediate Care Facilities (ICFs) to ensure that individuals with ID/DD are transitioned to the most integrated settings

Priority 2 * Advocate for adults and children in institutional facilities, residential schools, or nursing homes to transition to the most integrated in-state setting.

Priority 3 * Ensure that individuals with ID/DD have timely access to all needed supports and services to remain in their communities, live independently, and to prevent unnecessary institutionalization to facilities or nursing homes

Priority 4 * Advocate for individuals who are dually diagnosed and eligible for OPWDD, OMH, or DOH to receive cross-system services and supports

2. Strategies Used to Implement Goal and Address Priorities

Collaboration
Systemic Litigationtrue
Rights-Based Individual Advocacy Servicestrue
Educating Policy Makerstrue
Investigations of Abuse and Neglect
Other Systemic Advocacy
Monitoringtrue
Training/Outreachtrue

Advocate for students to receive a free appropriate public education in their least restrictive environment to ensure independent living and secondary schooling or employment upon graduation

I want to change my current Goal Statement

I want to change my current Priority(ies)

1. Priorities

Priority 1 * Advocate for students who are out of school or at risk of being placed in restrictive educational setting to receive appropriate supports and services to remain in school

Priority 2 * Advocate for students to have access to appropriate services, reasonable accommodations, and high standards in the least restrictive environment

Priority 3 * Ensure that students are provided with transitional supports, including access to postsecondary supports and services, to achieve independent living, post-secondary instruction and/or competitive employment.

2. Strategies Used to Implement Goal and Address Priorities

Collaboration
Systemic Litigationtrue
Rights-Based Individual Advocacy Servicestrue
Educating Policy Makers
Investigations of Abuse and Neglect
Other Systemic Advocacytrue
Monitoring
Training/Outreach

Ensure that individuals with intellectual and developmental disabilities in prison, jails, the juvenile justice system, or under civil confinement are free from abuse and neglect and receive appropriate services in the most integrated environment

I want to change my current Goal Statement

I want to change my current Priority(ies)

1. Priorities

Priority 1 * Advocate to reduce and eliminate segregation or solitary confinement for individuals with intellectual and developmental disabilities

Priority 2 * Advocate for access to reasonable accommodations, services and supports

Priority 3 * Address systemic failures to implement appropriate therapeutic programs and other crisis intervention services

2. Strategies Used to Implement Goal and Address Priorities

Collaboration
Systemic Litigationtrue
Rights-Based Individual Advocacy Servicestrue
Educating Policy Makerstrue
Investigations of Abuse and Neglect

Other Systemic Advocacy
Monitoringtrue
Training/Outreach

Conduct outreach to ensure that individuals with intellectual and developmental disabilities throughout New York State, including those in underserved communities, know about the Protection & Advocacy (P&A) system, know their rights and can access appropriate supports and services.

I want to change my current Goal Statement

I want to change my current Priority(ies)

1. Priorities

Priority 1 * Foster the creation of local regional groups to provide training and resources on supports and services to individuals with ID/DD

Priority 2 * Create publications and brochures that educate underserved communities about the rights of people with ID/DD

Priority 3 * Conduct outreach/trainings and educate policymakers regarding DRNY, the P&A system and issues impacting individuals with intellectual and developmental disabilities

2. Strategies Used to Implement Goal and Address Priorities

Collaborationtrue
Systemic Litigation
Rights-Based Individual Advocacy Services
Educating Policy Makers
Investigations of Abuse and Neglect
Other Systemic Advocacy
Monitoring
Training/Outreachtrue

D. Description of P&A Operations

* - Required input

1. Provide a description of how the P&A operates.

1. Provide a description of how the P&A operates. *

DRNY operates three offices, located in Albany, Rochester, and Brooklyn, New York. These offices are integrated through a video phone and internet system to allow employees working out of each office to easily communicate. Each of the P & A Programs are managed by a Director, and staff who are exclusively assigned to each program. The PADD team also includes a supervising attorney to assist the Director. Staff from each of the P&A programs collaborate on cross systems projects that impact the clients of the P&A program. DRNY operated a centralized Intake Department which is directed and supervised by an attorney. The Intake Department fields all requests for assistance to DRNY.

A client seeking services from DRNY is assisted through an intake and the matter is assigned to the Director of the P & A Program for review and assignment to attorneys in the Program. The Intake Department also addressed those matters that fall outside of the P & A Program's priorities or which require technical assistance, information or referral. The Intake Department has streamlined the intake process and ensures that advocacy is provided to clients in an efficient and timely fashion. DRNY has a process to take immediate action on complaints of abuse or neglect that are received. DRNY, through the Intake Department and the P & A and CAP Program Directors ensure that all complaints of abuse and neglect are reviewed immediately.

2. Will the system be requesting or requiring fees or donations from clients as part of the intake process

No

3. Collaboration and Coordination

3a. Describe how the P&A is collaborating with others in the State, including the DDC and UCEDD *

DRNY's collaboration is described in detail in the following narrative sections:

- II. A, Goal 7, Narrative 1: DRNY and the New York DD Network Target Underserved Communities
- II. A., Goal 7, Narrative 2: Statewide Special Education Task Force Works to Improve Outcomes for Students with Disabilities
- II. A, Goal 7, Narrative 3: DRNY Builds Partnerships to Improve Outreach to New York Tribal Nations
- II.A, Goal 2, Narrative 4: DRNY Continues Collaborative Effort to Foster Supported Decision Making in New York

In addition, DRNY actively participates as a member of the Developmental Disabilities Council, as well as its Community and Systems Change Committee, Individuals and Family Committee, and workgroups on juvenile justice, employment, and cultural competence.

DRNY also participates in the Community Advisory Committee of the Westchester Institute for Human Development UCEDD.

3b. Describe how the P&A is reducing duplication and overlap of services and sharing of information on service needs *

DRNY has reduced the duplication and overlap by operating a centralized Intake Department that manages all requests for assistance to DRNY. Furthermore, DRNY has dedicated staff for each of its P&A Programs to ensure that our clients are the primary focus of staff within each of the programs. DRNY shares information between programs through cross-program projects and by maintaining an integrated on-line public drive with subject matter resources that is accessible to all staff. In addition, DRNY regularly meets and collaborates with Mental Hygiene Legal Services, a state provider of legal services for specific individuals with disabilities in facilities, to avoid duplication of services and pursue complementary activities to improve outcomes for individuals in certain facilities. See, for example, Section II.A Narratives 1 and 2 describing DRNY's monitoring of developmental centers in New York. Likewise, DRNY regularly meets and/or communicates with other legal service providers across the state to identify common issues and promote complementary strategies and collaborations.

III. Results of P&A Activity

A. End Outcomes of P&A Activity

* - Required field

Performance Measurement (PerfM)	Number
1. People with disabilities who are provided with appropriate community based services resulting in community integration and independence	153
2. People with disabilities who accessed benefits	312025

Performance Measurement (PerfM)	Number
3. People with disabilities who live in a healthier, safer, or otherwise improved environment	444731
4. People with disabilities who were able to stay in their own home	3017
5. People with disabilities who work in safer and more humane conditions	8
6. People with disabilities who go to school in safer and more humane conditions	70818
7. Students with disabilities who stayed in school	4366
8. Children with disabilities receiving appropriate services in most integrated settings	135061
9. People with disabilities who had their own rights enforced, retained, restored and/or expanded	128147
10. Public and private places/services made more accessible	22

PerfM	Technical Assistance	Individual Advocacy	Abuse & Neglect Investigations	Systemic Litigation	Educating Policy Makers	Other Systemic Advocacy
1	9	75	N/A	0	0	69
2	11	38	N/A	0	311976	0
3	12	55	132364	324	311976	0
4	1	16	N/A	0	3000	0
5	0	8	0	0	0	0
6	11	31	9929	797	40475	19575
7	7	30	N/A	0	4175	154

PerfM	Technical Assistance	Individual Advocacy	Abuse & Neglect Investigations	Systemic Litigation	Educating Policy Makers	Other Systemic Advocacy
8	13	38	N/A	1	125175	9834
9	23	71	N/A	0	128000	53
Total	87	362	142293	1122	924777	29685
10	12	9	N/A	1	0	0

B. Overview of How Many People with Disabilities Served * - Required field

Performance Measurement	Number
1. People with disabilities receiving advocacy services to exercise their civil, human, and legal rights*	281
2. Abuse and neglect investigations to protect people with disabilities from abuse and neglect*	29
3. People with disabilities receiving informaiton, technical assistance, and referral services*	353
4. People with disabilities trained to become active participants in making decisions that affect their lives*	1026
5. People whose rights were advanced through class and/or systemic impact litigation*	311976
6. People with disabilities whose rights were enforced, protected, or restored as a result of non-litigation group advocacy*	39263
7. People with disabilities who received a lower level of services due to lack of P&A resources*	27

Performance Measurement	Number
8. People with disabilities impacted by one or more provision(s) in law modified or prevented*	311976

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C. Rights-Based Individual Advocacy Services

* - Required field

Performance Measurement	Number
1. People with disabilities who had their rights enforced and/or restored*	121
2. People with disabilities who were assisted in obtaining access to administrative or judicial processes*	0
3. Closed cases in which client objective was met or partially met*	121

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D. Investigations of Abuse and Neglect

* - Required field

Performance Measurement	Number
1. Investigations (not death related)*	160
2. Investigations of abuse and neglect completed with a finding or determination (not including death investigations)*	13
3. Death investigations*	10
4. Death investigations completed with a finding or determination*	0
5. People with disabilities who benefitted from the findings of investigations of abuse and neglect*	1449

Performance Measurement	Number
6. Provisions in policy added or prevented*	1

Other Qualitative Narrative *

DRNY Investigates the Quality of Abuse and Neglect Investigations in State-Operated Residences and Retaliation Against Whistleblowers

The care of individuals in state-operated residences and facilities is at the heart of DRNY’s mission as a Protection and Advocacy system. Two of the six regional offices of the NYS Office for People with Developmental Disabilities (OPWDD) have consistently remained on an “Early Alert” list which identifies providers demonstrating quality assurance issues. DRNY has also received complaints of abuse, neglect and retaliation from whistleblowers across the State who are or were employees in OPWDD-operated residences. Accordingly, DRNY is examining: (1) whether the OPWDD can adequately investigate allegations of abuse and neglect within its state operated residences; (2) whether OPWDD actively discourages its direct care staff from reporting abuse and neglect in state operated residences; and (3) whether OPWDD retaliates against their direct care staff when they do report abuse and neglect. DRNY is monitoring group homes that have recent mortality cases or allegations of abuse and neglect to assess the sufficiency of OPWDD investigations and determine whether corrective action is implemented and monitored. In addition, DRNY has obtain documents related to deficiencies, corrective action plans, and investigations.

E. Monitoring

* - Required field

Name of Facility	Facility Type	Facility Capacity	Location (By County)	# of Visits	Court Ordered Monitoring
Developmental Disabilities Institute	Non-Medical Community Base Residential Facility for Children and Youth	7	Nassau	1	No

Name of Facility	Facility Type	Facility Capacity	Location (By County)	# of Visits	Court Ordered Monitoring
AHRC Hunter	Community Residential Home for Adults	17	Bronx	2	No
Leake & Watts	Community Residential Home for Adults	5	Bronx	2	No
Services for the Underserved	Intermediate Care Facilities (Icf)	40	Kings	2	No
Heartshare	Community Residential Home for Adults	4	Richmond	2	No
Human Care Services for Family & Children	Community Residential Home for Adults	10	Kings	1	No
Greene Correctional Facility	State Prison	405	Greene	1	No
Great Meadow Correctional Facility	State Prison	142	Washington	1	No
Union Avenue	Community Residential Home for Children/ Youth (0-18 Yrs)	24	Bronx	1	No

Name of Facility	Facility Type	Facility Capacity	Location (By County)	# of Visits	Court Ordered Monitoring
The Children's Home	Non-Medical Community Base Residential Facility for Children and Youth	100	Schenectady	2	No
Malmstrom	Community Residential Home for Adults	8	Greene	1	No
Pathways - Pediatric Wing	Nursing Homes, Including Skilled Nursing Facilities (SNF)	36	Shenectady	2	No
Sunmount Developmental Center	Intermediate Care Facilities (Icf)	105	Franklin	1	No
St. Mary's - Pediatric	Nursing Homes, Including Skilled Nursing Facilities (SNF)	95	Queens	1	No

Name of Facility	Facility Type	Facility Capacity	Location (By County)	# of Visits	Court Ordered Monitoring
Elizabeth Seton	Nursing Homes, Including Skilled Nursing Facilities (SNF)	136	Westchester	1	No
Sunshine - Pediatric Unit	Nursing Homes, Including Skilled Nursing Facilities (SNF)	44	Westchester	1	No
Highpointe - Pediatric Unit	Nursing Homes, Including Skilled Nursing Facilities (SNF)	13	Erie	1	No
Brookside - Pediatric Unit	Nursing Homes, Including Skilled Nursing Facilities (SNF)	36	Suffolk	1	No
St. Christophers	Non-Medical Community Base Residential Facility for Children and Youth	72	Westchester	2	No

Name of Facility	Facility Type	Facility Capacity	Location (By County)	# of Visits	Court Ordered Monitoring
CareOne - Randolph	Nursing Homes, Including Skilled Nursing Facilities (SNF)	35	Norfolk (MA)	2	No
Fort Edward Day Habilitation Center	Community Residential Home for Adults	25	Washington	1	No
Oberkirch CRP	Intermediate Care Facilities (Icf)	10	Ulster	2	No
Woods Services, Inc. for Children & Adults	Non-Medical Community Base Residential Facility for Children and Youth	600	Bucks (PA)	2	No
Hillside-Varick	Non-Medical Community Base Residential Facility for Children and Youth	106	Seneca	2	Yes

Name of Facility	Facility Type	Facility Capacity	Location (By County)	# of Visits	Court Ordered Monitoring
Rutland - Knightsbridge	Nursing Homes, Including Skilled Nursing Facilities (SNF)	32	Kings	1	No
St. Margaret's	Nursing Homes, Including Skilled Nursing Facilities (SNF)	58	Albany	1	No
Developmental Disabilities Institute - ICF #2	Intermediate Care Facilities (Icf)	7	Nassau	1	No
Developmental Disabilities Institute - ICF #3	Intermediate Care Facilities (Icf)	8	Nassau	1	No
Developmental Disabilities Institute - ICF #3	Intermediate Care Facilities (Icf)	7	Nassau	1	No

Total Number of Unique Facilities
29

Monitored Performance

Performance Measurement	Number
1. People with disabilities whose living, working, and/or other circumstances were monitored by P&A*	3438
2. Cases opened for health and safety issue investigation*	25
3. Health and/or safety violations*	1
4. Rights violations (not health or safety and including quality of life) identified and addressed as a result of P&A monitoring*	121
5. Complaints referred to regulatory agencies or investigative organizations*	1
6. Times P&A access were denied during a monitoring/access attempt*	8
7. Times denial of P&A access were successfully resolved*	8

Other Qualitative Narrative *

DRNY monitors facilities where people with disabilities live or receive services to ensure safety, prevent instances of abuse or neglect, maximize independence, and assess community integration. Monitoring may involve using P&A access authority to visit, or seek information including: conducting interviews, observing and evaluating the physical conditions of the setting, and accessing and reviewing facility records in accordance with federal and state law.

During monitoring activities, DRNY:

- * Identifies and addresses incidents of abuse and neglect.
- * Surveys facilities for environmental safety.
- * Educates people with disabilities about their rights within facilities.
- * Ensures appropriate services are provided.
- * Confirms opportunities to participate in community activities.
- * Identifies people who could live in the community with support.

At the conclusion of the monitoring visit, DRNY staff may meet with the program administrators to clarify any questions and, if appropriate, share concerns and observations. DRNY follows up the visit with a letter detailing any findings and makes recommendations for

corrective action. If corrective actions are needed, DRNY will require documentation verifying the corrective action and, if appropriate, conduct a follow up monitoring visit.

DRNY prioritizes its substantial monitoring efforts based on complaints received from individuals, family members and whistleblowers, as well as service locations where unnatural deaths or serious abuses have occurred. To maximize resources, DRNY also reports findings to the Quality Assurance unit of the New York Office for People with Developmental Disabilities. The Quality Assurance unit provided information to DRNY on its investigatory and enforcement processes and DRNY regularly receives the un-redacted investigatory records from this unit. DRNY is able to target problem practices and issues in addition to the standard checkpoints DRNY regularly monitors. DRNY also shares its findings and recommendations with OPWDD, thereby putting OPWDD’s Quality Assurance division on notice of problem providers and practices.

After monitoring a service provider, DRNY routinely conducts a second visit to provide service recipients with a Know Your Rights Training. Staff and family members may also attend this training. In the course of an investigation of abuse and neglect, DRNY discovered that many service recipients lack basic knowledge of their rights and the process for reporting abuse and neglect. DRNY offers a presentation individually tailored to the abilities of residents. The goal is to improve and gauge resident’s knowledge of their rights and reporting mechanisms.

Accordingly, DRNY’s monitoring protocol identifies and addresses areas of concern, ensures service recipients are not abused and neglected, and prevents future abuse and neglect by informing individuals, and the staff who support them, of their rights to be free from abuse and neglect.

F. Systemic Litigation

* - Required field

Performance Measurement	Number
1. Systemic or class action lawsuits handled for the benefit of people with disabilities*	7
2. Provisions in policy modified or prevented*	6
3. Provisions in regulation modified or prevented*	0
4. Provisions in law modified or prevented*	0

Performance Measurement	Number
5. Lawsuits addressing systemic issues resolved by settlement*	3
6. Lawsuits addressing systemic issues resolved by judgment*	4
7. Amicus briefs signed onto or filed*	1
8. People with disabilities whose rights were advanced as a results of amicus participation*	735

G. Educating Policymakers

* - Required field

Performance Measurement	Number
1. Communications to people with disabilities explaining a policy initiative*	4
2. People with disabilities supported in expressing their own viewpoint on a policy related matter*	0
3. Times written comments were submitted regarding proposed legislation or regulations*	5
4. Times testimony was provided at a legislative hearing*	1
5. Provisions in regulation modified or prevented*	0
6. People with disabilities impacted by the regulation provision(s) modified or prevented*	311976
7. Provision in law modified or prevented*	1
8. People with disabilities impacted by one or more provision(s) in law modified or prevented*	0

Performance Measurement	Number
9. Provisions in ordinances modified or prevented*	0

H. Other Systemic Advocacy

* - Required field

Performance Measurement	Number
1. Changes in practices made or prevented*	13
2. Provisions in policy modified or prevented*	0

I. Information, Technical Assistance, and Referrals

* - Required field

Performance Measurement	Number
1. People receiving information and referral services*	285
2. People receiving technical assistance*	79
3. Self-advocacy materials published or received*	1
4. Self-advocacy materials distributed*	2275

J. Training

* - Required field

Performance Measurement	Number
1. People who report the training enhanced their knowledge and/or skill (was beneficial) at the completion of the training*	1020
2. People with disabilities who received advocacy skills training*	216
3. People with disabilities who received rights training*	216

K. Public Relations and Outreach

* - Required field

Performance Measurement	Number
1. Press related issued*	16
2. Times a P&A representative was interviewed or featured on TV or radio*	4
3. Articles about the P&A or its work in external mass media such as newspapers, radio, podcasts, blogs, or television*	28
4. Social media followers*	1651
5. Absolute unique visitors to blogs/web pages where information about the P&A is posted*	183394
6. Circulation of the P&A's newsletter and/or listserv updates*	9009
7. Articles by the P&A about disability rights issues published in newspapers, books, journals, or magazines*	0
8. Links to other disability rights related information sources published on the P&A website*	2
9. Times the P&A exhibited at conferences, community fairs, etc*	5

Performance Measurement	Number
10. Presentations made to community groups*	30

Other Qualitative Narrative *

- **DRNY Ensures Individuals in Community Residences Know Their Rights**

DRNY's monitoring of community residences and facilities across the state revealed a troubling number of individuals with intellectual and developmental disabilities who have no practical understanding of what constitutes abuse and neglect or their basic human rights. To address this gap in essential knowledge, DRNY now incorporates a Know Your Rights training for residents in nearly all of our monitoring activities. The training covers fundamental concepts including abuse, neglect, and how and when to report it, as well as individual rights in decision making about all aspects of daily living. The training is specifically tailored to the abilities of the residents and staff and family members are also invited to attend. Consequently, staff and families are reminded that the people they support are rights holders. Research demonstrates that lack of knowledge of rights correlates with vulnerability to abuse and neglect. In contrast, individuals who know their rights and how to report violations are much less likely to be victimized. DRNY is exploring the use of theater groups with actors with disabilities and video to expand access to rights training for more individuals with intellectual and developmental disabilities.

IV. Collaborations

IV. Collaborations

* - Required field

Check one or more of the following boxes if the P&A houses any of these programs

Client Assistance Program true

Long Term Care Ombudsman

Parent Training Center

Collaboration #1

Name of Collaboration*

New York Developmental Disabilities Planning Council

Description of collaboration *

DRNY's collaborative projects with the DDPC are detailed in other sections of this report as follows:

- II. A, Goal 2, Narrative 4: DRNY Continues Collaborative Effort to Foster Supported Decision Making in New York:
- II. A, Goal 7, Narrative 1: DRNY and the New York DD Network Target Underserved Communities
- II. A., Goal 7, Narrative 2: Statewide Special Education Task Force Works to Improve Outcomes for Students with Disabilities
- II. A, Goal 7, Narrative 3: DRNY Builds Partnerships to Improve Outreach to New York Tribal Nations

Role of the P&A within the collaboration *

DRNY's role in this Collaboration is described in the narratives identified above.

Collaboration #2

Name of Collaboration*

Strong Center for Developmental Disabilities at the University of Rochester (UCEDD)

Description of collaboration *

DRNY's collaborative projects with the Strong Center UCEDD are detailed in other sections of this report as follows:

- II. A, Goal 7, Narrative 1: DRNY and the New York DD Network Target Underserved Communities
- II. A., Goal 7, Narrative 2: Statewide Special Education Task Force Works to Improve Outcomes for Students with Disabilities
- II. A, Goal 7, Narrative 3: DRNY Builds Partnerships to Improve Outreach to New York Tribal Nations

Role of the P&A within the collaboration *

DRNY's role in this Collaboration is described in the narratives identified above.

Collaboration #3

Name of Collaboration*

Rose F. Kennedy Center (UCEDD)

Description of collaboration *

DRNY's collaborative project with the Rose F. Kennedy Center UCEDD is detailed in: follows:

- II. A, Goal 7, Narrative 1: DRNY and the New York DD Network Target Underserved Communities

Role of the P&A within the collaboration *

DRNY's role in this Collaboration is described in the narrative identified above.

Collaboration #4

Name of Collaboration*

Westchester Institute for Human Development (UCEDD)

Description of collaboration *

DRNY's collaborative projects with the the Westchester Institute UCEDD is detailed in other sections of this report as follows:

- II. A, Goal 7, Narrative 1: DRNY and the New York DD Network Target Underserved Communities
- II. A., Goal 7, Narrative 2: Statewide Special Education Task Force Works to Improve Outcomes for Students with Disabilities

Role of the P&A within the collaboration *

DRNY's role in these Collaborations are described in the narratives identified above.

V. Governance and Compliance

A. Board, staff, and advisory council and race and ethnicity * - Required field

Race/Ethnicity	Board	Employees	Advisory Council
1. Hispanic/Latino (of any race)*	3	8	0
Race/Ethnicity(NOT Hispanic/Latino)			
2. American Indian/ Alaskan Native*	0	0	0
3. Asian*	0	2	0
4. Black/African American*	1	10	2
5. Native Hawaiian/ Other Pacific Islander*	0	1	0
6. White*	5	57	7
7. Two or more races*	0	1	0
8. Race/Ethnicity Unknown*	0	0	0
Total	9	79	9

Describe advisory council if applicable

The PADD Advisory Council (PAC) is comprised of nine demographically diverse self-advocates and family members of individuals with disabilities. All self-advocates are employed in disability-related organizations or the private sector. They bring a wealth of knowledge and direct experience with the issues impacting individuals with disabilities across the life span.

The PAC's primary role is to provide independent advice and recommendations to the PADD program and the DRNY Board of Directors on issues relevant to protecting and advocating for the rights of individuals with intellectual or developmental disabilities. In addition, the PAC assists the PADD program and the Board in developing policies and goals and priorities. The PAC meets in person three to four times per year, and communicates through email and phone conferences to address issues that arise between meetings.

To empower PAC members in these roles, DRNY funded the participation of four members and their support staff, as needed, to participate in the 2017 National Disability Rights Network annual conference. Members were able to attend sessions focused on PAC involvement, the Protection and Advocacy System, and specific issues and action areas. This information was shared with the PAC members who chose not to attend this year. The PAC plans to expand the scope of its support of PADD program efforts and activities in the coming year.

B. Consumer involvement in P&A governance

* - Required field

	Board	Advisory Council
PADD Eligible Primary Consumers*	2	6
PADD Eligible Secondary Consumers*	2	2
Other Eligible Primary Consumers*	3	1
Other Eligible Secondary Consumers*	2	0
Total Membership	9	9

VI. General Program Information

VI. General Program Information

* - Required input

A. P&A Identification

Name of state, territory, or jurisdiction*

New York

Name of P&A system*

Disability Rights New York

B. Main Office

Mailing Address*

725 Broadway, Suite 450, Albany, NY 12207

Phone Number of Main Office*

518-432-7861

C. Satellite Offices (If Any)

Satellite Office 1

Name

Disability Rights New York

Mailing Address

25 Chapel Street, Suite 1005, Brooklyn, New York 11201

Satellite Office 2

Name

Disability Rights New York

Mailing Address

44 Exchange Blvd, Suite 110, Rochester, New York 14614

D. CEO Contact Information

Name*

Timothy A. Clune

Phone Number*

518-432-7861

Email Address of P&A CEO*

mail@drny.org

E. PADD PPR Preparer Contact Information

Name*

Julie Michaels Keegan

Title*

Director, PADD Program

Phone Number*

518-512-4923

Email Address of PPR Preparer*

mail@drny.org