

RSA-509 - Protection & Advocacy of Individual Rights (PAIR) Program Performance Report

New York (Disability Rights New York) - H240A170064 - FY2017

General Information

Designated Agency Identification

Name Disability Rights New York

Address 725 Broadway, Suite 450

Address Line 2

City Albany

State New York

Zip Code 12207

E-mail Address mail@drny.org

Website Address drny.org

Phone (518)4327861

TTY (518)5123448

Toll-free Phone (800)9938982

Toll-free TTY

Fax (518)4276561

Name of P&A Executive Director Timothy A. Clune

Name of PAIR Director/Coordinator Marc Fliedner

Person to contact regarding report Marc Fliedner

Contact Person phone (518)5124850

Ext.

Part I. Non-Case Services

A. Individual Information and Referral Services (I&R)

Multiple responses are not permitted.

1. Individuals receiving I&R within PAIR priority areas 383

2. Individuals receiving I&R outside PAIR priority areas 147

3. Total individuals receiving I&R (lines A1 + A2) 530

B. Training Activities

1. Number of trainings presented by PAIR staff 18
2. Number of individuals who attended training (approximate) 1,485

Formal Training

DRNY regularly provides outreach and training to individuals with disabilities, families, and providers throughout New York State. This fiscal year, DRNY trained 1485 individuals. 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 people with disabilities.

Employment Discrimination

DRNY developed a one-day Continuing Legal Education Training to address employment discrimination relating to those with disabilities. People with disabilities face many challenges in the work place because of a lack of understanding of the laws. This training was designed to increase the number of attorneys and advocates who can provide representation to employees with disabilities. Attendees were given a comprehensive overview of the laws that protect employees with disabilities and engaged in an interactive presentation to improve advocacy skills.

Training to Promote Community Integration

DRNY trained Consumer Directed Personal Assistance Program (CDPAP) providers, advocates and recipients about the implications for cuts in the CDPAP reimbursement rates, the impact of the shortage of aides on the availability of home care services, and risk of increased institutionalization of people currently receiving services under CDPAP.

DRNY trained employees of the New York State Department of Environmental Conservation (DEC) and the Department of Parks Recreation and Historic Preservation (DPRHR) on their obligations under the ADA for park users and employees.

DRNY trained attorneys in issues facing people with disabilities in the legal profession, including obtaining reasonable accommodations.

DRNY trained attorneys on the laws governing the use of service and emotional support animals.

DRNY taught Schenectady-based attorneys about disability law and the services provided by DRNY.

Reasonable Accommodations in Higher Education

DRNY trained employees at several colleges about reasonable accommodations for those with disabilities participating in higher education.

DRNY taught college students at SUNY Oswego about reasonable accommodations for those with disabilities in the workplace.

DRNY trained college students on the history of the disability rights movement and Title III of the ADA.

Access to Public Education

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.

At the New York Special Education Task Force Annual Conference, DRNY taught school officials, parents and attorneys about the Department of Justice's ADA Guidance on effective communication for students with speech, hearing and visual disabilities, and specifically about how accommodation requests under the ADA may differ from those under the IDEA.

DRNY conducted a training event for the Special Education Task Force regarding child and young adult mental health services available in Central New York.

DRNY provided a training about the Department of Justice's ADA Guidance on effective communication for students with speech, hearing and visual disabilities, and specifically about how accommodation requests under the ADA may differ from those under the IDEA to school officials, parents and attorneys in Ithaca.

Access to Health Care

DRNY conducted three trainings of health care workers from various agencies about reasonable accommodations for those with disabilities in all aspects of the healthcare field.

DRNY trained health care workers at Arnot Healthcare Systems about use of American Sign Language (ASL) interpreters.

Protecting the Rights of People with Disabilities in Jails and Prisons

DRNY trained New York City Board of Corrections staff about the rights of inmates with disabilities under federal, state and city disability laws

DRNY trained attorneys on the rights of prisoners with disabilities to access education and programming, as well as successful strategies for advocacy.

Educational Outreach

DRNY regularly engages in outreach activities. Outreach is used to inform the public about DRNY services and provide brief information about the legal rights of individuals with disabilities.

DRNY targeted educational outreach to disability rights organizations, including Brooklyn Center for the Independence of the Disabled, New York Legal Assistance Group, Legal Services of Central New York, New York Lawyers for the Public Interest, MFY Legal Services, Mill

Neck Manor Services for Deaf Adults, RCIL Independent Living Center, and the Independent Living Center of the Hudson Valley.

DRNY conducted outreach to homeless and low-income populations living in Rochester, New York. This outreach effort has resulted in the development of a new outreach program targeting the needs of this population with DRNY participating in Project Homeless Connect in Rochester.

DRNY engaged in educational outreach to schools, including Mill Neck Manor School for the Deaf, Brooklyn Lab School, Hunter College High School and the High School for Math, Science and Engineering. DRNY also engaged in such outreach by hosting of student interns from Columbia Law School and University of Michigan.

DRNY engaged in educational outreach by speaking with reporters at NYSBA News, Crain's Health Plus, Newsday, Brooklyn Paper, Courthouse News Service, Mother Jones, Vocativ and Niagara Gazette.

While monitoring prisons, DRNY educated staff and residents at Wende Correctional Facility, Mohawk Correctional Facility, Sullivan Correctional Facility, Groveland Correctional Facility, Downstate Correctional Facility, Fishkill Correctional Facility, Bedford Hills Correctional Facility and Ulster Correctional Facility.

DRNY conducted jail monitoring visits, educating staff and residents about DRNY, at Onondaga County Jail, Steuben County Jail, Brooklyn Detention Complex and Rikers Island Correctional Center Infirmery Command Annex.

DRNY conducted nursing home monitoring visits, educating staff and residents at Hilton East Senior Living Facility, Gold Crest Care Center, Coler-Goldwater, Specialty Hospital and Rehabilitation Center, Albany County Nursing Home, Niagra Rehabilitation and Nursing Center, Barnwell Nursing Home, Creekview Nursing and Rehabilitation Center, Ferncliff Skilled Nursing Facility, Indian River Nursing Facility, Brighton Manor, The New Jewish Home, Van Duyn Center for Rehabilitation and Nursing and Grand Rehabilitation and Nursing at Guilderland.

C. Information Disseminated to the Public

1. Radio and TV appearances by PAIR staff	4
2. Newspaper/magazine/journal articles	28
3. PSAs/videos aired	6
4. Hits on the PAIR/P&A website	183,394
5. Publications/booklets/brochures disseminated	3,500
6. Other (specify separately)	0

Narrative

Please see above description of training and outreach activities.

Part II. Individuals Served

A. Individuals Served

Count individual once per FY. Multiple counts not permitted for lines A1 through A3.

1. Individuals still served as of October 1 (carryover from prior FY)	159
2. Additional individuals served during the year	419
3. Total individuals served (lines A1 + A2)	578
4. Individuals w. more than 1 case opened/closed during the FY. (Do not add this number to total on line A3 above.)	578

B. Individuals served as of September 30

Carryover to next FY may not exceed total on line II. A.3 above 110

C. Problem Areas/Complaints of Individuals Served

1. Architectural accessibility	52
2. Employment	148
3. Program access	10
4. Housing	83
5. Government benefits/services	45
6. Transportation	21
7. Education	60
8. Assistive technology	60
9. Voting	0
10. Health care	63
11. Insurance	9
12. Non-government services	22

13. Privacy rights	6
14. Access to records	3
15. Abuse	19
16. Neglect	37
17. Other	7

D. Reasons for Closing Individual Case Files

1. Issues resolved partially or completely in individual favor	199
2. Other representation found	22
3. Individual withdrew complaint	132
4. Appeals unsuccessful	19
5. PAIR Services not needed due to individual's death, relocation etc.	28
6. PAIR withdrew from case	16
7. PAIR unable to take case because of lack of resources	16
8. Individual case lacks legal merit	89
9. Other	9

Please explain

E. Intervention Strategies Used in Serving Individuals

List the highest level of intervention used by PAIR prior to closing each case file.

1. Technical assistance in self-advocacy	138
2. Short-term assistance	212
3. Investigation/monitoring	3
4. Negotiation	152
5. Mediation/alternative dispute resolution	1
6. Administrative hearings	17
7. Litigation (including class actions)	1
8. Systemic/policy activities	6

Part III. Statistical Information on Individuals Served

A. Age of Individuals Served as of October 1

Multiple responses not permitted.

1. 0 - 4	1
2. 5 - 22	41
3. 23 - 59	385
4. 60 - 64	56
5. 65 and over	95

B. Gender of Individuals Served

Multiple responses not permitted.

1. Females 298

2. Males 279

C. Race/Ethnicity of Individuals Served

1. Hispanic/Latino of any race 54

For individuals who are non-Hispanic/Latino only

2. American Indian or Alaskan Native 0

3. Asian 9

4. Black or African American 136

5. Native Hawaiian or Other Pacific Islander 1

6. White 337

7. Two or more races 14

8. Race/ethnicity unknown 27

D. Living Arrangements of Individuals Served

Multiple responses not permitted.

1. Independent	351
2. Parental or other family home	52
3. Community residential home	1
4. Foster care	0
5. Nursing home	35
6. Public institutional living arrangement	0
7. Private institutional living arrangement	0
8. Jail/prison/detention center	121
9. Homeless	15
10. Other living arrangements	2
11. Living arrangements not known	1

E. Primary Disability of Individuals Served

Identify the individual's primary disability, namely the one directly related to the issues/complaints

1. Blind/visual impairment	53
2. Deaf/hard of hearing	65
3. Deaf-blind	0
4. Orthopedic impairment	196
5. Mental illness	11
6. Substance abuse	1
7. Mental retardation	1
8. Learning disability	40
9. Neurological impairment	77
10. Respiratory impairment	18
11. Heart/other circulatory impairment	20

12. Muscular/skeletal impairment	103
13. Speech impairment	2
14. AIDS/HIV	2
15. Traumatic brain injury	28
16. Other disability	29

Part IV. Systemic Activities and Litigation

A. Systemic Activities

1. Number of policies/practices changed as a result of non-litigation systemic activities 12

2. Number of individuals potentially impacted by policy changes 10,000

Describe your systemic activities. Be sure to include information about the policies that were changed and how these changes benefit individuals with disabilities. Include case examples of how your systemic activities impacted individuals served.

Institutional Education On Disability Rights/ADA Coordinator Report

Public entities with over 50 employees are required by Title II of the Americans with Disabilities Act (ADA) to designate an ADA Coordinator. An ADA Coordinator serves a “point person” for disability rights questions and concerns. DRNY conducted a survey of public entities throughout New York State to determine whether they had a designated ADA Coordinator. Of the sample 156 public entities surveyed, 115 had no ADA Coordinator, two had designated coordinators who were unaware of their designation or job responsibilities, and only 10 had designated Coordinators whose identity or contact information was easy to locate on their website. DRNY issued a public report detailing these findings. The report called for immediate corrective action including: the appointment of ADA coordinators and back-up coordinators; publication of the identities of coordinators with their contact information; publication in public buildings and on websites of protocols to access complaint or grievance policies; establishment of multiple means to contact the coordinators; regular review of records for compliance; and the creation of compliance reports. As a result of our discussions with local officials, one public entity immediately appointed an ADA coordinators. DRNY will continue to monitor these entities to ensure that they are compliant with the law. The public report can be found at www.drny.org.

DRNY Finds Abuse and Neglect at Niagara Rehabilitation and Nursing Center

DRNY received complaints of abuse and neglect at Niagara Rehabilitation and Nursing Center (NRNC). DRNY investigated these complaints and concluded that NRNC failed to provide a clean and safe facility, physically and verbally abused and neglected residents seeking assistance or requiring medical care, failed to provide adequate meals and meet the nutritional needs of residents, failed to provide discharge and transition services who wanted to return to the community, and acted to interfere with DRNY's investigation. DRNY issued a public report of these findings and demanded that NRNC take corrective action to remedy each of DRNY's findings.

Use of Interpreters in Healthcare Services

DRNY identified barriers to individuals accessing sign language interpretation in healthcare settings. DRNY developed an educational campaign to target these healthcare settings. DRNY

has developed fact sheets about the rights for patients and providers, and conducted trainings across the state for providers and advocacy groups for the deaf and hearing impaired. This project was accomplished in part with PAIR funding and in part with a grant acquired from the New York Bar Foundation.

Nursing Home Parking Accessibility

DRNY successfully negotiated with two nursing homes, Brighton Manor and Hilton East, to correct conditions that made their parking lots inaccessible to people with disabilities. Brighton Manor's only entrance required people to climb stairs to reach the main entrance. DRNY advocated for the facility to repave the parking lot and move accessible parking to the shortest distance from the entrance with no obstruction. Hilton East did not have an access lane or proper signage for those with disabilities. DRNY advocated for the parking lot to be remodeled to address these deficiencies. Additionally, DRNY also discovered that telephones and hand sanitizers inside Hilton East were placed too high for those who use wheelchairs. DRNY identified these problems and they were addressed by the facility.

Barriers to Employment

DRNY advocated for a city employee to receive reasonable accommodations from his employer. Our client, an attorney who had been employed by the city for years, had been permitted to work on writing assignments from home and tele-commute five times during a biweekly period. This reasonable accommodation reduced the strain of his heart disease and significantly reduced the likelihood that he would require a second heart transplant within the next few years. In winter 2017, the agency demanded that the client begin adherence to standard agency policy, which permitted him to tele-commute only four times during a biweekly period, a change that significantly impacted on his risk factors. DRNY successfully negotiated for our client to get back the extra tele-commuting day, identifying the modification of standard policy as a reasonable accommodation in light of the client's unique medical circumstances. DRNY has built upon this advocacy effort by adopting similar strategies to negotiate with other city agencies to obtain reasonable accommodations for our clients.

DRNY continued its work documenting evidence of discrimination in hiring practices of private retail employers based upon perceived disability. It followed up on its 2016 report documenting the results of "matched pair testing." In the report, DRNY sent pairs of individuals to apply for the same retail job with the same profile with the only distinguishable trait being that one person have an apparent physical disability. DRNY established evidence that employers did not hire people with disabilities based upon their bias against those with physical disabilities. This testing, and the written and video accounts of findings, have had and will continue to have an impact on public awareness of such hiring discrimination against people with disabilities. This fiscal year, DRNY began training new testers to engage in testing with retailers who have been identified by DRNY as having previously engaged in discriminatory hiring practices.

Addressing Barriers to Education

DRNY continues to identify clients who have been denied reasonable accommodations in public school settings and address them in ways that establish the right to reasonable accommodations in public school settings. In one case, DRNY represented a student with severe migraines and

fibromyalgia who was denied accommodations at school. The school abruptly instituted a 6 week deadline for her to produce all outstanding work from the entire school year. DRNY provided a letter from a doctor establishing the student's continued need for accommodations. The school ultimately agreed to provide the student with an additional eight weeks to complete the work.

DRNY also continues its work with the Action for Reform in Special Education Coalition (ARISE). DRNY participates in regular meetings with New York City officials to discuss changes that will make public schools more accessible to all students, including those with disabilities.

Service Animal Campaign

DRNY continued to successfully demand that business owners follow the law and take appropriate action when individuals with disabilities utilize their service dogs in public accommodations. Efforts during this period included written communication with business owners who display signs banning all dogs from their establishments. DRNY was successful in getting Hunter College to replace signs reading, "No Pets." In the City of Cohoes, a city code made it illegal for all dogs to be off leash. This code violated the ADA provision that explicitly permits those with service animals to have them off leash if use of the leash or other restraint is impossible due to the nature of the owner's disability. DRNY successfully negotiated with Cohoes officials to modify the code to create an exception for service dogs.

Information Access Online

DRNY was successful in getting New York City to agree to provide information on the Department of Buildings website about the location of current construction sites and scaffolding in a format that is accessible to screen reader users. As a result, people with visual impairments can now create safe travel plans and avoid blocked areas that would be hazardous for them to navigate.

DRNY has also begun communicating with the many state agencies that post written materials on their websites but do not currently make such materials available, online or otherwise, in large print form. DRNY is educating agency staff about the need for alternative formats. The initial response to this initiative has been extremely positive, with high-profile state agencies taking steps to address the issue as the reporting year drew to a close.

DRNY also successfully negotiated with the New York State Commission of Correction (SCOC) to replace the PDF reports on its website, which were inaccessible to individuals with visual disabilities who rely on screen readers to view computerized information. These reports are now being replaced with reports in PDF form that will allow access with use of a screen reader.

Access to Emergency Assistance

In January, 2017, DRNY filed a lawsuit against New York City, Nassau County, and Suffolk County because each fails to offer text to 911 services. During this fiscal year, DRNY continued to pursue the litigation. A local radio station posted a story on the case thereby increasing public knowledge of and support for this necessary service.

Streets and Sidewalk

DRNY continued its advocacy for streets and sidewalks to be made safe and accessible for those with disabilities. DRNY expanded its video series “Fix It Now” which highlights poor conditions in Manhattan and Schenectady. These videos can be seen on the DRNY YouTube channel at new.drny.org/youtube.html. DRNY also continues to monitor sidewalk accessibility issues in a number of municipalities, including the City of Syracuse, where DRNY is collaborating with Syracuse University College of Law's Disability Rights Clinic to survey problem areas. In the City of Troy, DRNY has informed the City of inaccessible sidewalks and roads. In the City of Mechanicville, DRNY negotiated for a transition plan that will adequately fund and prioritize critical repairs. Finally, in the City of Albany, DRNY surveyed certain problem locations and continues to work with City officials on a repair construction plan. In the next fiscal year, DRNY will expand advocacy to other municipalities, including Ithaca, Plattsburgh, Hamburg, Geneva, Corning, Saratoga, Hudson, Painted Post, and the New York City Borough of Staten Island.

B. Litigation/Class Actions

1. Number of individuals potentially impacted by changes as a result of PAIR litigation/class action efforts 1,000

2. Number of individuals named in class actions

0

Describe your litigation/class action activities. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation.

Litigation Discovery continues in the matter of Daniel Levy v. New York State Department of Environmental Conservation, an employment discrimination case that was filed in the Northern District of New York in late 2015.

In Dupree v. City of New York, et al., DRNY filed a claim under the ADA and Section 504 of the Rehabilitation Act of 1973, alleging that New York City, Nassau County and Suffolk County fail to provide meaningful access to 911 to individuals with hearing and communication disabilities because their systems do not allow individuals to text 911.

In K.M. v. New York State Public High School Athletic Association, Inc. et al., DRNY filed a claim under the ADA and Section 504 of the Rehabilitation Act of 1973, alleging failure to make reasonable modifications to rules governing extended athletic eligibility for his school students with disabilities.

DRNY represented a client to oppose the application of a guardianship under Mental Hygiene Law Article 81. The nursing home in which the client was then residing filed for guardianship because the client was behind in her payments. After commencing litigation, DRNY negotiated with the nursing home to facilitate the client's discharge from the nursing home and assisted the client in obtaining a power of attorney. The petition for guardianship was then withdrawn.

DRNY submitted an amicus brief in EEOC v. Day and Zimmerman, arguing that the disclosure of the identity of the charging party in an EEOC action, including explicit information about the nature of his disability and the specific accommodations requested, constitutes retaliation. DRNY argued that disclosing this information violates the anti-interference provision of the ADA, and acts to deter employees with disabilities from pursuing their ADA rights. The U.S. District Court for the District of Connecticut has accepted the brief.

DRNY submitted an amicus brief in Marine Holdings LLC v. New York City Human Rights Commission. DRNY is challenging a flawed interpretation of the New York City Human Rights Law where the court placed a burden on tenants to show that an accommodation does not create an undue hardship for the landlord. This holding will reduce the already limited supply of affordable, accessible housing in New York City, placing people with disabilities in danger of institutionalization. The Court of Appeals has accepted the brief.

Part V. PAIR'S Priorities and Objectives

A. Priorities and Objectives for the Fiscal Year Covered by this Report

For each of your PAIR program priorities for the fiscal year covered by this report, please:

1. Identify and describe priority.
2. Identify the need, issue or barrier addressed by this priority.
3. Identify and describe indicators PAIR used to determine successful outcome of activities pursued under this priority.
4. Explain whether pursuing this priority involved collaborative efforts by other entities. If so, describe this collaboration.
5. Provide the number of cases handled under the priority. Indicate how many of these, if any, were class actions.
6. Provide at least one case summary that demonstrates the impact of the priority.

Priorities and Objectives

Priority 1: Promote the integration of people with disabilities into the community, especially with regard to transitions away from nursing facilities and institutions. Individuals with disabilities have been subjected to unnecessary institutionalization, including placement in nursing homes, due to lack of access to services in the community. DRNY addresses the need for community-based services within our state by advocating for individualized support to meet the needs of our clients. DRNY does so in a variety of ways, including representing clients who are denied home and community-based services under the Medicaid waiver programs and state and local services, as well as representing clients who want to be discharged from nursing homes.

DRNY also conducts nursing home monitoring to identify people who have been unnecessarily institutionalized.

Number of cases handled under this priority: 28; no class actions.

Case Summary 1: DRNY represented a client residing at a skilled nursing facility wanted to return to the community. The nursing facility was not assisting with discharge planning and instead moved for financial guardianship over the client. DRNY successfully represented the client to challenge the petition for guardianship. DRNY also ensured that the nursing facility assisted the client in discharge planning. The client now lives with family in the community.

Case Summary 2: A client was not receiving assistance with discharge planning from the social worker and administrative staff of the nursing home in which she resided. DRNY advocated for client to receive an Olmstead grant, which provided her with the means to transition to independent living. She now resides in an apartment in the community.

Case Summary 3: A client who requires wheelchair accessible transportation wanted to participate in an alternative school transportation schedule created for students with younger siblings so that they are all able to arrive home at the same time. The client was initially denied participation because of the accommodation required by her disability. DRNY advocated for the student and obtained the assistance she needed to participate in this program.

Priority 2: Maximize autonomy of people with disabilities to make their own decisions and to control their own lives, including their finances. This priority recognizes the importance of the rights of people with disabilities to make critical decisions impacting their lives, especially regarding finances. DRNY advocates for the rights of people with decisions to control such decision-making by representing those who have been denied these rights and providing them with information and assistance to advocate on their own behalf.

DRNY did not engage in collaborative efforts relating to this priority.

Number of cases handled under this priority: 59; no class actions.

Case Summary 1: A client resided in a supportive housing program for several years with a contract specifically stating that the supportive housing provider was responsible for the utility bills. However, the provider failed to pay the utilities and forced the client to make these payments. DRNY advocated for the client and obtained a \$962 refund from the provider.

Case Summary 2: A client with a learning disability wanted to remove her representative payee because she was able to manage her own finances. She attempted to remove the representative payee herself but was not successful. DRNY assisted the client to obtain and utilize medical documentation to support her case and the Social Security Administration removed her representative payee. Our client now handles her own financial affairs.

Case Summary 3: The elevator in our client's New York City public housing development building was broken for an extended period of time. This made it impossible for our client to live in her home due to her mobility impairment. DRNY assisted her relocating while we advocated for the elevator to be fixed. After the elevator was fixed, our client was told that she must return to her original building. Our client wanted to stay in the second relocation because relocating would be financially onerous and detrimental to her health. DRNY successfully assisted the client in filing an appeal to HUD, and she was permitted to continue residing in the housing of her choice.

Priority 3: Assist people with disabilities in attaining systemic access to public accommodations. Individuals with disabilities are afforded the protection of both state and federal laws giving them equal access to and enjoyment of public places. Many individuals, unaware of these rights, don't fully access businesses, public attractions and community programming, all of which increase their enjoyment of life and promote integration into the community.

DRNY addresses this need by providing information, technical assistance and legal representation to clients who seek such access to public places.

DRNY did not engage in collaborative efforts relating to this priority.

Number of cases handled under this priority: 48; no class actions.

Case Summary 1: DRNY represented a client with mobility disability who requires the use of a walker. Our client tripped and fell over a deteriorated curb cut at a shopping plaza in Painted Post. DRNY surveyed the sidewalks and curb cuts at the shopping plaza and found a total of five curb cuts with multiple ADA violations, including no detectable warnings, no flush transitions and excess slopes. DRNY also found sidewalks in need of repair. DRNY negotiated with the mayor of Painted Post, who agreed to make the required repairs in time for summer 2017.

Case Summary 2: DRNY assisted a client with a disability who required the assistance of a personal aide to work out at the gym. When he attempted to enter the gym with his personal aide, staff refused to let the aide enter unless his personal aide paid a separate membership fee. DRNY advocated for the client, and the gym agreed to both waive the membership fee and change its policy going forward.

Priority 4: Ensure systematic access for people with disabilities to government facilities and programs. Individuals with disabilities are afforded the protection of both state and federal laws guaranteeing them equal access to and enjoyment of government facilities and services. Many individuals, unaware of these rights, refrain from attempting to access these facilities and services, which serve to increase their enjoyment of life and promote community integration.

DRNY addresses this need by providing information, technical assistance and legal representation to clients who seek such access to government facilities and services.

DRNY did not engage in collaborative efforts with regard to this priority.

Number of cases handled under this priority: 40; no class actions.

Case Summary 1: A client on parole contacted DRNY because he was unable to report to the Sheriff's Department for his required 90-day verification of residence due to a disability-related decline in his health. By the time he contacted DRNY, he was in hospice care. DRNY advocated for the client and the Sheriff's Department agreed to have a staff member come to the client's residence and record the 90-day verification.

Case Summary 2: A client who was imprisoned at Wende Correctional Facility was advised of DOCCS policy denying all inmates housed in the facility's Regional Medical Unit (RMU) from access to the law library. The policy applied to all RMU residents, regardless of whether they were physically able to travel to the general population area where the law library is located. DRNY advocated on his behalf and DOCCS changed its policy to allow inmates housed at RMU access to the library.

Priority 5: Obtain equal access to transportation for people with disabilities. An individual's integration into the community is dependent in large part upon access to transportation, including public transportation. Many people with disabilities are unable to access medical care, support, food, social gatherings and other priorities of life due to a lack of reliable, accessible transportation. Access to transportation ensures that individuals with disabilities have access to community support systems, businesses and services.

DRNY addresses this need by providing information, technical assistance and legal representation to clients who seek such access.

DRNY engaged in collaboration with the PAIR and PABSS programs for this priority.

Number of cases handled under this priority: 21; no class actions.

Case Summary 1: A high school student's campus driving privileges were rescinded when he was declared "legally blind." Our client met DMV standards and maintained a valid driver's license with use of corrective lenses. DRNY successfully advocated for our client's driving privileges to be restored by the school.

Case Summary 2: A client with a physical disability requested from her employer a reasonable accommodation of a close, covered parking space that would afford her time to transition to and from her vehicle. DRNY engaged in negotiations with the employer and was successful in obtaining a covered parking location close to her employment site for the same rate she would have paid for standard parking.

Priority Six: Protect people with disabilities who are in facilities and programs from abuse and neglect. Individuals with disabilities are particularly vulnerable to abuse and neglect in both community and institutional settings. DRNY addresses the need to prevent and substantiate such abuse and neglect by providing information, technical assistance and legal representation to clients who are subjected to abuse and/or neglect, and by exercising our monitoring authority to assess institutional settings.

DRNY uses PAIR funds in collaboration with other P&A program funding to conduct nursing home, jail, prison and sheltered workshop monitoring.

Number of cases handled in the context of this priority: 56; no class actions.

Case Summary 1: A client attending the Westchester School for Dental Assistance as part of the Medical Assistance Program was bullied by classmates about his perceived learning disabilities. Classmates excluded him from full participation in class activities and he and his family determined that it was having an impact on his preliminary grades. The school refused to take any action to support the client or address the behavior, initially arguing that the conduct did not constitute bullying. DRNY communicated with school staff and educated them about bullying dynamics and their impact on those with learning disabilities. Our client decided that it was in his best interests to withdraw from school because of the severity of the bullying and the limited duration of his enrollment, and DRNY thereafter arranged for his tuition to be refunded.

Case Summary 2: A nursing home resident with a disability contacted DRNY because the odor of the commercial cleaning agents used to clean her room and the adjacent hallways made her physically ill. As a result of DRNY's advocacy, the nursing home switched to natural cleaning products for use in her room and installed a rubber flap at the bottom of her door to keep the odor of the cleaning agents from entering her room from the hallway.

Case Summary 3: A client imprisoned at Shawangunk Correctional Facility had a custom wheelchair with faulty wheel rims. The client requested that the wheelchair be repaired, but DOCSS instead confiscated the custom wheelchair on the grounds that it was a safety threat. As a result of DRNY's advocacy, the wheelchair was repaired and returned.

Priority 7: Remove barriers to education for people with disabilities, with emphasis on eliminating segregation of students with disabilities and inappropriate removal of students with disabilities from school. This priority recognizes the importance of ensuring that individuals with disabilities have access to education in an integrated setting, with accommodations necessary to provide them with equal access to and equal benefits from education.

DRNY addresses this need by providing information, technical assistance and representation to clients facing barriers to education.

Number of cases handled in the context of this priority: 60; no class actions.

Case Summary 1: A client with a learning disability contacted DRNY after she was forced to drop several university classes because the school had not accommodated her timely requests for a reader during exams and/or reading software, leaving her unable to successfully complete coursework. DRNY assisted her in self-advocating with the university. The university agreed to reimburse her for the classes where accommodations had not been made and to provide the reading software going forward.

Case Summary 2: DRNY's client was removed from his honors-level high school courses when his disability required that he receive homebound instruction. DRNY successfully advocated for the client to be returned to his courses and for him to participate by teleconference when unable to attend in person.

Case Summary 3: DRNY assisted a client who was interested in taking the ACT and would need reasonable accommodations. The ACT college entrance exam website identified those scores of individuals who take the exam with a reasonable accommodation. After DRNY's advocacy, the ACT website was changed. Our client was able to take the ACT without fear of exposing his need for an accommodation.

Case Summary 4: A client with a disability was banned from the University of Buffalo campus following a 2005 incident related to his disability. DRNY met with the university's Judicial Affairs and advocated for a lift on the ban so that the client could reenroll. The ban was lifted.

Priority 8: Prevent discrimination in housing for people with disabilities, especially the unavailability of accessible housing from community-based landlords or other housing providers. Access to housing in the community is often impacted by an individual's ability to obtain appropriate housing from community-based landlords or other housing providers. Access to housing within the community increases the ability of individuals with disabilities to access community supports, businesses and services.

DRNY addresses this need by providing information, technical assistance and legal representation to clients facing housing discrimination.

Number of cases handled under this priority: 83; no class actions.

Case Summary 1: DRNY represented a client with multiple chemical sensitivity. Our client had previously obtained several reasonable accommodations from the housing provider. These included, limited use of cleaning supplies and other noxious agents in proximity to her apartment. The manager habitually failed to adhere to their agreement. DRNY filed a New York State Division of Human Rights complaint alleging failure to provide reasonable accommodations. DRNY was able to negotiate a comprehensive settlement agreement addressing all critical cleaning, renovating and maintenance activities in the client's building. The settlement agreement also created a complaint and reporting process for the client to access building management if they fail to adhere to the terms of the settlement.

Case Summary 2: DRNY represented a client with a physical disability who lived on a first floor apartment. The apartment did not have an accessible entrance and the client required assistance to come and go from the building. The client was repeatedly denied a reasonable accommodation from her landlord. DRNY successfully negotiated with the landlord and the client was able to transfer to another property with a fully accessible entrance.

Case Summary 3: Our client was notified by his landlord that his lease would not be renewed because of physical damage being caused to the property by his wheelchair. DRNY advocated on the client's behalf to obtain a lease renewal. DRNY also worked with the client to identify options and strategies for the client to use that would minimize damage from the wheelchair.

Case Summary 4: A client was unable to access her co-op unit after she sustained a complex leg fracture. DRNY negotiated with property management to install a stair lift at the entrance to the client's unit.

Priority 9: Eliminate barriers to employment for people with disabilities, particularly with regard to the application process, requests for reasonable accommodations, harassment and retaliation. Individuals with disabilities are often subject to employment discrimination. Integration into a community is often impacted by an individual's ability to obtain and maintain employment.

DRNY addresses the need for individuals with disabilities to access employment by providing information, technical assistance and legal representation to clients facing employment discrimination.

DRNY used PAIR funding in collaboration with the PABSS program on this priority.

Number of cases handled under this priority: 148; no class actions.

Case Summary 1: A client with multiple symptoms related to his traumatic brain injury contacted DRNY when his employer was unresponsive to his requests for a reasonable accommodation. DRNY successfully advocated for the client to receive accommodations, including retraining on job activities, flexible deadlines and quotas, and an individual question-and-answer process for the client to utilize when he is struggling with his disability-related symptoms.

Case Summary 2: A client was placed on involuntary leave from his position at Buffalo State College. The client's new supervisor refused to provide the reasonable accommodations that was successfully working for the client for several years. DRNY submitted medical documentation demonstrating that he was able to perform all essential functions of his former position. The College reinstated our client to his position.

Case Summary 3: A client employed by the New York City Housing Authority was unable to return to work because she was denied reasonable accommodations to address her allergen sensitivities. DRNY obtained a settlement of \$5000 for the client.

Case Summary 4: DRNY assisted a SUNY Oswego professor with a disability in negotiating a settlement agreement with the school through the EEOC mediation process. As a component of the settlement, DRNY provided disability training to SUNY Oswego faculty and administration.

Priority 10: Remove communication, architectural and equipment barriers to health care services. Individuals with disabilities face difficulties obtaining health care services, impacting their ability to live in integrated settings.

DRNY addresses the need for individuals with disabilities to access health care by providing information, technical assistance and legal representation to clients who face obstacles to accessing appropriate health care services.

DRNY did not engage in collaborative efforts relative to this priority.

Number of cases handled under this priority: 21; no class actions.

Case Summary 1: Our deaf client was repeatedly required to receive treatment without the assistance of an ASL interpreter at a Queens family medical clinic. The clinic failed to timely schedule the interpreters. DRNY advocated for the client, reviewed scheduling procedures with clinic staff and educated the staff about the critical importance of timely scheduling. As a result, the client had no such problems with subsequent appointments and the staff is better prepared to accommodate the needs of other clients who require the ASL interpreters.

Case Summary 2: DRNY assisted a client who was repeatedly denied CART services for medical appointments at her local hospital system. DRNY advocated for the hospital system to promptly provide the required CART services. The client is now able to attend medical appointments and has use of CART services.

Case Summary 3: DRNY filed a complaint with the U. S. Department of Health and Human Services against the Floating Hospital on behalf of a deaf client whose request for an ALS interpreter as a reasonable accommodation had been denied. Upon filing of the complaint, the Floating Hospital agreed to provide an interpreter for all future client appointments.

Priority 11: Assure the provision of auxiliary aids and services to ensure the availability of effective communication for people with disabilities. This priority recognizes the importance of ensuring that individuals with disabilities can effectively communicate with service providers.

DRNY addresses the need for individuals with disabilities to access care from service providers by providing information, technical assistance and legal representation to clients who are being denied access to auxiliary aids and services to which they are entitled under state and federal law.

DRNY used PAIR funding to collaborate with other P&A programs on this priority.

Number of cases handled under this priority: 60; no class actions.

Case Summary 1: A client with hearing impairment was incorrectly placed at Franklin Correctional Facility, which does not house inmates with the client's level of hearing loss. DRNY negotiated for his transfer to another facility and he was provided the reasonable accommodations he requires.

Case Summary 2: A client was denied large print materials by the New York State Insurance Fund. As a result of DRNY's advocacy, NYSIF agreed to provide all future correspondence in large print, and to provide forms on legal size paper in order to enlarge the complete form.

Priority 12: Conduct outreach and education to ensure that individuals throughout New York State know about the P&A system, know their rights, and can access appropriate PAIR services. Outreach and education are effective ways to ensure the protection of our client's rights.

DRNY educates individuals with disabilities and others by conducting public awareness campaigns, promoting self-advocacy skills and educating qualified individuals about the availability of PAIR services. DRNY also provides training and technical assistance to health care professional, health care administrators, employers, service providers, individuals with disabilities, their advocates and their family members.

DRNY used PAIR funds in collaboration with the other P&A programs and the CAP program for this priority. See Training Activities Section IB for detailed information about work conducted under this priority.

B. Priorities and Objectives for the Current Fiscal Year

Please include a statement of priorities and objectives for the current fiscal year (the fiscal year succeeding that covered by this report), which should contain the following information:

1. a statement of each priority;
2. the need addressed by each priority; and;
3. a description of the activities to be carried out under each priority.

DRNY adopted the above-described PAIR priorities for a period of three years, from fiscal year 2015 through fiscal year 2018. After that period, they will be reassessed. See Part V, A, above for a discussion of the PAIR priorities, the needs addressed and the descriptions of activities accomplished.

Part VI. Narrative

At a minimum, you must include all of the information requested. You may include any other information, not otherwise collected on this reporting form that would be helpful in describing the extent of PAIR activities during the prior fiscal year. Please limit the narrative portion of this report, including attachments, to 20 pages or less.

The narrative should contain the following information. The instructions for this form outline the information that should be contained in each section.

- A. Sources of funds received and expended
- B. Budget for the fiscal year covered by this report
- C. Description of PAIR staff (duties and person-years)
- D. Involvement with advisory boards (if any)
- E. Grievances filed under the grievance procedure
- F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency

A., B. and C., to be provided by Danielle.

D. Advisory Board Participation:

A PAIR attorney was appointed by the Albany County Executive to serve on the Albany County Long Term Care Advisory Council, which assists in making the long term care system responsive to the needs of people with disabilities by provision of services that enable them to remain in their own communities. The Council consists primarily of service providers, consumers and advocates. The PAIR representative has successfully sought to ensure that the Council's priorities and recommendations are consistent with the promoting of dignity and choice for people with disabilities in Albany County.

A PAIR attorney was appointed by the Mayor of Albany to serve on the City of Albany ADA Advisory Council. The Council consists of city departments heads, the city ADA Coordinator and other outside advocates for people with disabilities. It was created after DRNY informed the city that it had failed to meet some of its critical responsibilities under the provisions of the ADA. The Council and its subcommittees have met several times and seek to develop and implement policies and projects that will make Albany accessible to all.

A PAIR attorney sits on the New York State Bar Association Committee on Disability, where he educates and partners with other attorneys to analyze and, where applicable, inform state leaders about New York State laws and policies affecting people with disabilities.

A PAIR attorney serves as an Executive Council Member for the Central New York Special Education Task Force.

E. Grievances Filed Under the Procedures:

PAIR received nineteen (19) grievances during the reporting year, each requesting additional representation. Eight fell outside of priorities and, in three others, the grievant had already retained other counsel. Two clients had open service requests, which DRNY was actively working. Two grievances were granted by the first level reviewer. Twelve were denied by the first level reviewer and not pursued further by the client. Five were reviewed by the second level reviewer and denied.

F: Relationship With CAP:

CAP is part of DRNY. DRNY coordinates with the New York State long term care ombudsperson on a variety of matters, including through the Albany Long Term Care Advisory Council.

Certification

Signed? Yes

Signed By Marc Fliedner

Title Director, PAIR

Signed Date 12/__/17