

# Disability Rights IOWA

Law Center for Protection and Advocacy™



## 2017 AREAS OF FOCUS

**What is DRI's mission?** The mission of Disability Rights IOWA (DRI) is to defend and promote the human and legal rights of Iowans who have disabilities, including mental illnesses. DRI envisions a world where individuals with disabilities are free from discrimination, with equal opportunity to live the lives they choose.

**What is DRI?** DRI is a private, non-profit law center. DRI has several state and federal grants, which are described at the end of this document. However, DRI is an independent agency and is not part of the state or federal governments. There is no charge for DRI's services.

**What does DRI do?** DRI has the authority to investigate complaints of abuse or neglect of individuals with disabilities, including individuals with mental illness. DRI provides legal and advocacy services to Iowans with disabilities.

**What issues does DRI focus on?** Although the needs of Iowans with disabilities can be unlimited, DRI funds are very limited. Therefore, DRI's Board of Directors, based on input from the public, individuals with disabilities and their families and DRI staff, identifies the areas which DRI should focus on each year. DRI's areas of focus for fiscal year 2017 (October 1, 2016 – September 30, 2017) are described in the following pages. DRI hopes to continue these areas of focus in fiscal year 2018, with some revisions based on an annual review and input from the public, clients, Board of Directors, mental health advisory committee, staff and others.

**What factors does DRI consider when deciding whether to take a case?** DRI considers the following factors when deciding whether it can take provide legal representation to an individual requesting services:

- Eligibility for services;
- The individual's issue arises because of a disability;
- The issue is within DRI's Areas of Focus (see following pages);
- Severity of harm;
- Imminence of risk;
- Potential of case to facilitate systems change or benefit other individuals;

- Availability of other resources to help the individual address the alleged violation;
- Self-advocacy ability of client or family;
- Availability of other appropriate, independent investigatory authorities;
- Availability of resources and staff to properly advocate for the individual's issues; and
- Legal merit or available remedy

**What types of cases does DRI not take?** Regardless of the individual's disability or his/her initial eligibility, DRI will not accept cases, but will only provide information and referral services, when the following issues are presented:

- Divorce, child custody, and adoption;
- Bankruptcy;
- Estate planning (wills and trusts);
- Criminal representation;
- Civil mental health commitment including appeals;
- Establishing that a Child is in Need of Assistance;
- Tax law, corporate or business law, consumer law, debtor-creditor law;
- Personal injury (other than injuries arising from abuse and neglect);
- Malpractice;
- Social security eligibility or appeals;
- Worker's compensation cases;
- Civil litigation that does not relate to the legal or civil rights of an individual with a disability;
- Initiation of guardianship or conservatorship of a person; and
- Cases involving inmates at state or federal correctional facilities (other than injuries arising from abuse and neglect, restraint/seclusion issues or failure to provide reasonable accommodations).

**What will DRI provide to an individual requesting services if DRI decides it cannot take a case?** DRI will try to provide information and referral to other resources. The individual may also file a grievance with DRI.

**How can I request assistance from DRI?** You can request assistance from DRI by:

- calling 515-278-2502 extension 12
- calling our toll free number at 1-800-779-2502
- applying online at <http://driowa.org/contact-disability-rights-iowa/let-us-help/>

# AREAS OF FOCUS

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[Figure 1 Photo of elderly women with bruises on her arm](#)

## **ABUSE AND NEGLECT: KEEP IOWANS WITH DISABILITIES SAFE**

DRI will focus on the following areas:

### **➤ Reducing abuse and neglect of individuals with disabilities in facilities**

**Why is this important?** Working to reduce abuse and neglect in facilities, by investigating and monitoring is a core function of Disability Rights Iowa. Abuse and neglect is any act or failure to act, by a person with a duty to care for an individual with a disability in a facility or service setting, which caused or may have caused an injury or death. Facilities and service settings are locations where individuals with disabilities receive services such as treatment, programming, or residential supports.<sup>1</sup>

#### **Possible activities to achieve goal**

- Conduct individual investigations into suspected abuse or neglect, including deaths and injuries of individuals with disabilities resulting from abuse or neglect.
- Monitoring facilities or service settings with allegations of abuse or neglect, with histories of the same, or as a matter of routine course.
  - In carrying out this goal DRI will monitor: 6 RCF's, both Mental Health Institutes, both State Resource Centers, an additional 4 ICFID's, 2 providers of services for TBI, 2 homeless shelters, and 6 nursing facilities.
- Provide rights trainings to individuals residing at the mental health institutes.
- Provide a self-advocacy training to individuals with mental illness.

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<sup>1</sup> Facilities include, but are not limited to, nursing facilities, mental health institutes, residential care facilities, and intermediate care facilities. Prisons, jails and juvenile justice facilities are covered under another area of focus.

- Provide individual advocacy including technical assistance, negotiation, or other assistance, to protect the rights of individuals with disabilities receiving services in facilities or service settings.
- Provide individual representation including injunctive or administrative interventions.
- Collaborate with the Department of Inspections and Appeals, the Long-Term Care Ombudsman and others to prevent abuse or neglect.
- Improve the investigations of other enforcement and oversight agencies when they are inadequate.
- Issue public reports, where appropriate, to create systemic change, when appropriate.

➤ **Reducing abuse and neglect of individuals with disabilities in home and community-based services settings.**

**Why is this important?** The Department of Inspections and Appeals does not investigate abuse and neglect in home and community-based settings. Instead, the Department of Human Services, which also contracts with providers of home and community-based services, investigates dependent adult abuse reports. To ensure that an independent entity investigates abuse and neglect in home and community-based service settings, DRI has made this an area of focus.

Possible activities to accomplish goals

- Conduct individual investigations into suspected abuse or neglect of service recipients by HCBS providers, including deaths and injuries of individuals with disabilities resulting from abuse or neglect;
- Provide individual representation or advocacy including technical assistance, negotiation, or other assistance, to protect HCBS service recipients' rights related to abuse and neglect.



Figure 2 Picture of taxi cab with ramp

## ACCESSIBILITY: ENSURE ACCESS TO SERVICES AND PLACES

DRI will focus on the following areas:

- **Expanding the access of individuals with disabilities to public and private transportation in the State of Iowa**

**Why is this important?** Disability Rights Iowa remains committed to ensuring people with disabilities are given the opportunity to be full participants in every area of community life. However, we understand that opportunity in many cases is dependent on the availability of dependable and accessible transportation. Thousands of Iowans rely on accessible public and private transportation to meet their professional, personal, and recreational needs, and the capacity of those systems to meet demand are often woefully inadequate. Systemic deficits in both service coverage, and quality limit the opportunity for people with disabilities to fully interact with their communities, in violation of the core principle of inclusion, which is the basis of the Americans with Disabilities Act.

### Possible activities to accomplish goals

- Research access to transportation issues in Iowa and identify any limitations to employment, recreation or other types of personal needs.
- Research state and federal law and cases involving accessibility of public and private transportation.
- Write a report with the information obtained on accessibility issues for individuals with disabilities in urban and rural areas of Iowa.
- Collaborate with grass roots groups and civil rights commissions throughout Iowa to draw attention to the issue.
- Meet with and provide training to transit providers regarding their obligations under the ADA and other accessibility laws.
- Represent individuals or groups of individuals in administrative hearings or legal actions regarding the failure of a public or private transportation entities to comply with the ADA or other accessibility laws.
- Identify solutions to implement accessible and dependable transportation within the greater metro, with the aim of eventually expanding and refining this model to rural communities.



Figure 3 [Photo of Iowa State Capitol building](#)

➤ **Enforcing the right of individuals with disabilities to have equal opportunities to access state and local government services, programs and activities.**

**Why is this important?** Iowans with disabilities are entitled to access government services, programs and activities under Title II of the Americans with Disabilities Act.

**Possible activities to accomplish goals**

- Ensure that the state and municipalities of Iowa have an ADA coordinator; a self-evaluation, and a transition plan to bring their aids, benefits and services in compliance with the Americans with Disabilities Act, with attention paid both to physical accessibility as well as program access.
- Survey at least 10 smaller cities or towns to determine whether they are in compliance with the ADA with respect to physical disability and accessibility of materials.
- Provide individual and systemic legal advocacy concerning denial of equal access to state/local government services or other Title II public entities.
- Educate a diverse collection of community leaders on the benefits of incorporating universal design as a foundational element of community development, and advocate for its use statewide.





Figure 4 Photo of young man in wheelchair dancing at music event

- **Enforcing the right of individuals with disabilities to places of public accommodation, including but not limited to auditoriums, convention centers, lecture halls, or other place of public gathering.**

**Why is this important?** The inclusion of people with disabilities necessitates a wide and comprehensive approach, one which gives people with disabilities the opportunity to be included in every avenue of community life. Yet, community living doesn't just take the form of supportive services or the narrow bands of activities stereotypically linked to people with disabilities. Integration means the full weaving of disability into the greater communal narrative, including the important cultural keystones on which community and connection are built. By ensuring these moments of celebration and recreation are open to all, individuals with disabilities establish our commitment to allowing disability to be a normal and ever present element of our state's identity.

#### **What will DRI do?**

- Survey places of public gathering in at least three geographical areas in Iowa, including both rural and urban settings.
- Provide trainings and technical assistance to owners and operators of places of public gathering.
- Collaborate with civil rights commissions and other municipal entities to ensure accessibility is considered as cities and smaller communities approve licenses and plans for places of public gathering.
- Provide legal advocacy or litigate cases concerning denial of equal access to places of public gathering.



Figure 5 Photo of young man using puff device to use computer

## ASSISTIVE TECHNOLOGY: IMPROVE FUNCTIONING

DRI will focus on the following area:

- **Increasing assistive technology and services for individuals with disabilities in facilities and home and community based settings**

**Why is this important?** Technology has become one of the main engines for economic activity, education and innovation in the United States. Advancements in technology profoundly impact individuals with disabilities. Assistive technology device (AT), which is a subset of technology generally, are items, pieces of equipment, or product systems (whether acquired commercially, modified or customized) which increase, maintain, or improve the functional capacities of individuals with disabilities, maintain health and enhance independence. AT services are any service that directly assists an individual with a disability in selecting, acquiring, or using AT devices. However, assistive technology is often underfunded and individuals with disabilities do not realize the assistive technology that they might use to increase, maintain or improve their functional capacities.

### Possible activities to accomplish goals

- Conduct activities that lead to increased funding for assistive technology;
- Provide individual advocacy to assist individuals with disabilities in securing assistive technology;
- Provide advocacy and legal representation for individuals with disabilities to make system change;
- Monitor intermediate care facilities and shelter workshops to determine adequacy of assistive technology devices and services;
- Collaborate with other agencies focusing on assistive technology for rural and farm families.



Figure 6 Photo of a young man preparing a snack for himself while relaxing in the kitchen of his apartment

## **COMMUNITY LIVING: PROTECT THE RIGHTS OF IOWANS TO LIVE IN THE MOST INTEGRATED SETTING**

DRI will focus on the following areas:

- **Increasing the options of adults who want to live in the community rather than facilities to successfully transition to the community.**

**Why is this important?** Individuals with disabilities have the right under the Americans with Disabilities Act and the U.S. Supreme Court's Olmstead decision to receive services in the most integrated settings within a reasonable timeframe.

### **Possible activities to accomplish goals**

- Research and acquire knowledge of federal law regarding community integration of individuals in nursing facilities (MDS section Q referral process).
- Engage in meetings with Managed Care Organizations to monitor efforts being made to increase capacity of community based services system and hold them accountable for Olmstead violations when indicated.
- Represent individuals residing in nursing facilities or intermediate care facilities who wish to return to the community and are not receiving adequate transition planning.
- Review Pre-Admission Screening and Resident Review (PASRR) Level II Specialized Services and Care Plans of individuals in Nursing Facilities to ensure specialized services that would assist individuals in returning to the community are in place.
- Educate residents of nursing facilities and intermediate care facilities for individuals with intellectual disabilities about rights, including the right to participate in decisions about where they live and what services they receive.
- Conduct monitoring of nursing facilities and intermediate care facilities for individuals with intellectual disabilities

➤ **Increasing the opportunities of adults on home and community-based service waivers, in settings where services are received 24 hours a day, to live and work in the community, have control over daily life decisions and choose what services they receive and who provides them**

**Why is this important?** This is important so that all individuals with disabilities can live in a truly integrated community.

**Possible activities to accomplish goals**

- Gain full understanding of state and federal oversight of HCBS Waiver programs
- Provide advocacy to persons not receiving appropriate HCBS services
- Monitor Iowa's adherence to Statewide Transition Plan
- Evaluate compliance with CMS' home and community-based settings rule and take appropriate action to ensure compliance with the rule, including requesting Iowa Medicaid Enterprises to submit a setting through the heightened scrutiny process.
- Monitoring 24 hour HCBS settings
  - In carrying out this goal DRI will monitor: 6 providers of HCBS services.



# EDUCATION: PROTECT THE RIGHTS OF STUDENTS WITH DISABILITIES



*Figure 7 Picture of empty desk*

DRI will focus on the following areas:

- **Keeping students with challenging behaviors in school all day and assisting them in making adequate progress in the curriculum.**

**Why This is Important:** Students with challenging behaviors related to their disability need to be in school and in their classroom all day so that they can receive specially designed instruction from qualified special educators. An appropriate behavior intervention plan not only helps a student access the general education curriculum but it also is the foundation for a successful transition to the community and post-secondary work. Research has shown that frequent use of suspensions or expulsions has no educational benefit, is strongly associated with low achievement, increases the risk of a student dropping out, and creates a greater likelihood of juvenile justice involvement. The use of seclusion and restraint, especially when it happens again and again for long periods of time, represents a failure of the behavior intervention plan.

## **Possible activities to accomplish goals**

- Provide students who have been suspended at least 6 days with technical support and advocacy assistance to develop appropriate goals and a behavior intervention plan that reduces the use of restraint, seclusion, and other exclusionary disciplinary measures, including the use of suspensions and/or the use of police for behavior related to the student's disability;
- Provide students who have been suspended for 10+ days advocacy including legal assistance to develop appropriate goals and a behavior intervention plan that reduces the use of restraint, seclusion, and other exclusionary disciplinary measures, including the use of suspensions and/or the use of police for behavior related to the student's disability;

- Collaborate with Special Education Directors of Area Education Agencies to create better oversight to ensure the compliance of schools with special education laws;
- Train parents and students regarding their rights with respect to discipline issues;
- Collaborate with the Department of Education, area education agencies and local education agencies to investigate the capacity of challenging behavior teams, including researching the number of students who have been placed on shortened school days;
- Collaborate with the Department of Education, area education agencies and local education agencies to further improve state regulations regarding the use of restraint and seclusion in schools;
- If needed, file due process complaints or state complaints (if systemic) for individual students and their families to develop appropriate goals and a behavior intervention plan that reduces the use of restraint, seclusion, and other exclusionary disciplinary measures, including the use of suspensions and/or the use of police for behavior related to the student's disability; and
- Advocate for the systemic training of teachers and other educators in districts of need through collaboration with universities, retired educators, behaviorists, Area Education Agencies, and the Iowa Department of Education.

➤ **Implementing transition plans that will enable individuals with disabilities to live in the community as independently as possible.**

**Why This is Important:** Students with disabilities are required by Iowa code to begin developing a transition plan at age 14. Standards set by the IDEA have been broken into three categories by the Iowa Department of Education living, learning and working. The three categories need to be meaningfully addressed in order to successfully transition to life in the community following the completion of graduation requirements.

**What DRI will do?**

- Provide advocacy and technical assistance to students who are in their first and second year of high school to make sure that adequate skill building and interest/work assessments are being done;
- Provide advocacy and legal assistance to students from their third year until end of eligibility for Special Education for inadequately designed/implemented transition plans. Indicators of an inadequate transition plan might include:
  - students not being supported appropriately under the requirements of WIOA,
  - students not being provided appropriate human growth and development curriculum as required by Iowa law
  - students with inappropriate BIP that do not develop work skills because of behavior,
  - students who are not provided voter education as required by Iowa law
  - students who would benefit with alternatives to guardianship and conservatorship
  - students who would benefit from benefits planning including the use of a PASS plan or ABLE account
  - students who have not had appropriate assessments or work experience opportunities and
- Serve on working committees, developing materials and presentations on topics included in the indicators of inappropriate transition plans.

- If needed, file due process complaints or state complaints (if systemic) with the Iowa Department of Education regarding inadequate transition services and plans;
- Train students and their families about their rights under state and federal law regarding transition issues;
- Collaborate with Special Education Directors of Area Education Agencies for better oversight to ensure compliance with state and federal transition law, and
- Advocate for the systemic training of teachers and other educators in districts of need through collaboration with universities, retired educators, behaviorists, Area Education Agencies, and the Iowa Department of Education.

### ➤ **Expanding the special education knowledge and skills of Iowa attorneys and law students**

**Why this is important:** It is important to build the capacity of the Iowa attorney bar for parents/students so that there is more access to more skilled representation in the dispute resolution process in the Individuals with Disabilities in Education Act (IDEA). This, in turn, will lead to more positive educational outcomes for students with disabilities.

#### **Possible activities to accomplish goals**

- Train attorneys and law students at law schools and other attorney CLE events
- Provide technical assistance to attorneys
- Attend ISBA Family/Juvenile Justice Section meetings
- Provide training for DRI contract attorney on Special Education law



Figure 8 photos of individuals at work

## EMPLOYMENT: REMOVE BARRIERS TO EMPLOYMENT

DRI will focus on the following areas:

### ➤ **Assisting individuals who want to move from sheltered work to competitive integrated jobs.**

**Why is this important?** Individuals can do real work if they receive sufficient supports, services and reasonable accommodations. However, many individuals with disabilities wind up in sheltered workshops where only people with disabilities work—often at wages below minimum wage. Many of these individuals have realistic job expectations and prefer to do work where they have contacts with individuals without disabilities in the community.

### **Possible activities to accomplish goals**

- Monitor sheltered workshops for compliance with federal and state law and educate people with disabilities and their families about their legal rights (In conjunction with the Client Assistance Program in the Iowa Department of Human Rights);
- Educate rehabilitation professionals and educators about the changes in the laws which encourage integrated employment;
- Collaborate with other organizations who are promoting employment first and benefits planning in Iowa;
- Provide legal representation to individuals in sheltered workshops who are not receiving services from Iowa Vocational Rehabilitation Services.

### ➤ **Stopping employment discrimination because of a disability and remove barriers to work.**

**Why This is Important:** Congress enacted the Americans with Disabilities Act to prohibit discrimination against individuals with disabilities who can perform jobs, with reasonable accommodations or modifications of employment policies. However, many individuals with disabilities still experience



discrimination or barriers to work. Therefore, it is important for DRI, as the protection and advocacy agency for Iowans with disabilities, to challenge discrimination so that individuals with disabilities can get and keep jobs and assist in an individual's efforts to return to work.

**Possible activities to accomplish goals**

- Teach applicants and employees how to file complaints with the Iowa Civil Rights Commission;
- Provide legally-based advocacy or representation to applicants or employees who need reasonable accommodations in their workplace or who have been terminated because of their disability;
- Provide legally-based advocacy or representation to beneficiaries of social security who received improper or inadequate services from an employment network, service provider, services provided by Iowa Vocational Rehabilitation, or other entity involved in the beneficiary's return to work effort.
- Help people who are entitled to benefits understand work incentives and issues with their disability benefits.

➤ **Providing planning and assistance to Social Security beneficiaries who want to return to work, but not lose their benefits.**

**Why is this important?** Individuals receiving social security benefits often do not realize that Social Security provides ways in which they can maintain their benefits while returning to work full or part-time. They may need help from skilled benefit planners who can help them understand how they can do this.

**Possible activities to accomplish goals**

- Provide comprehensive benefit planning assistance to individuals who are about to return to work
- Refer individuals to Social Security's hot line for basic benefit planning questions.
- Provide outreach and services on benefits planning to transition aged youth.

# GUARDIANSHIP: INCREASE ALTERNATIVES TO FULL GUARDIANSHIPS

DRI will focus on the following areas:

## ➤ **Reducing the number of lowans with unnecessary or overly restrictive substitute decision makers.**

**Why is this important:** People with disabilities are at disproportionate risk of having their right to make their own decisions and control their own lives stripped by courts or family members who believe their disability makes them incapable of doing so, or exposes them to risk of harm or exploitation. Though guardianships are intended to be limited and imposed only as a last resort, less restrictive alternatives and the legal obligations of guardians, their attorneys, and courts, are too often overlooked in practice.

### **Possible activities to accomplish goals:**

- Outreach to schools, providers and families to educate families of children with disabilities turning age 18 about alternatives to guardianship and supported decision-making options ;
- Attend the Supreme Court's Guardianship Reform Task Force meetings and offer suggestions that support less restrictive alternatives to guardianship/conservatorship;
- Advocate for supported decision making.
- Provide legal representation to individuals to assist with terminating or resisting establishment of unnecessary or abusive guardianships/conservatorships or other substitute decision makers (i.e. representative payees).
- Create an Alternatives to Guardianship page on DRI's website with forms and guidance for self-representation and self-advocacy.
- Develop resources for adults under guardianship who want to self-advocate for less restrictive alternatives.
- Design and provide a basic guardianship training for attorneys who represent wards or prospective wards, and provide ongoing technical assistance.



Figure 9 Photo of Individual at home

## HEALTH CARE: PROTECT ACCESS TO LONG-TERM SERVICES AND SUPPORTS

DRI will focus on the following areas:

- **Overseeing the managed care system to ensure that Iowans are receiving long-term care services and supports.**

**Why this is important?** Iowa has recently privatized its Medicaid system. Medicaid recipients have many concerns about whether they will have the services they need under managed care, especially individuals receiving long-term services and supports.

**What DRI will do?**

- Provide legal representation in the grievance and appeal processes and in state fair hearings to individuals for whom specific long-term care services have been denied, reduced or terminated;
- Address any systemic issues in managed care that are uncovered through advocacy or litigation (e.g. MCO's not providing notice of decisions);
- Provide advocacy to individuals needing long-term care services and who are on home and community-based waiver waiting lists to receive home and community-based services more promptly;
- Monitor managed care companies (MCOs) compliance with their contractual obligations with the State of Iowa to provide adequate long-term care services and supports in order to increase the number of individuals living in community based settings;



Figure 10: [Photo of multi-storied modern apartment building](#)

## **HOUSING: INCREASE AFFORDABLE HOUSING FOR INDIVIDUALS WITH DISABILITIES**

DRI will focus on the following areas:

- **Enforcing the rights of people with disabilities to have equal access to housing.**

**Why is this important?** Individuals with disabilities may experience a denial of equal access to public housing or encounter a landlord who will not provide a reasonable accommodation or otherwise discriminate against them due to a disability. In addition, on DRI's public survey, approximately 70% of the people responding stated that DRI needs to focus on strategies to get more affordable housing for individuals with disabilities. As Priced Out 2014, a report published by the Technical Assistance Collaborative, Inc. and the Consortium for Citizens with Disabilities, Housing Task Force stated: There are few groups more adversely affected by rising rental costs and the acute shortage of decent, affordable rental homes than those non-elderly adults with serious and long-term disabilities who rely on SSI for their income. This unfortunate situation forces hundreds of thousands of people with disabilities to forego having a home of their own and to choose between homelessness or placement in a segregated and restrictive institutional setting.

**Possible activities to accomplish goals:**

- DRI will represent individuals with disabilities whose landlords are not providing them with reasonable accommodations;
- DRI will represent individuals with disabilities who have been or about to be evicted based on their disabilities;

- DRI will participate in affordable housing coalitions in Iowa and research federal or state law on legal strategies to increase affordable housing



Figure 11 :[Picture of book page that says "I want meaning for my life."](#)

## JUVENILE JUSTICE: IMPROVE THE LIVES OF YOUTH ADJUDICATED DELINQUENT

DRI will focus on the following areas:

### ➤ **Reducing the use of restraint and seclusion in out-of-home placements for adjudicated youth**

**Why is this important?** Research shows that the use of restraint and seclusion is harmful to youth and should only be used if the youth is in imminent danger of harming self or others and only for the time needed to deescalate that danger.

**What will DRI do to try to achieve this goal?**

- Monitor or investigate facilities where there is use of restraint and seclusion
- Provide individual advocacy to youth who have been inappropriately restrained and secluded (this includes overuse of restraint/seclusion and/or use of restraint/seclusion in conflict with state/federal regulations)
- Train youth in out-of-home placements regarding their legal rights
- Train administrators and staff of facilities, juvenile court officers, caseworkers, attorneys, judges about the laws regarding the use of restraint and seclusion.
- Collaborate with the Iowa Department of Human Services (and Iowa Department of Inspections and Appeals, if applicable) to ensure best-practice regulations governing the use of restraint and seclusion in out-of-home placement facilities and enforcement of those regulations.

### ➤ **Increasing compliance with the Individuals with Disabilities in Education Act (IDEA) in out-of-home placements for adjudicated youth**

**Why is this important?** Youth with disabilities are disproportionately represented in the Iowa juvenile justice system and in out-of-home placements. It is important to ensure these students are receiving FAPE under the IDEA to help ensure deeper involvement with the system as education is an important part of lowering recidivism.

**What will DRI do to try to achieve this goal?**

- Provide individual and systemic advocacy in regards to IDEA violations (this includes filing due process or state complaints with the Iowa Department of Education)
- Collaborate with the AEA Special Education Directors of Area Education Agencies for better oversight
- Train youth in out-of-home placements regarding their legal rights.
- Train administrators and staff of facilities, juvenile court officers, caseworkers, attorneys, judges about the requirements of the IDEA.

➤ **Expanding community integrated service options for youth adjudicated delinquent**

**Why is this important?** Individuals with disabilities have a right to treatment in the least restrictive environment possible.

**What will DRI do to try to achieve this goal?**

- Continue to actively participate with the Iowa Girls Justice Initiative
- Collaborate with the Iowa Department of Human Services to procure more services and supports in community settings, rather than institutions (this includes continued collaboration in regards to service RFPs and contracts with in-state and out-of-state service providers)
- Collaborate with the other juvenile justice and child welfare stakeholders to advocate for legislative and regulatory changes to increase community options for adjudicated youth.
- Continue connections with national experts and movements to reform the juvenile justice system in Iowa to a more community integrated system.
- If needed, collaborate with and/or provide technical assistance to juvenile justice attorneys to ensure individual placement in least restrictive environment.



Figure 12 Picture of cell block in the [Iowa State Penitentiary](#)

## PRISONS AND JAILS: PROTECT THE RIGHTS OF INCARCERATED IOWANS

DRI will focus on the following areas:

- **Reducing abuse and neglect of inmates with mental illness, developmental disabilities, or traumatic brain injuries in prisons and county jails.**

**Why is this important?** Individuals with disabilities are overrepresented in the criminal justice system. Once incarcerated these individuals are vulnerable to abuse and neglect, such as excessive uses of force, denial of access to necessary treatment, or housing in long term segregation.

### **Possible activities to accomplish goals**

- Monitor prisons and jails to detect abuse, neglect, or systemic issues affecting inmates with disabilities.
  - In carrying out this goal DRI will monitor 2 prisons and 2 County Jails.
- Investigate, provide individual advocacy, or provide other appropriate assistance including representation or systemic advocacy to prevent or end abuse and neglect of prisoners.
- Conduct systemic research regarding restrictive housing of inmates with mental illness in the Department of Corrections, and collaborate with stakeholders to affect systemic change.
- Conduct individual investigations into allegations of denial of access to legally required mental health care and medications, and provide advocacy to ensure provision of these services.
- Conduct individual investigations into suspicious deaths in prisons and county jails.



- Collaborate with the Iowa Chapter of the Epilepsy Foundation to provide seizure response training to correctional officers.

➤ **Increasing the number of reasonable accommodations or modifications of policies and procedures for inmates with disabilities in prisons and county jails.**

**Why is this important?** Inmates with disabilities who are incarcerated should not suffer harsher conditions of incarceration simply as a result of their disabilities. The Americans with Disabilities Act embodies a national policy of nondiscrimination against individuals with disabilities and applies to prisons and jails, requiring that qualified inmates with disabilities be afforded reasonable accommodations and modifications to policies and procedures.

**Possible activities to accomplish goals**

- Provide individual advocacy to obtain accommodations for inmates denied access to prison programs and services as a result of physical inaccessibility or denial of reasonable assistive devices.
- Monitor prisons and jails to ensure physical accessibility.
  - In carrying out this goal DRI will monitor 2 prisons, and 2 County Jails.
- Increase staff knowledge of physical accessibility standards for prisons and jails.





Figure 13 Photo of woman with sign saying "Disability Issues Matter, I Vote"

## VOTING: INCREASE PARTICIPATION IN THE ELECTORAL PROCESS OF INDIVIDUALS WITH DISABILITIES

DRI will focus on the following areas:

- **Eliminating inaccessible residential caucus sites and making sure that reasonable accommodations are provided to caucus participants with disabilities at all caucus sites**

**Why is this important?** Iowans with disabilities want to fully participate in the Iowa caucuses but many are not accessible to individuals with different types of disabilities.

**What DRI will do?**

- Collaborate with the political parties to eliminate any inaccessible caucus sites for Iowans with disabilities;
- Provide individual and systemic advocacy and representation on behalf of individuals who need reasonable accommodations at their caucus sites (such as interpreters and CART services); and
- Inform the public about their voting rights and changes and improvements that the political parties are making to the caucus system, emphasizing the benefits for the disability community.

- **Increasing the participation of individuals with disabilities in elections.**

**Why is this important?** More than 300,000 Iowans have some kind of disability. They represent 11.7% of the civilian, noninstitutionalized population. Although many issues affect their lives, many Iowans with disabilities do not vote.

## **Possible activities to accomplish goals**

- Collaborate with two and four year colleges to promote voting of individuals with disabilities
- Educate individuals with disabilities about their voting rights
- Provide individual advocacy to individuals with disabilities whose voting rights have been violated.
- Collaborate with the Secretary of State's office to increase accessible voting options
- Conduct a survey of congressional candidates on disability rights issues including access to accessible transportation, housing and long-term services.

## Federally-Funded Protection and Advocacy Programs and Grants

### **A. Protection and Advocacy for Developmental Disabilities (PADD)**

Disability Rights IOWA (DRI) receives funding from the Administration on Developmental and Intellectual Disabilities, Administration for Community Living, U.S. Department of Health and Human Services (HHS) under the Protection and Advocacy for Developmental Disabilities (PADD) Act to provide protection and advocacy services to individuals with a developmental disability as defined by federal law.

### **B. Protection and Advocacy for Individuals with Mental Illness (PAIMI)**

DRI receives funding from the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services, for providing protection and advocacy services to individuals with a significant mental illness or emotional impairment under the Protection of Individuals with Mental Illness (PAIMI) Act. The eligibility for this program was expanded several years ago to include individuals with a significant mental illness or emotional impairment living either in facilities or in the community. However, pursuant to Congressional mandate, DRI gives priority to serving individuals with a significant mental illness or emotional impairment who are living in facilities, are in the process of being admitted to facilities, or are being involuntarily confined in a municipal detention facility for reasons other than serving a sentence resulting from conviction for a criminal offense.

### **C. Protection and Advocacy for Individual Rights (PAIR)**

DRI receives funding from the Rehabilitation Services Administration of the U.S. Department of Education under the Protection and Advocacy of Individual Rights (PAIR) Program to provide protection and advocacy services to all individuals with disabilities, as defined by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), except for those eligible for PADD or PAIMI.

### **D. Protection and Advocacy for Voting Accessibility (PAVA)**

DRI receives funding as part of the Help America Vote Act of 2002 (HAVA) to provide education, training and assistance to individuals with disabilities that will promote their full participation in the electoral process.

### **E. Protection and Advocacy for Beneficiaries with Traumatic Brain Injury (PATBI)**

DRI receives funding from Health Resources and Services Administration within HHS to provide protection and advocacy services to individuals with traumatic brain injury.

### **F. Protection and Advocacy for Assistive Technology (PAAT)**

DRI receives funds from the Administration on Developmental and Intellectual Disabilities, Administration for Community Living, U.S. Department of Health and Human Services (HHS) under Assistive Technology Act to assist individuals with disabilities in the acquisition, utilization and maintenance of assistive technology devices or services.

**G. Protection and Advocacy for Beneficiaries of Social Security (PABSS).** DRI receives funding from the Social Security Administration to provide advocacy and other services to assist beneficiaries of Social Security to secure, maintain or regain gainful employment.

**H. Victims of Crime Act Grant.** DRI receives funding from the Iowa Attorney General's to represent juveniles adjudicated delinquent in north central Iowa.

- I. **Work Incentives Planning and Assistance (WIPA)**. DRI receives funding from the Social Security Administration to provide benefits planning and assistance to Social Security Beneficiaries who are returning to work.

# Disability Rights IOWA

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