

Advocacy Center
Quarterly Report to the DD Council
December 13, 2017

Update/progress on Advocacy Center initiatives

1. Voting Rights of People with Disabilities
(a) Changes to law concerning assistance in voting.

As of January 1, 2018, voters in Louisiana will no longer have to provide third-party verification of the need for assistance in casting a ballot. Voters will be required to sign a statement attesting to the need for assistance.

Voters may be assisted by an adult of their choosing who is not the voter's employer or union representative, or a candidate in the election. Voters may also be assisted by a poll worker.

(b) Testimony regarding barriers to exercise of voting rights.

On December 6, 2017, Advocacy Center staff offered comments to the Louisiana Advisory Committee to the U.S. Commission on Civil Rights at its public meeting on Civil Rights & Barriers to Voting. Advocacy Center's comments noted changes in Louisiana law made in recent years that will enhance the access of people with disabilities to electoral systems, including the above referenced change regarding assistance in voting, the provision of e-mail ballots for voters with vision impairments, and the removal of a prohibition on individuals marked as needing assistance in voting from acting as polling commissioners. The comments noted ongoing issues, including the physical inaccessibility of polling places, the refusal of election workers to allow voters to vote with the assistant of his or her choice, and confusion among election officials regarding who may be legally prohibited from voting on the basis of disability.

2. Supported Independent Living Advocacy Program (SILAP)

The Supported Independent Living Advocacy Program (SILAP) continues to provide services to people with disabilities that receive Medicaid-waiver services in Regions I, II, and X (essentially the Baton Rouge and New Orleans areas). SILAP staff regularly attend Regional Advisory Committee meetings in Capital Area Human Services District (CAHSD), Metropolitan Human Services District (MHSD), and Jefferson Parish Human Services Authority (JPHSA).

Between July 1, 2016 and June 30, 2017, handled a total of 91 clients on 101 issues.

3. Community Living Ombudsman Program (CLOP)

The Community Living Ombudsman Program (CLOP) makes routine visits to ICF/DDs in every region of the state. Per the Advocacy Center's contract with the AG's office, CLOP ombudsmen visit at least 25% of the ICF-DD homes in their respective regions each month and report back to the AG's office each month. They also submit a quarterly and annual report.

Cases, July-September 2017:

Total: 2,874 people visited across 453 facilities, with 481 complaints reported.

By Region:

Orleans Region

- 155 people visited in 22 facilities.
- 58 complaints reported.

Baton Rouge Region

- 359 people visited in 66 facilities.
- 47 complaints reported.

Lafayette Region

- 279 people visited in 40 facilities.
- 20 complaints reported.

Alexandria Region

- 443 people visited in 68 facilities.
- 45 complaints reported.

Lake Charles Region

- 325 people visited in 34 facilities.
- 128 complaints reported.

Houma Region

- 137 people seen in 25 facilities.
- 50 complaints reported.

Shreveport Region

- 328 people seen in 47 facilities.
- 24 complaints reported.

Monroe Region

- 270 people seen in 51 facilities.
- 15 complaints reported.

Covington Region

- 291 people seen in 53 facilities
- 11 complaints reported.

Jefferson Parish Region

- 287 people seen in 47 facilities.
- 83 complaints reported.

4. Use of School Resource Officers

On December 4, Advocacy Center convened the first meeting of a working group to address issues surrounding use of School Resource Officers (SROs). The objective of this group is to develop strategies for addressing problems that arise when SROs interact with students with disabilities, resulting in school disciplinary actions or arrest of students.

5. ABA Therapy and Communication Devices

Advocacy Center has seen a number of cases involving the failure of schools to provide students with appropriate communication devices. We have successfully argued that Title II of the Americans with Disabilities Act requires preferred communication devices for students with autism and for students with hearing impairments. While IDEA and Section 504 of the Rehabilitation are arguably not as clear, we take the position that if ABA is necessary for the child to effectively communicate, the school must provide it, even if it is not necessary under IDEA or 504. We are collaborating with attorneys who represent students with Autism

nationwide. We continue to address the ABA issues on a case-by-case basis. These arguments continue to successfully get hearing devices, known as personal FM systems as well as iPads, for our clients.

6. Success Stories

- An individual who is deaf and has intellectual disabilities was denied interpreter services by her psychiatrist. AC was able to obtain interpreter services for her.
- AC represented child with Autism who was found ineligible for services under the IDEA February 2016, despite the need for a one-on-one paraprofessional, counseling, occupational therapy, and assistive technology. There appeared to be substantial errors in the testing for IDEA eligibility. Instead the school district put a 504 plan in place for him. The mother requested an Independent Educational Evaluation. Six months after the request the district is still requesting changes to make the IEE “substantially compliant.” After getting involved in the case, we were able to successfully negotiate for the IEE to be found substantially compliant and the child was found eligible for services under the IDEA without the need for litigation.
- AC filed a Complaint with the Louisiana Department of Education (LDoE) based on alleged physical abuse by a teacher against a 15-year-old child with Autism. Our client had 2 black eyes and a bloody lip as a result of the teacher repeatedly punching him in the face. The school provided no written documentation on how the child was injured. After filing the Complaint, the school district then provided a video recording showing the teacher punching the child full force, while another staff member was restraining him. The state refused to address the situation appropriately. On March 15, 2016, we filed for due process. The due process was settled for the student to receive 232 days of compensatory education, a dedicated teacher, licensed behavioral technician, board-certified behavior analyst, and other support services. The district also constructed a tailored educational space for the student.