

# **Disability Rights New York**

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**2023 – 2024**

**Report**

# OVERVIEW OF ACHIEVEMENTS

DRNY closed 2,426 individual cases with 2,840 people benefiting from our services. DRNY also closed 14 impact cases which benefited 2,370,024 people. The primary population DRNY serves is people with disabilities residing in New York State or receiving services funded by New York State. As a result of our advocacy people with disabilities recouped, saved, or received \$198,068.00 in direct dollar benefit and \$1,494,685 in lump sum dollar savings, with an additional \$769,200 in monthly dollar savings. This figure includes the cost of direct services, assistive and medical devices, and cash awards. Furthermore, DRNY’s advocacy increased access to justice for people with disabilities across New York State by challenging unnecessary institutionalization, combatting housing discrimination and expanding access to education, voting, community integration, assistive technology and autonomy in decision-making.

In *J.S. v. DOCCS* Dk No. 21-2447 (2023), together with our partners Prisoners’ Legal Services of New York, we secured a landmark decision from the United States Court of Appeals for the Second Circuit ensuring all protections under the Individuals with Disabilities Education Act (IDEA) remain with students after the age of 18. Under IDEA, students with disabilities are ensured a right to a free appropriate public education that is tailored to their individual needs. Prior to this decision, the New York State Education Department’s guidance stripped students of their ability to enforce their IDEA rights. The Second Circuit’s decision recognized that adults students may enforce their own IDEA rights thereby expanded access to justice for over 484,000 New York students each school year.



**Service Area:** New York State

**Population Served:** Persons with Disabilities

**Staffing Full Time Equivalents:**

Total Staff: 60	Lawyers: 30
Paralegals: 19	Others: 11

People with disabilities are often unnecessarily institutionalized at greater cost to taxpayers. We continue to work to improve access to community-based services for our clients thereby reducing the cost to taxpayers. The cost of institutional care far exceeds the cost of services in the community. Taxpayers save an average cost of \$7,400 per person per month for those discharged from nursing facilities, and an average savings of \$19,000 per person per month for those discharged from psychiatric hospitalization or intermediate care facilities to community-based services. We represented 86 people who were languishing in hospitals, nursing homes, psychiatric hospitals, and other institutions to return to their communities. We estimate the monthly cost savings to taxpayers to be \$769,200 and the lump sum dollar benefit to be \$472,320.20.

Examples of this work include:

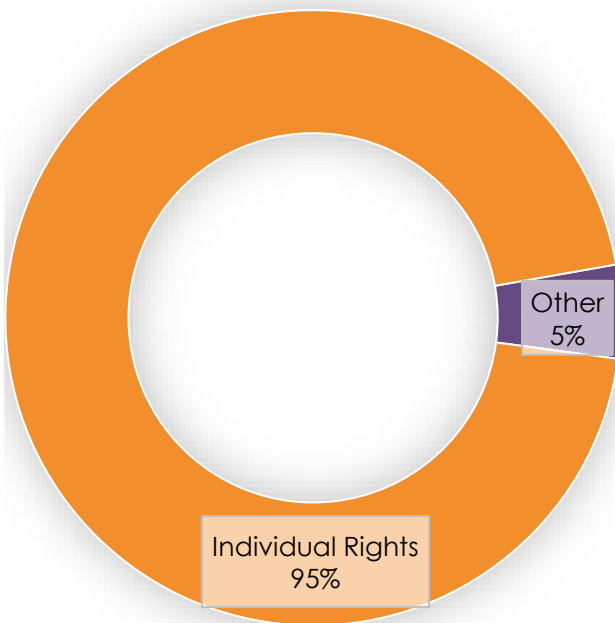
- We helped a client move from an unsafe nursing home situation into an apartment in his preferred community. Our client lived in a nursing home that offered a substandard level of care and failed to meet his medical needs and standard of living expectations. We helped him find an apartment in the community and worked to secure the necessary home care to live safely in his apartment. We also advocated to restore his ability to serve as his own social security representative payee and helped obtain missing monthly payments that had mistakenly been sent to his previous nursing facility. Because of DRNY holistic and unwavering advocacy, our client not only moved from a facility into independent housing, but he also became financially independent.
- We advocated for a client after his home care provider abruptly terminated the home services he needed to live in his own apartment. The agency was unable and unwilling to use his Hoyer Lift which he required to transfer out of bed and simply left him in bed without proper care. After we proved to the county oversight agency that this provider was out of compliance, the agency then attempted to terminate all care, forcibly removing our client from his home to a hospital and then nursing home. We obtained an emergency fair hearing and successfully advocated for an order to reinstate services. When the county refused to reinstate services we vigorously advocated with the county to reverse its position, including threatening immediate litigation. As a result, the county secured a new provider, and our client was able to return home.

# DIRECT LEGAL SERVICES

DRNY provides direct civil legal assistance via the telephone in our Intake Department. Limited case services is offered to clients with legal issues which fall outside of DRNY’s program priorities or clients who require limited or brief legal assistance. This advocacy includes contacting landlords, case workers, doctors, public agencies, and employers for our clients. As an example, we assisted a client with discharging a \$3000 credit card debit. The client’s only income was Social Security Income (SSI) benefits. We assisted the client in filing an amended answer and negotiated a stipulation of discontinuance. As a result of our advocacy the client avoided a judgement for this debt.



## CASES BY LEGAL PROBLEM AREA



Outreach serves the purpose of informing the public about DRNY services and providing brief information about the legal rights of individuals with disabilities. DRNY tracks outreach for each community event. We conducted 108 outreach events during this reporting period resulting in 13,560 people benefiting from the events. Outreach events range in presentation from in-person small group trainings, tabling at community events, participating in community collaborations and online events through telephone and video conferencing platforms. DRNY targets underserved populations within the disability community, including the BIPOC, Spanish Speaking, Chinese, and LGBTQ+ communities. During this reporting period, we conducted targeted outreach on a variety of topics including voter rights, educational inequities, mental health, and employment discrimination.

## CASE EXAMPLES

**Income Maintenance:** DRNY assisted a young man who was recently released from prison to secure needed public assistance benefits when he was denied emergency shelter and SNAP benefits. After experiencing a mental health episode in the waiting room at the Department of Social Services, he was told by a supervisor to “go sleep on the street,” and a family member referred him to DRNY for assistance. DRNY sent a detailed advocacy letter to the County Attorney’s office explaining how our client’s rights were violated, and that the Department of Social Services has a legal obligation to accommodate his mental health needs in the application process. DRNY requested multiple mental health accommodations for this client in this letter, including that he be served by staff with cultural competence and mental health training. The client was thereafter allowed to complete his applications for benefits by telephone and was served by a case worker who treated him appropriately. His case was also transferred to a different office where he would not encounter the abusive supervisor again. He was immediately granted emergency SNAP assistance and safe housing. The county also referred him for utility assistance at the request of DRNY.

**(Other) Employment:** After an employer failed to reasonably accommodate our client after offering him a job as a respiratory therapist, we successfully represented our client in a complaint to the New York City Commission on Human Rights (NYCCHR). Our client requested accommodations before he started the offered employment, including modified font on his computer screen, glare protection, and a schedule change to a morning shift. The employer withdrew the job offer after our client made the reasonable accommodation request, prior to engaging in a cooperative dialogue. We filed a complaint with the NYC Commission on Human Rights (NYCCHR) and represented our client through mediation. We helped our client and the employer reach a six-figure settlement that paid our client lost wages in the amount of \$126,258.82 and civil fines to reconcile the employer’s discriminatory conduct. The settlement also addressed systemic issues that required the employer to train all staff on disability anti-discrimination laws, undergo a policy audit by the NYCCHR, conspicuously post information about employee rights, and offer other types of employee-awareness solutions to prevent future discrimination based on disability. The employer will also create a program to employ people with disabilities. DRNY’s advocacy led to a favorable outcome for our client that also addressed systemic issues with this employer.

## OTHER LEGAL-RELATED SERVICES

DRNY ensures that individuals with disabilities and the people who serve them are aware of the availability of federal, state, and local services using monitoring and training. DRNY provides information about the rights of individuals including: employment services, voting access, community integration in and outside institutions, health care choice, and self-determination. During this reporting period, DRNY hosted virtual and in-person roundtable events and regularly provides rights trainings to individuals with disabilities, families, and providers throughout New York. The total number of people served in other legal related services is 23,179.

13,494

people  
benefited from  
**Community  
Legal  
Education**

**Bodily Autonomy Roundtable:** We hosted a virtual conversation for the community to discuss bodily autonomy issues the disability community faces on a daily basis. The discussion focused on pregnancy, childbirth, medical decisions and family planning, discrimination when raising a child, and other topics. Over 65 people joined this robust and meaningful discussion.

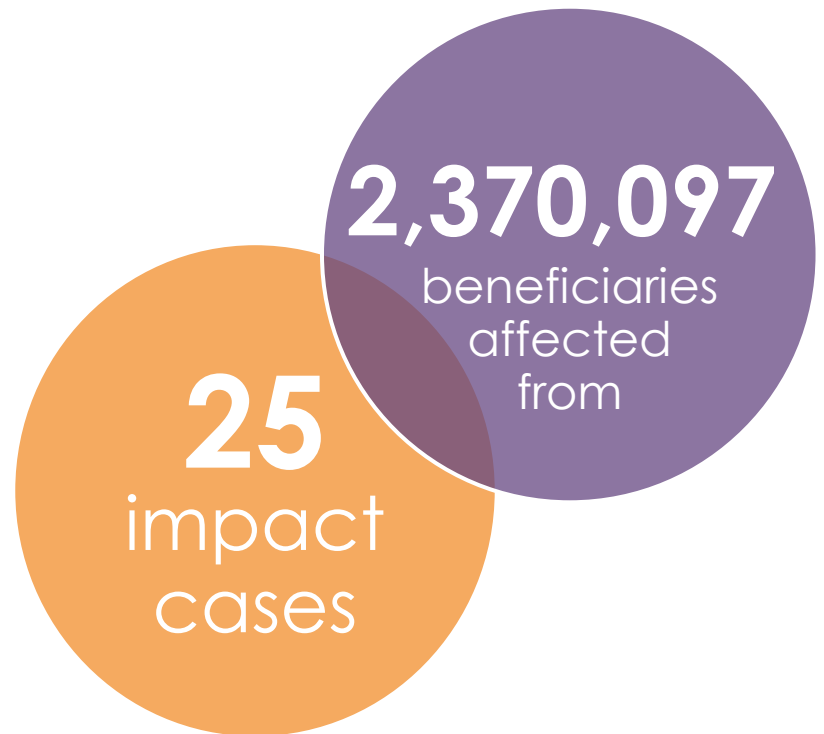
**Transportation Barriers to Employment:** We spearheaded a public forum “Removing Obstacles to Accessible Transportation” featuring national experts and rights activists. The panelists highlighted the importance of accessible public and private transportation to community inclusion and discussed how systemic ableism impacts access to transportation in New York State. The live event was attended by over 50 people and 203 more watched the recording.

**Special Education:** DRNY continued our outreach and educational efforts targeting special education and a student's rights. DRNY distributed tools previously created to students, parents and advocates in English, Spanish and Simplified Chinese. We offered 17 trainings and a statewide Lunch and Learn Series on special education law topics. In total, over 900 parents, school personnel, students, and providers received live training and an additional 770 people have accessed the recordings of these events thus far.

**9,685**  
people  
benefited from  
**Web-Based  
Assistance**

## IMPACT CASES

DRNY prioritizes individual and group advocacy that seeks systemic resolution to barriers faced by people with disabilities in NYS. Therefore, the vast majority of DRNY's efforts include impact cases and matters seeking systems change on behalf of the people we serve. This reporting year we closed 10 individual cases that benefited 494,519 individuals. Benefits include improved access to accessible voting, accessible shuttle services, and addressing discriminatory employment practices. We also closed 4 systemic cases *J.S. v. DOCCS* (benefited 484,147 students); *LoGerfo v. City of New York et al* (benefiting 1,390,907 people); *Johnson et al v. DOCCS* (benefiting 382 people) and *Hernandez et al v. NYSBOE et al* (benefiting 69 voters). These 14 cases benefited 2,370,024 people. We also had 11 ongoing cases which benefited 73 individuals this reporting period. The total number of impact cases this reporting period was 25.



***LoGerfo v. City of New York et al:*** Nassau County did not offer text-to-911 services discriminating against residents and visitors who needed the service to effectively communicate with 911 services.

***MILESTONE:*** The court approved the settlement that mandated the county make Text-to-911 available by text. By September, the county made the service available to everyone who needed to text to report an emergency to 911. DRNY was forced to commence non-compliance motion practice, however, after the county failed to fulfill agreed-upon public notice efforts ahead of set deadlines. The county resolved all non-compliance by April 2024, after a lengthy back-and-forth between parties and the court. This settlement benefits 1,390,907 people (the population of Nassau County).



**Johnson et al v. DOCCS:** Individuals who resided in medical units in state prisons were deprived equal access to services, including the law library, vocational training and other services offered to individuals who reside in other housing units within state prisons. After the court certified the class in this case, the parties decided to engage in settlement. DOCCS agreed to modify its policies which resulted in automatic denial to participate in programs, services and activities based upon placement in medical units and expand the services available in state prison medical units. This settlement benefited 382 people this reporting period.

**Hernandez et al v. NYSBOE et al:** We brought a class action lawsuit against the New York State Board of Elections (NYSBOE) to challenge its inaccessible absentee ballot program.

We obtained a settlement agreement under which the NYSBOE will create a statewide process to allow voters with disabilities to fill out a remote, accessible vote-by-mail ballots. In July 8, 2022, we filed a motion for breach of the settlement agreement because the agreed-upon remote accessible vote-by-mail (RAVBM) system was not in place.

**MILESTONE:** As a result, the NYSBOE implemented the RAVBM system and additional 69 voters in 2023 benefited from accessible absentee ballots.

## Impact Litigation Cases

*J.S. v. DOCCS*

*Rossmann, et al v. Dollar General, et al*

*T.C. et al v. NYS DOH et al*

*M.G. v. Cuomo*

*Heggs and DRNY v. City of New York*

*C.K et al v. Bassett et al*

*DRNY et al v. NYS et al*

*JM et al v. NYS and NY Unified Court System*

*DRNY, Leon et al v. City of New York et al*

*Goodall v. DOCCS et al.*

*Lugo v. The City of Troy*

*Johnson et al v. DOCCS*

*LoGerfo v. City of New York et al*

*Hernandez et al v. NYSBOE et al*

*O'Toole et al. v. Cuomo*

## TECHNOLOGY & IOLA TECH GRANT

DRNY has a strong investment in technological infrastructure which has helped DRNY to continue to serve our clients with staff working remotely. DRNY supplies the equipment and technology necessary to allow all staff to work remotely. We have adapted and expanded procedures and systems to improve our use of technology and our communication capabilities. This includes developing resources and training to ensure that staff are capable of using these technological platforms and supplying new equipment to address the need of a remote working staff.

DRNY used the IOLA Technology grant to update our firewall, update our sonic wall software licenses, and update our access readers and software for our office security system. DRNY was able to direct funds earmarked for these upgrades back into direct legal services for our clients. Moreover, as a result of these funds DRNY was able to accomplish our technology upgrades on a quicker timeline.

## PRO BONO VOLUNTEERS

DRNY actively recruits law students and other volunteers. DRNY has established a presence among law schools with and outside of New York State for recruiting talent. DRNY had 18 law students in our internship program, including seven pro bono scholar students.

DRNY also works with volunteer attorneys. One Attorney Emeritus volunteer devoted 391.5 hours updating the New York Special Education Case Law Digest. The Digest

provides summaries of cases on well over 100 special education issues. Since parents of students with disabilities are the primary enforcers of educational rights for students, there was a great need for a free resource dedicated to special education advocacy. Our second Attorney Emeritus volunteer devoted 378 hours conducting research and providing direct case service to individuals with intellectual and developmental disabilities.

2

attorneys  
volunteered **770** hours

18

law students  
volunteered **3,909** hours

9

other volunteers  
volunteered **1,298** hours

# SIGNIFICANT COLLABORATIONS

DRNY seeks lasting systemic change in areas that adversely impact on people with disabilities, by promoting its unique role as New York State's P&A and connecting and collaborating with community partners and leaders who promote the rights of people with disabilities.

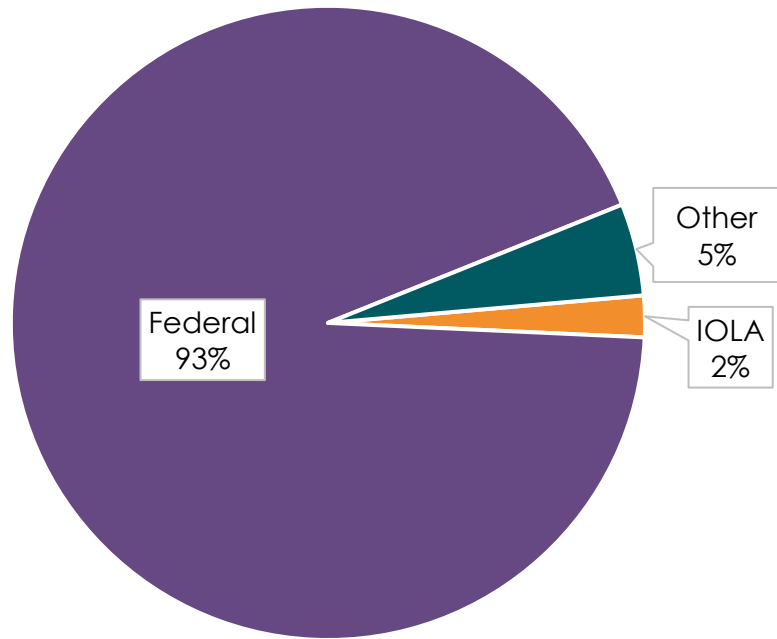
**Decarcerating Disability Jail Coalition of New York (DDJC-NY):** We lead a coalition of organizations focused on addressing the needs of people with significant mental illness in New York State jails. The coalition includes people with lived experiences, providers, and mental health professionals representing all regions of the state, and BIPOC communities disproportionately impacted. We hosted a Town Hall, conducted monitoring visits to jails and interviewed individuals subjected to human rights abuses, including unlawful and prolonged placement in solitary confinement and drafted a written proposal which will be published in 2024.

**Supported Decision Making:** We are an active part of a Community of Practice (COP) on transition points for people with I/DD in New York. This is a five-year collaborative project with the NYS Developmental Disabilities Planning Council (DDPC); the Westchester Institute for Human Development (WIHD), Rose F. Kennedy Center (RFK), and the Strong Center for Developmental Disabilities (SCDD). The COP aims to improve transition planning for people with disabilities and their families over the lifespan. Together with our colleagues, we are identifying strategies and mediums to widely dispel myths about guardianship and provide accurate, practical information on alternatives.

**Voter Access:** Our collaboration with the League of Women Voters resulted in 10 non-partisan candidate forum events across NYS. In each forum, candidates answered non-partisan questions related to the needs of the disability community. Candidates discussed their respective visions about working for constituents with disabilities and shared their plans on a variety of subjects such as improved access to healthcare and personal care services, access to special education services and broadband internet, and meeting the mental health needs of people post-pandemic. Over 3,500 people viewed the candidate forums.

# CIVIL LEGAL SERVICES FUNDING

**\$ 9,619,783**



<b>IOLA Funding</b>	<b>\$ 203,601</b>
<b>Federal Funding</b>	<b>\$ 8,964,264</b>
<b>Foundations</b>	<b>\$ 37,600</b>
<b>Fundraising</b>	<b>\$ 4,882</b>
<b>Other Funding</b>	<b>\$ 409,436</b>