



DISABILITY RIGHTS
NEBRASKA

Disability Rights and Youth in Facilities

Who:

- **Private, non-profit** est. 1977
- **Independent** of any service providing agency
- **Nebraska arm of the Protection and Advocacy System (P&A) est. by federal law - One in every State and Territory**
- **Supported by federal grants, state, and private funds**
- **2 offices – Lincoln and Scottsbluff**
- **18 employees, 9 Board members**
- ***Our Vision:*** Disability Rights Nebraska envisions a world where human rights are protected and differences celebrated, where the perception of disability is replaced by the recognition of ability, where all people have value, visibility, and voice.

Mission:

We use a combination of strategies to promote, protect, and advocate for the legal and human rights of all people with disabilities.

We support people with disabilities to help ensure they gain the benefits of full inclusion in their home, community, education, and/or employment.

Our support begins with people with disabilities who are the most vulnerable and who live in congregated, isolated, and/or segregated settings.

Mission:

Disability Rights Nebraska uses a combination of

- **legal** advocacy,
- **public policy** advocacy,
- **citizen** advocacy,
- **self-advocacy** and
- **advocacy education**

to protect vulnerable people with disabilities.

We especially focus on those who learn, live or work in *isolated, segregated or congregated* settings.



What's the Focus?

- **Freedom from Harm**

- **Prevent and Respond to Abuse and Neglect:**
the original reason the Protection & Advocacy Services were founded.

- **Most Inclusive Settings**

- **Access to “typical” choices** – living, learning, working, playing...
 - “...requiring people to receive services in a setting that is isolated or separated from the community is discrimination against persons with disabilities.” U.S. Supreme Court

- **Engaging People with Disabilities in Advocacy**

- “Nothing about us without us” – advocacy skills training & education



Freedom from Harm:

How do we prevent and respond to abuse and neglect?

- **Monitoring:**

Our staff visits places/facilities in person, to see conditions, talk with people with disabilities, to make sure they are receiving supports and treatment they need.

- **Abuse and Neglect investigations**

- Gathering evidence so we can take action
- On behalf of Individuals and Groups
 - Cecetka
 - Guardianship issues
 - Elizabeth M Class Action



Most Inclusive Setting:

Advocating for people with disabilities to be able to live, work, and learn in the most inclusive settings.

- Non-segregated, non-isolated, services and supports based on the person's individual needs, desires and wishes
- Increasing opportunities for people to have **culturally valued social roles** → **the good things in life.**



Most Inclusive Setting: Using **Legal Advocacy** to respond to **Rights Violations**



- Assistive Technology denials, Lemon Law, Assistive technology access for students
- Social Security Return to Work, Social Security Representative Payee monitoring to prevent / address financial exploitation
- Americans with Disabilities Act (ADA) rights violations - Physical Access, Access to services, Employment, Access to education

Most Inclusive Settings:

Citizen Advocacy –

- Relationship-based, grassroots advocacy
- creates one-to-one matches between ordinary citizens and vulnerable people with disabilities in their communities
- Originated in Nebraska
- Nebraska & Georgia only two US states
- Active in Canada and Australia.
- <https://tinyurl.com/CitizenAdvocacyStories>



Most Inclusive Setting – Policy Action:

- Serving as a resource and connecting point on disability issues for policymakers, for example:
 - Medicaid Buy-In program changes approved to help individuals with disabilities keep both their jobs AND insurance coverage through Medicaid.
 - Working with senators to recognize that seclusion & restraint is a problem in schools - especially for kids with disabilities - and providing them information to draft policies to address the issue.
- Current Systems Policy Initiatives:
 - Encourage recognition of Supported Decision Making
 - Employment – eliminating sub-minimum wage for people with disabilities and promoting supported / competitive, integrated employment

Engaging People with Disabilities in Advocacy

Self-Advocacy – supporting people in speaking up for themselves by standing with them, providing resources, training & advice.

Advocacy Education –

- formal leadership training for people with disabilities (history, legal rights, advocacy skills);
- [internships](#) for people with disabilities so they can pursue policy / advocacy work;
- training for professionals and the public – legal issues, philosophy of inclusion



Engaging People with Disabilities in Advocacy



Inclusive Education Lay Advocacy – Provides training to everyday people who commit to standing with other families to advocate for inclusive education for their children.

- Advocates across the state - 45
- Act as “interpreters”, mediators, change agents bringing new ideas to the mix, an outside set of eyes. Educated in the law and best practices.

WHY?

Why are we so determined to protect, support, and engage people with disabilities in advocacy?



Because:

People with disabilities are first and foremost ***people.***

They are:

- Brothers
- Sisters
- Friends
- Neighbors
- Coworkers
- Nebraskans
- Legislative constituents
- Congregation members...
- *The possibilities should be endless*

These are all examples of valued social roles that many of us fill.

AND, when people hold valued social roles,
They are much more likely to experience the "good things in life" than if they do not.

Good things such as:

- receiving dignity, respect, and acceptance in your relationships with people
- a sense of belonging
- an education and opportunities to develop and use your abilities and talents
- a voice in the affairs of your community and society and opportunities to participate in a typical way
- a decent standard of living
- a place to live that is typical of dominant society
- opportunities for work and support.

Want to know more?
[Social Role Valorization Theory](#)

Monitoring in congregate facilities

Federal law provides the P&A the right to enter facilities and community programs where individuals with disabilities reside, are housed, or receive services.



- The Developmental Disabilities Assistance and Bill of Rights (DD) Act of 2000, 42 U.S.C. § 15041 *et seq.* and 45 CFR Part 1326.
- The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act of 1986, as amended, 42 U.S.C. § 10801 *et seq.*, and 42 CFR Part 51.
- The Protection and Advocacy of Individual Rights (PAIR) Program of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794e and 34 CFR Part 381.

Monitoring congregate juvenile facilities

- Psychiatric Residential Treatment Facilities (PRTFs)
- Beatrice State Developmental Center (BSDC) Crisis Stabilization Unit
- County youth detention
- Day programs for youth with intellectual disabilities and developmental disabilities

Three areas of current concern

- Physically inaccessible facilities
- Reliance on electronic education
- Room confinement / solitary confinement



Physically inaccessible facilities



Reliance on electronic education



Room confinement / solitary confinement

Mental health impacts are severe even after one hour.

Experts recommend no more than four hours for youth.

Youth of color and youth with intellectual disabilities are more likely to be placed in isolation, and they are more likely to suffer permanent adverse mental health effects.



How you can help:

- Ask your clients about the facility they're in and if they've been in isolation.
- See something? Call us!
- Join our mailing list for email newsletter updates on our work.

Contacts:

Legal Advocacy or Legal Questions:

Case Advocates take calls from **8AM – Noon, M-F.**

402-474-3183 or 1-800-422-6691 or online:

www.disabilityrightsnebraska.org - NEED OUR ASSISTANCE

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