

# ADVOCACY MATTERS



 Disability  
Rights OHIO

We have the legal right of way.



# A LETTER FROM THE EXECUTIVE DIRECTOR

**Dear Friends,**

Each year Disability Rights Ohio touches the lives of thousands of people with disabilities in Ohio. In some instances, this involves representing groups on systemic issues through class action litigation or policy negotiations, or providing information to our state and federal legislators on disability rights and policy.

But the overwhelming majority of our work is on behalf of individuals, on discrete issues, in every part of the state. Our skilled lawyers and advocates work to help clients keep needed services, challenge discrimination and stay or become employed, obtain a better educational plan, or be safe when dealing with caregivers.


Our staff is passionate about partnering with our clients to do this work on the ground, and their ability to have a positive impact on individual lives. Whether that is helping someone understand their benefits so they are able to return to work, or helping a victim of crime to get a new wheelchair, the stories that we tell in this report reflect this variety and the wonderful diversity of our clients – people with disabilities.

Thank you,

A handwritten signature in blue ink, appearing to read 'Michael Kirkman', written in a cursive style.

Michael Kirkman  
Executive Director



A woman with brown hair, wearing a grey long-sleeved shirt and light-colored pants, is smiling and holding a light-colored dog. She is standing in front of a brick building with windows. The scene is outdoors on a grassy area. A decorative graphic consisting of overlapping pink and red geometric shapes is located in the bottom-left corner of the image.

Aleeha Dudley wanted to be a veterinarian. Her university couldn't help her. We did.

Aleeha Dudley has loved animals all of her life. She grew up on a farm with livestock and wanted to be a vet from the time she was seven. She is also blind. In 2011, she earned a scholarship from the National Federation of the Blind to enter the pre-veterinary program at the Miami University in Ohio.

Unfortunately, things at Miami did not go as planned. University staff proved to be unprepared to provide Aleeha with equal access, as they struggled to provide her with even basic accommodations. Not all of her textbooks were available in Braille, and those that were had

numerous errors. Three-dimensional graphics were also supposed to be provided, but students, who had no relevant experience, created these incomprehensible graphics. As a result of these poor accommodations, Aleeha's grades suffered during her three and half years at Miami.

Despite Aleeha's best efforts at self-advocacy, she eventually realized that she needed outside help. She contacted Dan Goldstein, a lawyer for the National Federation of the Blind, who reached out to Disability Rights Ohio. The two organizations negotiated with the school, and when unable to resolve quickly, filed a lawsuit in January 2014. Later they sought the help of law professor Ruth Colker, who specializes in disability rights and education access. And in June 2015, the Justice Department joined the lawsuit after finding that Miami University systematically violated the Americans with Disabilities Act.

After months of negotiation, Aleeha was awarded \$108,000 to pay for education at a university of her choosing, \$50,000 of student loan repayment, and an additional \$102,000 in damages. The settlement also requires Miami University to ensure that future students have what they need, including significant changes to practices for obtaining and utilizing technology, requirements to make its website and Learning Management Software accessible, and training for faculty and staff about the importance of accessibility and how to achieve it.

"This is a landmark case," says DRO Director of Advocacy Kerstin Sjoberg-Witt. "Thanks to the support



**I know [becoming a vet] is going to be hard, but I know I'll always have people to help me up.**

of the NFB, collaboration with the Justice Department, and the courage of Aleeha Dudley, this is by far the most comprehensive agreement of its kind. The guidelines in the settlement are a great roadmap for what universities should be doing to comply with the Americans with Disabilities Act.”

## Life in Louisiana

Her experiences at Miami left Aleeha a shadow of her former self.

“I no longer believed I could do anything, let alone be a vet,” she recalls.

But going to the Louisiana Center for the Blind totally changed her outlook on life. From September 2015 to May 2016, she learned valuable skills, including increased experience with using a computer and Braille, increased problem solving and confidence, and hands-on activities, such as wood shop and cooking. She also went horseback riding, chopped down a Christmas tree, and went to New Orleans for Mardi Gras. She feels the experience got her back to her old self, and she enrolled in Louisiana Tech in September 2016.


Aleeha is enjoying her time at Louisiana Tech, making the Dean’s List thanks to her work ethic and proper accommodations.

“Now, I just write an email or make a phone call and my problems are solved,” she says. “I think I’ve been in the Disability Office once this semester, and that was just to pick up a textbook.”

She still plans to become a vet and is even allowed to do hands-on work with animals, something she was not allowed to do at Miami. Aleeha acknowledges that there are several challenges ahead of her, but she’s looking forward to facing them.

“I know it’s going to be hard, but I know I’ll always have people to help me up.”



A close-up photograph of two hands clasped together in a supportive grip. The hands are light-skinned and appear to be of a woman. The fingers are interlaced, with the thumb of one hand resting over the other. The background is a soft, out-of-focus light brown color. In the bottom-left corner, there is a graphic element consisting of overlapping geometric shapes in shades of pink and red.

Missteps led to serious consequences.  
Our advocacy improved care for  
patients.

A client was admitted to a psychiatric hospital, but a series of missteps almost ended tragically. The first mistake was the failure to obtain the patient's complete medical records. This was compounded by a failure to communicate with her or her family members regarding her medical history and care. While these basic steps are required for all medical providers, they were not taken here.

Compounding these errors, the nursing staff made no attempt to effectively communicate with the patient who, while nonverbal, was able to communicate through gestures, pointing, and nonverbal sounds.

The consequences of all these omissions? The client was given food that was difficult for her to eat without choking. Even worse, the staff neglected to provide necessary anti-seizure medication. This caused the patient to have repeated seizures for the first time in decades. She was ultimately admitted to a medical hospital on life support.

## Disability Rights Ohio Steps In

As Ohio's federally and state-designated Protection & Advocacy system, DRO is the only independent organization with the authority to go into any facility where people with disabilities live. Following a thorough investigation of this situation, DRO reported its findings to the Ohio Department of Mental Health and Addiction Services (ODMHAS). As a result, the psychiatric hospital was placed on probation, and is now required to provide intensive training to staff. New policies and protocols, approved by ODMHAS, are being put in place to prevent this from happening again in this facility.

Thanks to the advocacy of DRO, real change occurred. The client is still recovering but has returned home. And, going forward, DRO will continue to monitor the facility and report to ODMHAS as necessary.

A student needed an emotional support animal. Her landlord put up barriers. We knocked them down.






A college student who lived in an off-campus apartment received a letter from her mental health treatment provider recommending an emotional support animal. She gave the letter to her landlord and then got a small emotional support dog. The landlord ordered her to remove the dog immediately, fined her \$150 with 10% per day interest until paid, and threatened to evict her if she brought the dog back before signing some additional lease requirements. The additional requirements would have forced the student to pay for any damage to the property outside of the security deposit, released the landlord from liability related to the dog, required the student to obtain her roommates' signatures, and listed a number of arbitrary conditions that could have gotten the student and her roommates evicted if they were not met. This situation caused the student to have significant anxiety and made it hard for her to focus on her studies.

Disability Rights Ohio contacted the landlord and explained the student's right to reasonable accommodations and modifications under the Fair Housing Act. After several days of conversation, the landlord removed the additional lease requirements, refunded the client's fine, and allowed the student to have her emotional support animal for the remainder of the lease.

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A close-up, shallow depth-of-field photograph of a person's hands typing on a laptop keyboard. The background is a bright, out-of-focus office space with a window. The lighting is warm and natural. In the bottom-left corner, there is a decorative graphic consisting of overlapping pink and red geometric shapes.


A client needed to find a flexible job. OOD wouldn't accommodate. We helped her gain access.

A woman with disabilities needed a full-time job with flexible hours that allowed her to work from home. She'd been working as a recruiter, but, to her great frustration, she kept getting laid off.

She came across a job board website that screens its postings to ensure every job is legitimate – not a scam – and offers flexible working hours. However, it requires a small monthly membership fee. Since she had been working with a job developer at Opportunities for Ohioans with Disabilities, she asked if OOD would pay that fee. They denied her request. She called DRO for help.

A DRO advocate helped her file an appeal and represented her at an informal hearing about her case. The advocate explained that the website is the only site she'd seen that so thoroughly pre-screens its postings, and the postings didn't seem to be available anywhere else. The OOD supervisor, whose job it was to try and resolve the appeal, agreed that the pre-screening aspect of the website was critical to the client's success at finding employment and recommended that OOD pay her membership fees for two months. The client has found the website to be helpful in her search.

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After five years in a nursing home, a client wanted to move out. Her guardian was hesitant. We helped her find her place.



“Nancy” (not her real name) had lived in a nursing home for five years. She worked in the community and did not need the level of services that the nursing home provided. Like many who live in institutions, Nancy was isolated and segregated for no reason. She felt ready to live in the community, and the nursing home supported her in that decision. But her guardian did not support the goal and blocked her plans to move out. Nancy contacted DRO for help.

DRO told the guardian about HOME Choice and Recovery Requires a Community – two statewide programs that help nursing home residents return to life in the community with the services and supports they need to succeed. Because of DRO’s intervention, the guardian agreed to support Nancy in applying for HOME Choice.

DRO worked closely with the HOME Choice team and staff at the nursing home. Our advocate monitored activity and negotiated with the guardian and others to ensure that the plan moved forward. After 11 months, Nancy moved into her own apartment. DRO helped her to get vocational services to help her find a new job close to her new home. Now, instead of being isolated at the institution, she enjoys spending time with her friends at a local day center.

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A thief stole his car – with his wheelchair inside. We helped him find a way forward.

On a cold January day, “Mitch” started his car to let it warm up, with his wheelchair inside. Someone stole it.

His insurance company agreed to pay him the value of the car if he provided a copy of the police report first. Without his wheelchair, Mitch couldn’t get to the police station to get one. He called DRO to get help through our Victims of Crime Advocacy (VOCA) program.

Our VOCA attorney went to the police station to get the police report and sent it to the insurance company. Police were able to recover his stolen car, and the attorney negotiated with the Columbus Police and the tow yard to get it back to him. Unfortunately, the wheelchair was not located, and Mitch had to get a replacement.

Because he no longer felt safe, Mitch decided he wanted to move to a lower crime area, and DRO provided him with HUD information. He also wanted license plates showing a wheelchair to deter theft, and DRO helped him find an accessible BMV location.

Crime victims with disabilities face discrimination every day in every phase of the Ohio criminal justice system. DRO’s VOCA program works to make sure people know their rights, have access to hearings, and get effective communication with law enforcement, prosecutors and courts.

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# Disability Rights OHIO

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