

2023

ANNUAL REPORT

Reigniting
THE PROMISE OF
OLMSTEAD

**DISABILITY
RIGHTS**
NEW  JERSEY

ADVANCING JUSTICE. ADVOCATING INCLUSION.

2023 ANNUAL REPORT

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A message from the EXECUTIVE DIRECTOR & BOARD CHAIR



In 2023, Disability Rights New Jersey reignited the promise of *Olmstead* and committed anew to our mission to advance the human, civil, and legal rights of people with disabilities and promote their self-determination and inclusion in all facets of community life. We are very excited to share with you our reflections on the work we've achieved this year and to thank all who generously support our work.

FY 2023 began with the most significant revisions to Disability Rights NJ's goals and objectives in many years. Just prior to the beginning of FY 2023, we undertook an outreach effort for input into the issues faced by people with disabilities that most seriously needed our attention and focus, and ultimately, received feedback from more than 2,000 people with disabilities, families, supporters, and stakeholders. That input was incorporated into our revised 2023 Goals and Objectives which focused on ensuring that people with disabilities were free from abuse and neglect, and also can access and receive the services they need to live and thrive in their own communities. You can find the [2023 Goals and Objectives here](#).

These new Goals and Objectives drove our work in 2023 to reignite the promise of *Olmstead*. During the year, we worked to ensure that college and graduate students with disabilities receive the financial support they are entitled to from the state Vocational Rehabilitation agencies, that youth with disabilities at risk of being caught up in the School-to-Prison Pipeline receive the educational and home and community-based services they are entitled to receive to avoid the juvenile justice system, and in conjunction with an in-depth report of people with intellectual and developmental disabilities in nursing homes, we engaged in outreach and rights-based education to nursing home residents.

Some of our most significant work began at the end of the Public Health Emergency (PHE) in May, when more than 2 million Medicaid beneficiaries began the redetermination process. Disability Rights NJ stood ready to provide direct legal representation to people with disabilities at risk of

or actually facing Medicaid terminations. For our clients who receive their community-based services and supports through Medicaid, keeping Medicaid eligibility is vital to their health and well-being.

We could not be prouder of the Disability Rights NJ staff and their many accomplishments to ensure that people with disabilities can live their fullest lives in their own homes and communities, and be free from abuse and neglect.

Our mission to promote self-determination, independence, productivity, and integration into all facets of community life was evident in all of the work undertaken by our dedicated staff this year.

As you read this report about the important work we have accomplished this year, we hope you will be inspired to help us expand our work. We encourage you to renew or begin your commitment to Disability Rights NJ with a one-time or monthly donation. Your support ensures that Disability Rights NJ will continue to address all of the challenges people with disabilities encounter, while providing excellence in all we do.

Thank you for investing in Disability Rights New Jersey.

Gwen Orlowski & Hazeline Pilgrim

OUR MISSION

We advance the human, civil, and legal rights of people with disabilities and promote their self-determination and inclusion in all facets of community life.

OUR VISION

We envision a world where people with disabilities are free from abuse and discrimination, have equal opportunities, and live their fullest lives.

OUR VALUES

JUSTICE

We staunchly protect and advance the rights of people with disabilities. We advocate for a fair and just society.

EMPOWERMENT

We root ourselves in our shared humanity and compassion. We believe that people with disabilities deserve to advocate for themselves and be effectively equipped to do so. We honor the dignity and self-determination of all.

INCLUSIVITY

We value diversity as our greatest strength. We work to make our community more equitable with a focus on people experiencing multiple forms of discrimination.

PASSION

We strive for excellence with the goal of creating a better world.

RESPECT

We approach others with integrity, honoring their unique perspectives, feelings, and lived experiences.

INNOVATION

We seek transformative change through forward-thinking ideas and collaborations.



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to photographer,
Mike Mielcarz*

COLLEGE TUITION ASSISTANCE FOR STUDENTS WITH DISABILITIES

Removing barriers to higher education



Disability Rights NJ, through our Client Assistance Program (CAP), works to ensure that students with disabilities have access to college and graduate school through financial support from New Jersey's Vocational Rehabilitation (VR) agencies, the Division of Vocational Rehabilitation (DVR) and the Commission for the Blind and Visually Impaired (CBVI). The 2014 Workforce Innovation Opportunity Act (WIOA), which amends the Rehab Act, requires DVR and CBVI to establish reasonable fee schedules for tuition, and in particular for the study of STEM subjects, medicine, law, and business programs, and then to provide the tuition assistance to make those college and graduate school experiences possible.

Disability Rights New Jersey played a pivotal role in my journey towards achieving my educational goals. Their unwavering support and advocacy helped me navigate the financial aid process and secure the funding I needed to pursue my Master's Degree program. Their guidance and expertise were invaluable, and I am incredibly grateful for their assistance. Without Disability Rights NJ, I would not be where I am today.
-Aaron

Through our legal representation of VR clients seeking support for college and graduate school tuition, we found that DVR's and CBVI's fee schedules did not meet the requirements of WIOA, and that VR clients were being denied the tuition support they needed to be successful – and most importantly, that denial was contrary to federal law. We represent VR clients who take out significant student loans to afford college, when many of these students may be eligible for financial support from the VR agency. In addition to individual representation, we wrote a comprehensive legal memo and advocated with DVR and CBVI to adopt a reasonable fee schedule based on the flagship state universities comparable program. For example, a fee schedule based upon the actual tuition at Rutgers Law School would base the VR agencies financial support for the student on that actual tuition, not a lower tuition schedule.

As a result of our legal representation and advocacy efforts, Disability Rights NJ has successfully assisted individuals with obtaining full funding for their graduate school tuition including:

- **A student studying for a Doctor of Pharmacy**
- **A student studying for a Masters in Data Science**
- **A student studying for a Doctor of Osteopathic Medicine**

In addition, DVR has amended its official policy to include the higher tuition support rates based on the comparable state's flagship university program.

“

I do not see myself as disabled. I see myself as a normal kid with a physical disability. My disability does not define me.
-Alan

”

ALAN'S STORY



Alan is a seasoned technology user, pursuing his master's degree in Cybersecurity. He is passionate about combating challenges in the cyberspace and preventing individuals from falling victim to online crimes such as fraud, human trafficking, and identity theft. In his spare time, Alan enjoys playing video games and watching movies.

At 5 years old Alan received the diagnosis of muscular dystrophy. "I do not see myself as disabled. I see myself as a normal kid with a physical disability. My disability does not define me. It has allowed me to do things most kids my age couldn't, and go places that most kids couldn't, as well as meet a lot of different people." It is with this mindset that Alan navigates his life and new experiences. While he acknowledges the impact his disability has had on his life, it is not a defining factor of it.

"He's only Alan." said his mom, Michelle. "He's not the kid in the wheelchair. He's just Alan." Alan connected with Disability Rights NJ to assist him with enforcing his rights to education and employment through access to appropriate vocational rehabilitation services. Alan's family discovered during his high school years that he was neither being informed of nor being granted the rights he is entitled to as a student with a disability, such as choosing an employment goal in his field of choice and receiving support from an aide to assist him with his education through access to appropriate vocational rehabilitation services.

It was demoralizing for Alan and his family when others were imposing limitations on his goals and making assumptions about his abilities based on his disability. "I don't think a lot of parents know the ins and outs," Michelle states. The barriers faced by Alan throughout his academic career highlight the need for further education and resources to be provided to both the disability community and those in positions created to serve individuals with disabilities. "It's a shame that it's not more knowledgeable. He has the right to have the same education as everyone else."

Alan now serves as an advocate for himself and others with disabilities. Alan and Michelle's goals are to work with Disability Rights NJ to make higher education more accessible for students with disabilities, as well as to ensure that everyone is informed of resources available to assist with their goals and independence.

Alan's future goal is to secure a job within the field of cybersecurity, preventing cybercrime and rising to the challenges of a fast paced, ever evolving field. Alan has met challenges head on with fortitude and perseverance. Alan feels his disability has made him a stronger person and has taught him how to overcome any obstacle.

INTERCEPTING THE SCHOOL-TO-PRISON PIPELINE FOR YOUTH WITH DISABILITIES

Providing assistance in navigating the system

Youth with disabilities are most vulnerable to being propelled along the School-to-Prison Pipeline: disciplined more harshly, referred to law enforcement, subject to school-based arrest, and incarcerated. Over 13% of students with disabilities receive out-of-school suspensions compared with 6% of students without disabilities. The higher rate of school discipline does not reflect a higher rate of misbehavior by students with disabilities, but reflects instead the impact that school policies, practices, and leadership have on youth with disabilities. Each suspension increases a child's odds of becoming delinquent, abusing substances, getting involved with gangs, and getting caught up in the juvenile justice system.



The Youth Practice Group (YPG) of Disability Rights NJ is uniquely focused on youth with disabilities – generally individuals under 21 years of age, particularly justice-impacted youth in danger of falling prey to the broken system. The YPG provides assistance to youth with disabilities already ensnared in the legal system, getting them educational and home and community services they are entitled to receive that can help prevent recidivism and avoid the School-to-Prison Pipeline.

Disability Rights NJ represented a teen with an emotional regulation impairment in her fight against the school district's attempt to exclude her from her local high school, violating her right to an education in the least restrictive environment, under the Individuals with Disabilities Education Act. Disability Rights NJ continued to advocate for the student's rights, filing a petition for due process and an application of emergent relief against the school district's proposed change of schools and successfully negotiated her continued placement in the general education program at her local high school. In addition, Disability Rights NJ was able to negotiate to have a functional behavior assessment conducted which resulted in an improved Behavior Intervention Plan with services and supports requested by the youth. She is on track to complete her senior year of high school.

Disability Rights NJ is committed to reigniting the promise of *Olmstead* that all people with disabilities, of all ages, can receive services in the most integrated setting appropriate to their needs.

**Over
13%**
of students
with
disabilities
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suspension
compared
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students
without
disabilities.

Source: U.S. Dept of Education

RESTORING CRITICAL MEDICAID SERVICES

Responding to the terminations crisis at the end of the Public Health Emergency

Nothing is more important to the *Olmstead* promise to live one's life in the community than access to home and community-based services and supports like group homes, day programs, and direct-service aides. For many New Jerseyans with disabilities, particularly those with IDD, this means getting and keeping Medicaid which pays for these services.

With the unwinding of the Public Health Emergency, programs such as Medicaid home and community-based services were suddenly at risk. The Medicaid continuous enrollment provision also ended, leaving many Americans, particularly those with developmental disabilities, without necessary services and supports that are critically important for their daily living. Without stop gap measures in place, the State put people at risk as they began redetermining Medicaid eligibility for more than 2 million people. There were bound to be mistakes – people with disabilities terminated who remained eligible.

In response to the significant need, Disability Rights NJ pivoted resources immediately and met this unprecedented challenge full-on, deploying our attorneys and advocates to provide legal representation to people with disabilities facing Medicaid terminations. To date, we've successfully restored Medicaid for more than a dozen people with disabilities who rely on Medicaid for long-term services and supports.

“

Thank you for helping us with this issue. We got a document from the [Social Services] that she has been renewed! Our family is grateful for your help. Sincere thanks to you all from our family.

”

As we continue to address this crisis, and every crisis that threatens people's ability to live in the community – we remain committed to reigniting the promise of *Olmstead*: that all people with disabilities can receive services in the most integrated setting appropriate to their needs.



HOW WE HELPED MAKE A DIFFERENCE

Disability Rights NJ assisted a 32-year-old woman with blindness in both eyes, in addition to other conditions that require home-based services and supports through Medicaid coverage. While assisting with her Medicaid redetermination, the woman was advised through Social Services that her coverage was being terminated due to income wrongly attributed to her finances. Our legal team assisted in troubleshooting with her county welfare agency, resolving the inaccurate information in their system, petitioning for a Fair Hearing, and ensuring the continuation of her Medicaid benefits.



Disability Rights NJ assisted a 31-year-old woman with an intellectual disability residing in a group home with her Medicaid benefits termination. Her guardian and mother contacted us for assistance in restoring her daughter's Medicaid coverage, which provides the necessary long-term services and supports she relies on to live in an integrated setting within their community. Our legal team communicated with her county welfare agency and her status was corrected in their system.

Disability Rights NJ assisted a 33-year-old woman with cerebral palsy and vision impairment receiving Supplemental Security Income (SSI) and Medicaid. When she married the previous year, her SSI benefits were terminated, but she was not notified. Her mother was informed by phone that her benefits would end this year and she needed to maintain her Medicaid eligibility to keep her Division of Developmental Disabilities services, which provides her the home and community-based support she requires. Our legal team assisted in continuation of benefits by requesting a Fair Hearing to ensure no gap in her coverage. We provided the requested documentation of her eligibility and her Medicaid coverage was restored.



Images on this page are stock images in order to protect the privacy of our clients

NURSING HOME RESIDENTS' RIGHTS

Creative outreach and rights-based education reaching our most vulnerable population

Nursing home residents, regardless of disability status, are entitled to certain rights under both state and federal law, but often face challenges in advocating for themselves due to health conditions, lack of information, fear of repercussions, and other factors. While nursing facilities are required to provide a written statement of a resident's rights in a nursing facility, Disability Rights NJ often encounters nursing facility residents who are unaware of their legal rights.

Through funding provided by the New Jersey Council on Developmental Disabilities, Disability Rights NJ developed a Residents' Rights Bingo game based on similar formats that other advocacy agencies found to be successful in encouraging participation from residents. Providing rights-based information in an interactive format to residents, through a fun and familiar exercise that benefits cognitive function, mental health, and socialization, creates an opportunity to engage with a large group of residents about their rights. By conducting these educational sessions, Disability Rights NJ aims to bridge the gap in awareness by equipping them with the knowledge and confidence to recognize and protect their rights within their living environment.



Providing rights-based information in an interactive format to residents, through a fun and familiar exercise that benefits cognitive function, mental health, and socialization, creates an opportunity to engage with a large group of residents about their rights.



NURSING HOME RESIDENTS' RIGHTS

Rights-based education continued...

Many residents reported being unaware of their rights as a nursing home resident, mentioning that they believed they had no rights.



Operating like any other bingo game; residents' rights bingo cards have their rights listed in addition to the letters and numbers in typical bingo games. Even if a resident does not have every right listed on their own bingo card, they are still able to learn about additional rights when they are read out throughout the game. Disability Rights NJ also has a residents' rights handout available that reinforces the information they have learned. In addition, winning residents are given prizes at the conclusion of each game.

Disability Rights NJ conducts outreach to nursing facility recreation directors and has focused its outreach on nursing facilities that have a large population of residents from the now-closed Woodland Behavioral Health and Nursing Center, where Disability Rights NJ was instrumental in its closure through an intensive investigation into abuse and neglect. Disability Rights NJ also focuses outreach on nursing homes with a one-star rating, as determined by the New Jersey State Comptroller.

To date, **Disability Rights NJ has engaged with nearly 100 nursing facility residents through Residents' Rights Bingo at nursing facilities.** Many of these residents reported being unaware of their rights as a nursing home resident, mentioning that they believed they had no rights. Disability Rights NJ believes that these presentations are an important part of empowering nursing facility residents with knowledge about their rights to increase their quality of life and foster a culture of respect within these facilities.

STATISTICS

Numbers at a glance

WEBSITE HITS: 88,393

**PUBLICATIONS
DISTRIBUTED: 12,207**

**OUTREACH
TRAINING
EDUCATION:**

172 events
reaching **15,151**
individuals

**SOCIAL MEDIA
FOLLOWERS:**



4,108



477



1,161



307

4,500

Submitted administrative comments, testimony, and advocacy letters to impact **41** pieces of legislation

**RECIPIENTS OF
NEWSLETTERS
AND EBLASTS:**

5,576

contacts on
distribution list

**INVESTIGATION
AND MONITORING
ACTIVITIES:**

52 visits
conducted at **18**
unique facilities,
serving **3,448**
individuals

**REQUESTS FOR
ASSISTANCE
ADDRESSED:**

**2,196 CLIENTS
2,668 SERVICE
REQUESTS**



OUR PROGRAMS

ATAC: Richard West Assistive Technology Advocacy Center

CAP: Client Assistance Program

IOLTA: Interest on Lawyers Trust Accounts

PAAT: Protection and Advocacy for Assistive Technology

PABRP: Protection and Advocacy for Beneficiaries with Representative Payees

PADD: Protection and Advocacy for Persons with Developmental Disabilities

PAIMI: Protection and Advocacy for Individuals with Mental Illness

PAIR: Protection and Advocacy for Individual Rights

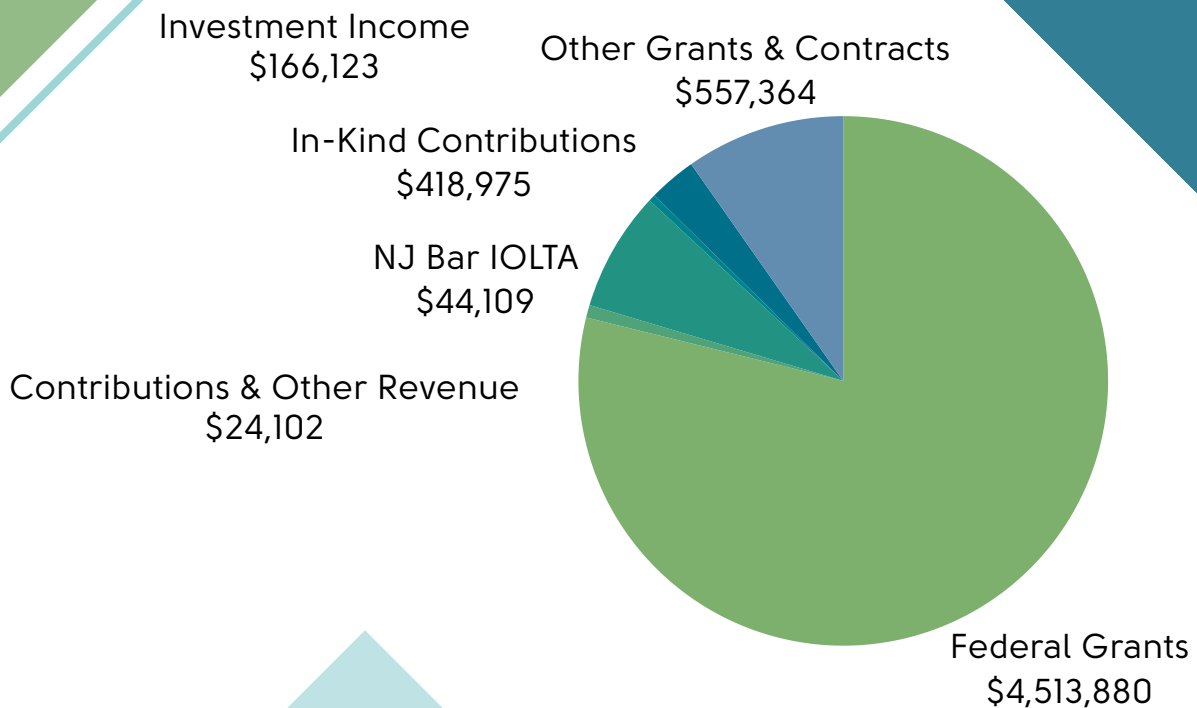
PABSS: Protection and Advocacy for Beneficiaries of Social Security

PATBI: Protection and Advocacy for Persons with Traumatic Brain Injury

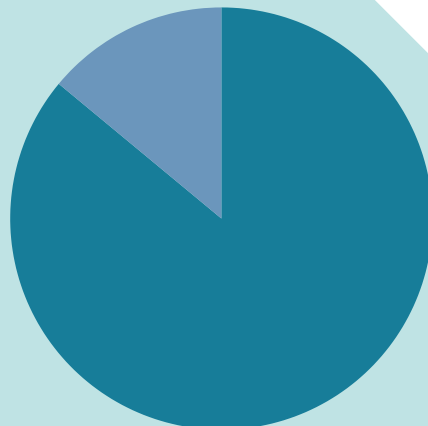
PAVA: Protection and Advocacy for Voting Access

FUNDING

SUPPORT AND REVENUE



Support Services
\$785,183



Program Services
\$4,828,359

EXPENSES

Thank You, DONORS

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Fink Rosner Ershow-Levenberg Marinaro LLC
Harold Wetterburg Foundation
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