



# Exchange

*“Protecting the Rights of Persons With Disabilities”*

## Michigan Protection & Advocacy Service, Inc. Announces Agency Name Change to **Disability Rights Michigan**

*Changes Reflect the Launch of a Redesigned Logo and Updated Website*

Michigan Protection & Advocacy Service, Inc. (MPAS), the protection and advocacy agency for the state of Michigan designated to protect the rights of individuals with disabilities, announced it will begin operating under a new name. As of August 24, 2020, the organization will be known as Disability Rights Michigan (DRM). Along with this name change, a newly designed company logo has been revealed and a new website has launched ([www.drmich.org](http://www.drmich.org)).

This rebranding strategy better reflects the agency’s mission and services. Throughout this reinvention, DRM has remained committed to its community and the rights of individuals with disabilities. The reputation and equity built under MPAS is a valuable asset, and DRM will continue to build upon that history of advocacy.

“Over the past 50 years, MPAS has built a strong reputation for advising individuals with disabilities of their rights and advocating for

their human, civil and legal rights within the state of Michigan. While our commitment to the community we serve will not change, this rebrand will help us better communicate the value we bring to our clients now and in the future,” said Michelle Roberts, DRM Executive Director. “We wanted to accurately reflect our work in the new name and the significant changes to our logo and website allows us to better represent our services. We are very excited to launch DRM as we continue to serve Michigan and its residents.”

### **DRM Services**

#### **Direct Advocacy**

- Information & Referral
- Advocacy & Litigation
- Investigation & Monitoring

#### **Statewide Advocacy**

- Public Policy
- Media Advocacy
- Training/Outreach

#### **Specific Programs**

- Voting Rights
- Representative Payee Reviews
- Client Assistance Program



# August Primary Sets New Vote-at-Home Record

Michigan voters filed more than 1.6 million absentee ballots in the August primary election, setting a new state record. With the COVID-19 pandemic creating uncertainty about face-to-face events, voting at home promises to be even more popular in November.

DRM suggests that any registered voter who wishes to vote at home through an absentee ballot should begin the process as early as possible, as ballots must be received on or before Election Day to count. The Secretary of State's absentee voting web page, [https://www.michigan.gov/sos/0,4670,7-127-1633\\_8716\\_8728-21037--,00.html](https://www.michigan.gov/sos/0,4670,7-127-1633_8716_8728-21037--,00.html), provides complete information on how to vote at home.

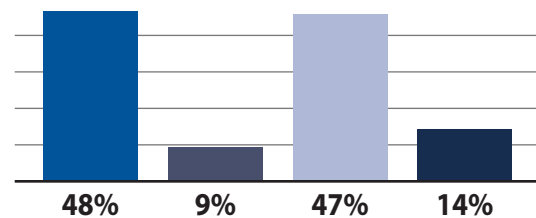
National surveys suggest that voters with disabilities still face significant barriers to equal participation in voting. DRM has joined with several other advocacy organizations to help with information and assistance. Go to "Michigan Voting Rights," <https://www.michiganvoting.org/>, for up-to-date information about voting rights voting at home, and other topics. Take a look at "Voting with Disabilities in Michigan" on Facebook. Check out the 5-part "Vote for Access" video series hosted by Imani Barbarin at <https://www.blockbyblockcreative.com/vote-for-access>. (Episode 3 features a Michigan voter and clerk.) Finally, please call DRM at (800) 288-5923 if you have questions about voting and disability rights.



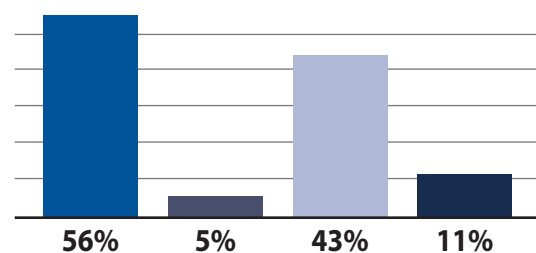
## What Are Parents Thinking About School and the Pandemic?

DRM conducted a brief survey to collect information about parent concerns related to the options under consideration for return to school this fall. Approximately 1,060 people responded. Of the respondents with a child or children enrolled in public school, 56% identified themselves as having a child or children who receives special education services or accommodations under Section 504.

**1** When asked about their concerns regarding their child's health and safety during in-person learning, 48% of parents of students with disabilities were extremely concerned, compared to 9% who were not at all concerned. 47% of parents of students without disabilities were extremely concerned, compared to 14% who were not at all concerned.



**2** When asked about their concerns regarding their child's academic needs during remote learning, 56% of families with students with disabilities were extremely concerned, compared to 5% who were not at all concerned. 43% of parents of students without disabilities were extremely concerned, compared to 11% who were not at all concerned.



### DID YOU KNOW?

- DRM's education guide, "Student with Disabilities: An Advocate's Guide," has been viewed over 6,700 times this year on DRM's website?
- DRM's Representative Payee team continues to conduct monitoring reviews by phone or mail during the COVID-19 pandemic in line with CDC social distancing guidelines?
- DRM's Community and Institutional Rights team has been monitoring state hospitals virtually during the pandemic?


## State Issues Emergency Rules on Use of Restraint in Children's Facilities

The Michigan Department of Health and Human Services (MDHHS) issued emergency licensing regulations on June 16 limiting the use of restraint in child caring institutions (CCIs). The rules were issued after a young man died while being restrained in a CCI.

The rules prohibit several types of restraints, such as use of noxious substances, instruments causing temporary incapacitation, chemical restraints, prone restraints, restraint chairs, certain mechanical restraints on pregnant youth, or restraints used for punishment, discipline, or retaliation. The rules also limit use of other restraints to situations that are "safe, appropriate and proportionate" to the severity of the child's behavior, age, size, gender, health condition, and trauma history. The policy allows only time-limited restraints to prevent serious injury to self or others or to prevent escape when there is risk of injury, and requires that less restrictive interventions be exhausted first. Finally, the policy requires debriefing, recording and reporting, incident review, and training.

Following issuance of the emergency rules, MDHHS also requested a study from the Annie E. Casey Foundation on recommendations for oversight of safety and quality of CCIs. That study was completed and submitted to MDHHS in July. The study includes additional long-term recommendations for policy.

## State Issues New Guidance Defining "Emotional Impairment"



As a result of longtime advocacy efforts by DRM and its partners, the Michigan Department of Education (MDE) issued written statewide guidance clarifying the relationship between "emotional impairment," a category of special education eligibility, and "social maladjustment," a term that is not defined. The guidance corrects existing local guidance and policies which served to improperly deny eligibility for students who otherwise met the definition of emotional impairment. MDE concluded: "Once emotional impairment criteria are met, evidence of social maladjustment cannot be used as a rule out for purposes of determining eligibility and the need for special education programs and services."

The new guidance should help ensure that students with mental health, behavioral, and emotional needs are made eligible and provided appropriate supports and services. The guidance should also eliminate reliance on questions which purported to distinguish disability-related behavior from "delinquent" behavior, used language that relied on assumptions and interpretations, and was susceptible to implicit bias.

The guidance can be found at [https://www.michigan.gov/documents/mde/EligibilitySocialMaladjustment\\_694151\\_7.pdf](https://www.michigan.gov/documents/mde/EligibilitySocialMaladjustment_694151_7.pdf). DRM is now working collaboratively with intermediate school districts so local policies and practices are consistent with the guidance.

## DRM, Others File Suit to Improve Outcomes from Medicaid Appeals

Medicaid recipients have long had rights to "fair hearings" to challenge actions affecting their benefits. According to a new lawsuit, however, recipients in Michigan cannot get relief from those hearings, even when they win.

The suit, filed by attorneys for Disability Rights Michigan (DRM), the National Center for Law and Economic Justice (NCLEJ) and Legal Services of South Central Michigan (LSSCM), says that the administrative law judges (ALJs) presiding over fair hearings lack the power to order the agency to grant the benefits it had wrongfully denied. All they can do is send the case back to the agency to "reassess" the

recipient. And when the agency comes back with the same decision on reassessment—as it often does—all the recipient can do is ask for another fair hearing, where the same thing will happen again.

"The Medicaid Fair Hearing System is supposed to give recipients the right to challenge actions that negatively affect their benefits," said Kyle Williams, legal director for DRM. "If administrative law judges are only allowed to order reassessments, they can never win those challenges, because the reassessment decision is ultimately in the hands of the agency that took the negative action in the first place."





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<http://www.drmich.org>

Voice/TTY/Language and accommodations available. Available in alternative formats upon request.

Michelle Roberts  
*Executive Director*

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