

Advocacy, Education and Outreach (AEO) Team Report
06/16/20 Submitted by Selena O'Shannon,
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Total Open Service Request to date 234

Open Project 79

Closed Service Request 2nd Quarter 109

AEO has adjusted well to working from home. We were very active dealing with the closure of schools and the states response to continuing FAPE while school is on virtual services. AEO reached out to all school districts to gather all the districts learning plan for the website. We drafted a letter to the Commissioner of Education and the Bureau Chief regarding the need for continued FAPE during brick and mortar closures. We also worked on a letter to Congress regarding the proposed waiver of IDEA services to students with disabilities.

We also worked on information for the DRF website regarding educational resources for students to address lack of services during the pandemic.

We drafted information regarding what parent should do to track services and lack thereof during the pandemic.

We gave three co-presentations to School ESE Directors, Parent Attorneys and School District Attorneys regarding the provision of FAPE during the pandemic.

We covered:

- What do you want schools and districts to be doing now?
- What do you want schools and districts to be doing over the summer break?
- What do you want schools and districts to be doing when schools reopen?

We are addressing lack of accessibility on the Unemployment Website.

This AEO Transportation group reviewed all 30 Florida Transit Systems to see what each are announcing on their websites to address COVID-19. By and large, the transit systems have been very responsive to the COVID-19 pandemic. Here are some of the ways many are addressing the issue:

- Increased cleaning/sanitization of vehicle protocol
- Decreased number of passengers on vehicles (both fixed route and paratransit)
- Passengers to board and alight fixed route buses using the rear door to limit exposure to drivers (Pinellas has placed a plexiglass enclosure around the driver to increase protection)

- Encourage social distancing on vehicles by having passengers sit sporadically and NOT next to one another or blocking off every other row on the bus
- Eliminate fare collection for both fixed route and paratransit
- Interviews for ADA paratransit applicants conducted over the phone
- ADA paratransit have suspended non-essential trips but continue to provide medical, medical-related, and grocery trips

We continue to monitor the websites as changes and announcements continue to occur.

We are monitoring the governors lack of effective communication. We sent emails, telephone calls and letters to the Governor and his communications director. We sent information to all County emergency management and all school Superintendents.

We are participating on an NDRN workgroup regarding special education services during the pandemic in the SE states.

We reached out DVR to ensure services would continue and applications and eligibility determinations would continue during the pandemic.

AEO Participated in Oral Argument regarding Petition to Amend Rule Regulating the Florida Bar 1-3.2(b). The Petitioner proposed amendments to Rule 1-3.2(b) and transfer to a new rule, Rule 3-4.8, to “eliminate the stigma of maintaining a second-class membership to lawyers who are under a consent agreement because of a disability.”

Disability Rights Florida agrees that an amendment is necessary and supports the Petitioners’ aim to eliminate the stigma, with regard to mental health, that exists in the current rule. However, in adopting new language, it is important not only to eliminate the outdated language in Rule 1-3.2(b) but to ensure that the new language is both clear and non-discriminatory.

First, the adopted language must be clear. The language proposed by the Petitioner purports to shift “the costs of administration of the Consent Agreement to the discretion of the Supreme Court” through the use of the word “may.” While the rule previously included a directive for costs to be paid by the individual under the consent agreement and Petitioner’s proposed language includes the more discretionary “may” the Petitioner’s proposed rule is unclear in its failure to note that there are individuals for whom the fee “may not” be assessed. Disability Rights Florida’s proposed language would account for this exception and clarify when these monitoring costs may **not** be imposed on qualified individuals who would require the consent agreement and monitoring as a reasonable accommodation.

We participated in Motion Hearing to defend our litigation filed to enforce a settlement agreement in a DVR matter. JW is an individual who is a consumer of DVR/DBS. JW’s IPE supports a janitorial business DVR/DBS were to provide JW all equipment and supplies, warehouse and office. The settlement agreement was drafted in 2016. DVR

attempted to close JW's case without fulfilling the settlement agreement. The CAP prevailed at an administrative review and subsequently DBS moved to close JW's case we requested to resolve the issue and DBS denied. We filed an action in DOAH to enforce but they did not have jurisdiction. CAP filed to enforce the settlement and the attorney for the FLDOE filed a motion to dismiss. We prevailed and the Judge has ordered the parties to mediation. Mediation is scheduled for August 3, 2020, via zoom.

AEO participated in a mediation on behalf of a student who has been at a County contracted Center school. MAM has been at the school and the district has failed to provide FAPE. MAM failed to make meaningful progress academically and behaviorally. MAM was abused by an aide on the bus and this was discovered when the AEO Team had requested a review of what was the cause behaviors on the bus. AEO drafted a due process complaint and included a mediation. AEO attended a mediation and resolved the matter. As part of the resolution MAM will attend a private school at public expense. The school specializes in providing intensive behavioral services, as well as MAM will receive specially designed instruction by a school district teacher. The district will provide an IEE in the areas of academics, processing and language. The District will provide an AT evaluation, the district will provide transportation, they will train staff on appropriate IEP services including a BIP, trauma informed care, data collection and monitoring, MDR and de-escalation techniques, programming for students with disabilities, ESY and compensatory services.

Finally, we were recently honored to receive the Stephen Wise Award for Advocacy from the Florida Rehabilitation Council, for the work on behalf of transition. I view this as a recognition of the great work that the entire AEO Team's has contributed to over the years on behalf of transition age youth.