



**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

**PUBLIC NOTICE OF INTENT TO REDESIGNATE  
THE OHIO PROTECTION AND ADVOCACY SYSTEM AND CLIENT ASSISTANCE  
PROGRAM FOR PEOPLE WITH DISABILITIES**

Federal law requires that a state or territory that establishes programs under the Developmental Disabilities Act (DD Act) must have in place a system to protect and advocate for the civil, human, and legal rights of people with disabilities, 42 U.S.C. § 15041 et. seq. (P&A). Similarly, the Rehabilitation Act of 1973 mandates that a state must establish a client assistance program to assist individuals who apply for or receive vocational rehabilitation or independent living services under the act, 29 U.S.C. § 732 (CAP).

Federal law requires the Governor to designate a state or private agency as the P&A/CAP, and to provide assurances to the federal government that the agency, among other things, has authority to seek legal remedies and is not subject to personnel freezes, lay offs, or other personnel policies that would interfere with the work of the agency. The designation may be removed (re-designated) only for good cause.

Currently, Ohio Legal Rights Service (LRS), an independent state agency established at section 5123.60 of the Revised Code, is designated as both the protection and advocacy system and client assistance program. The governing authority for LRS is the LRS Commission, established at section 5123.60(D). LRS is located at 50 West Broad Street, Suite 1400, Columbus, Ohio 43215.

As the P&A system, LRS provides legal advocacy and rights protection to eligible Ohioans with disabilities on a wide array of issues, including abuse, neglect, discrimination, access to assistive technology, special education, housing, employment, community integration, and voting. As the CAP, LRS provides legal advocacy to people who are applying for or receiving vocational rehabilitation services or services from an independent living center, as well as providing information on rights under Title I of the Americans with Disabilities Act.

In addition to the DD Act program and the CAP, LRS operates federally-funded P&A programs under the Protection and Advocacy for Individuals with Mental Illness Act, 42 U.S.C. §10801 (PAIMI); the Rehabilitation Act of 1973, 29 U.S.C. § 794e (PAIR); the

Ticket to Work Act for beneficiaries of Social Security disability, 42 U.S.C. § 1320b-21 (PABSS); the Assistive Technology Act of 1998, 29 U.S.C. § 3004 (PAAT); the Help America Vote Act of 2002, 42 U.S.C. § 15461 (PAVA); and the Traumatic Brain Injury Act of 2008, 42 U.S.C. § 300d-53 (PATBI). LRS also operates a competitively bid program under the Ticket to Work Act, the Work Incentive Planning and Assistance program, 42 U.S.C. § 1320b-20. LRS has a state-funded Ombudsman program, R.C. §§ 5123.601-.604.

The goals of the P&A system and CAP were developed in collaboration with people with disabilities, other interested parties, and approved by the LRS Commission. They include advocacy in six broad areas:

1. Equality of Opportunity, particularly in employment, public accommodations, and criminal justice services;
2. Economic Self-Sufficiency, particularly related to return to work, transition services, and vocational rehabilitation services;
3. Full Participation, particularly in voting, access to assistive technology, education and related services, and health care and health care insurance, public and private;
4. Independent Living, including the elimination of undue segregation (Olmstead), housing discrimination, maintaining safety in the community by investigation of abuse, neglect, and exploitation, and ensuring due process rights when needed to support community placements;
5. Provide intake and short-term assistance for eligible clients whose case does not fall into one of the priority areas of emphasis, and engage in outreach and education about disability rights for clients and policymakers.

More detailed information can be found at <http://www.olrs.ohio.gov/priorities>.

In 2011, the Ohio General Assembly indicated its intention that the federal P&A system and CAP should not be located within state government, but instead should be an independent not-for-profit corporation. In doing so, it mandated that the current P&A / CAP designee should be abolished effective October 1, 2012.

The Governor concurs that it is in the interest of Ohioans with disabilities to redesignate the P&A and CAP. The Governor intends to designate a not-for-profit corporation, the Ohio Disability Rights Law and Policy Center, Inc. (Disability Rights Ohio), as the P&A and CAP, effective October 1, 2012. Disability Rights Ohio has been properly established as a not-for-profit corporation under the laws of this state; has obtained the approval of the federal Internal Revenue Service to operate as a tax exempt charity

under section 501(c)(3) of the Internal Revenue Code, and is registered as a charitable corporation with the office of the Attorney General of the State of Ohio.

There is good cause for the re-designation as it:

- recognizes the action of the General Assembly requiring that the P&A and CAP be designated to a private entity, and abolishing the Ohio Legal Rights Service, its Ombudsman Section, and the Ohio Legal Rights Service Commission on October 1, 2012;
- is consistent with the plan set out by the General Assembly that requires retention of program personnel and capacity and provides that advocacy services to Ohioans with disabilities will not be disrupted by the transition;
- promotes fiscal responsibility and, consistent with state policy, allows for further streamlining of state government;
- eliminates any perceived conflict of interest associated with the current placement of the P&A and CAP in state government;
- allows the P&A and CAP greater independence in personnel and other administrative matters, and facilitates compliance with federal requirements in these areas;
- promotes compliance with federal law related to governing authority composition; and
- allows the P&A and CAP to be more flexible with current resources and to explore financial resources for which those programs currently do not qualify.

The new agency will operate all of the federal programs currently operated by LRS. Start-up costs for the transition to Disability Rights Ohio, including legal and accounting fees, have been appropriated by the General Assembly and have been incidental. The new agency will be fully operational on October 1, 2012.

Disability Rights Ohio will continue to serve existing clients and maintain the cases of LRS and, as noted above, no disruption of services will occur. The Governor has, simultaneously with this public notice, provided notice to LRS as the existing P&A and CAP; the Rehabilitation Services Commission; and the State Independent Living Council. Interested persons may wish to write to LRS to obtain a copy of its response to that notice. Such requests should be sent to the address below.

Public comment on this redesignation will be accepted until August 31, 2012.

Comments should be sent to the following:

Public Comments  
Ohio Legal Rights Service  
50 West Broad Street, Suite 1400

Columbus, Ohio 43215

A public hearing on the proposed redesignation will be held on September 5, 2012, in the first floor hearing room at the Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio 43215 at 10:00 a.m.