

PARTNER CONTENT



OPINION

Nonprofit that gets no state funding resists a bill that would put them under state's thumb

by For AR People

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The Arkansas State Capitol

Credit: Arkansas Times Staff

This piece was written by Christian Adcock, voting rights and public policy specialist for Disability Rights Arkansas.

Disability Rights Arkansas is an independent nonprofit organization designated to provide legal and advocacy services for people with disabilities across the state. With a dedicated staff of 22 full-time employees, DRA works tirelessly to help Arkansans navigate the Medicaid system, ensure children with disabilities receive the special education and employment services they need, and investigate reports of abuse, neglect, and exploitation in both community and institutional settings. Our mission is critical, and our limited resources are carefully allocated to maximize impact.

Recently, **Rep. Jack Ladyman** (R-Jonesboro) introduced **House Bill 1382**, a measure that would impose unprecedented state oversight on DRA—an independent nonprofit that receives *no* state funding. If enacted, HB1382 would require DRA to attend meetings of the Hospital, Medicaid, and Developmental Disabilities Study Subcommittee of the Legislative Council and provide information requested by the subcommittee without restrictions.

While DRA welcomes discussions with legislators, committees, and policymakers about our work and issues affecting Arkansans with disabilities, this bill raises serious concerns. As a legal services organization, we have ethical and professional obligations to protect the confidentiality of the individuals we serve. HB1382 could force us to choose between complying with legislative demands and fulfilling our legal and ethical duties to the people we serve.

Further, HB1382 mandates subcommittee review of all reports submitted by DRA. Our organization already provides extensive public reporting to our federal funders regarding our financial and programmatic activities. We hide neither our efforts nor our finances.

However, the bill does not clarify whether the subcommittee would require additional reports, modifications to existing reports, or entirely new documentation. Given our limited resources, diverting staff time toward responding to vague and potentially limitless legislative requests would directly reduce our capacity to serve people with disabilities.

If passed, the bill will absorb resources that could otherwise be used to provide actual services to a community that relies heavily on our efforts. Independence from state governments is a fundamental feature of Protection and Advocacy Systems. Furthermore, DRA has obligations to our funders and the terms and conditions of our grants, all of which are independent from the state of Arkansas.

Perhaps most alarmingly, HB1382 would subject DRA to the Arkansas Freedom of Information Act (FOIA), a requirement never before imposed on any nonprofit legal services organization. DRA is not a government agency, nor do we represent a government agency; we are an independent entity that represents individuals with disabilities in attorney-client or advocacy relationships.

Subjecting our organization to FOIA would undermine the privacy rights of the individuals we serve and could expose sensitive medical, educational, and personal information—including allegations of abuse—to public disclosure. This provision not only threatens the confidentiality of our clients, who are private citizens, but also risks discouraging individuals from seeking assistance out of fear that their personal information could be made public.

From an operational standpoint, even well-resourced state agencies struggle to manage the administrative burden of FOIA compliance. Imposing such requirements on a small nonprofit like DRA would significantly hinder our ability to carry out our core mission—providing direct support to Arkansans with disabilities.

Representative Ladyman has stated that his motivation for this bill stems from complaints received from guardians of individuals in institutional settings. However, HB1382 specifically limits the required reporting to activities related to community settings, *entirely* omitting institutional work. If the bill is intended to address institutional concerns, why does it explicitly exclude reporting on that area? This inconsistency raises serious questions about the bill's true intent.

HB1382 sets a dangerous precedent. It grants the state an unjustified and unreasonable level of oversight over a private, independent nonprofit. It could open the door for increased scrutiny of any organization with which legislators may disagree, fundamentally skewing the relationship of independent nonprofits and the state.

If lawmakers seek information about DRA's work, they are always welcome to ask—we have **nothing** to hide. But this vaguely-worded legislation creates opportunities for massive government overreach and will do nothing to improve services for Arkansans with disabilities.

Rather, it will do quite the opposite: it will obstruct the essential work we do and compromise the very people we are here to serve.

We urge legislators to reject HB1382 and uphold the independence of organizations like DRA, which exist to protect the rights and dignity of individuals with disabilities in Arkansas.

*The House narrowly passed HB1382. It is scheduled to be heard in the Senate Public Health and Welfare Committee **Wednesday at 10 a.m.***