

# RSA-227 - Annual Client Assistance Program (CAP) Report

Virginia (Disability Law Center of Virginia) - H161A160067 - FY2016

## General Information

### Designated Agency Identification

Name	disAbility Law Center of Virginia
Address	1512 Willow Lawn Drive
Address Line 2	Suite 100
City	Richmond
State	Virginia
Zip Code	23230
E-mail Address	info@dlcv.org
Website Address	<a href="http://www.dlcva.org">http://www.dlcva.org</a>
Phone	804-225-2042
TTY	
Toll-free Phone	800-552-3962
Toll-free TTY	
Fax	804-662-7431

### Operating Agency (if different from Designated Agency)

Name	disAbility Law Center of Virginia
Address	1512 Willow Lawn Drive
Address Line 2	Suite 100
City	Richmond
Zip Code	23230
E-mail Address	info@dlcv.org
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Fax	804-662-7431

### Additional Information

Name of CAP Director/Coordinator	Colleen Miller
Person to contact regarding report	Robert Gray
Contact Person Phone	804-225-2042

## Part I. Non-case Services

### A. Information and Referral Services (I&R)

Multiple responses are not permitted.

1. Information regarding the vocational rehabilitation (VR) program	31
2. Information regarding independent living programs	0
3. Information regarding American Indian VR Service projects	0
4. Information regarding Title I of the ADA	68
5. Other information provided	53
6. Information regarding CAP	0
7. Total I&R services provided (Lines A1 through A6)	152

### B. Training Activities

The disAbility Law Center of Virginia (dLCV) completed 3 presentations to 185 high school students about their employment rights under the Americans with Disabilities Act (ADA). Locations included a high school in Henrico County and transition fairs in Manassas and Montgomery County. The students were so pleased to learn this information. A post training survey revealed all students had an increase in knowledge of the topic from beginning to end.

dLCV trained 30 individuals at the Youth Leadership Forum, which took place at Virginia State University in Petersburg, VA. The main audience members were high school students and staff for the Youth Leadership Forum attended as well. dLCV focused on ideas such as disclosure, accommodations, and disability related discrimination. The interactive presentation let the participants explore whether specific accommodations were reasonable or not.

dLCV provided an education and training to 81 staff and students from Wilson Workforce and Rehabilitation Center (WWRC) and Virginia Rehabilitation Center for the Blind and Vision Impaired. The presentation topic was how to avoid an overpayment of benefits from the Social Security Administration (SSA). Both of these training locations train individuals with disabilities on getting ready for employment.

dLCV provided 5 presentations to job clubs and advocacy groups on benefits planning, and VR Rights including transition services. dLCV presented to the Hampton DARS (Department for Aging and Rehabilitative Services) Job Club, the Portsmouth Job Club, the Post-secondary Education Rehabilitation Transition (PERT) program, the VOCAL statewide conference and at the Manassas DARS Office. dLCV presented this information to a combined total of 73 individuals. All attendees had an increase in knowledge of the subject matter. There were many questions about benefits planning and how to avoid an overpayment of benefits from the Social Security Administration (SSA).

dLCV presented information about vocational rehabilitation and employment to 132 people. The audiences included employees of a sheltered workshop, people with mental illness, and staff of centers of independent living, parents, and service providers.

dLCV presented 10 employment rights presentations across Virginia with particular attention to the underserved populations and the rural regions of Virginia. We presented to 304 students, employers, service providers, and other community advocates and members to increase awareness, increase self-advocacy, and compliance with the ADA across the state including locations such as Winchester, Leesburg, Norton, Richmond, Harrisonburg, and Danville Virginia.

1. Number of training sessions presented to community groups and public agencies.	26
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2. Number of individuals who attended these training sessions.	1,325
3. Describe training presented by the staff. Include the following information:	
(a) topics covered	
(b) purpose of the training	
(c) description of the attendees	

### C. Agency Outreach

Describe the agency's outreach efforts to previously un-served or underserved individuals including minority communities.

dLCV focused attention for our 10 employment rights presentations reported above in Section e. on underserved populations in rural regions of Virginia including Winchester, Leesburg, Norton, Harrisonburg, and Danville Virginia.

dLCV continues close communication with all state DARS and DBVI offices to ensure their clients understand dLCV and the CAP program.

### D. Information Disseminated To The Public By Your Agency

For each method of dissemination, enter the total number of each method used by your agency during the reporting period to distribute information to the public. For publications/booklets/brochures (item 4), enter the total number of documents produced. Agencies should not include website hits. See instructions for details.

dLCV completed a video on 'Transition Rights for Children' for our Ask the Expert video series. The video features a teenager with autism and his parent exploring choice and independence while learning about transition rights. The video has over 129 views and is on our website and on YouTube at: <http://dlcv.org/resources/transition-services/>.

dLCV created the Ask the Expert "Can I Keep My Benefits if I Go Back to Work" video. The video educates the public about many ways that benefits and working can co-exist to allow individuals to be successful and gainfully employed and financially stable. The video received 55 views in its first week of release in September 2016. It is on our website at: <http://dlcv.org/ask-the-expert/>.

The 'Ask the Expert' videos are invaluable to reach a statewide audience electronically through the internet and additionally supplement dLCV training and outreach across the Commonwealth.

A Guide entitled 'Removing Barriers Faced by College Students with Disabilities Applying for or Receiving Social Security Benefits' was mailed to all Virginia Department of Education Special Education Directors for dissemination to their case managers. The guide alerts schools to the special social security work incentives that allow students to safely pursue a college education and how work incentives can be used to their advantage. Case managers are key members of the Individualized Education Plan (IEP) team and are in a position to educate students and parents about the options available. This report provides vital information that can assist them in making a successful transition to adulthood and the world of work. dLCV anticipates that this guide, also posted to dLCV's website, will eventually have a wide impact and useful in other advocacy efforts with youth in transition.

dLCV maintains a website that posts our federal grants' Goals and Focus Areas. This website also posts notices for the Board of Directors' and Advisory Council meetings.

Job vacancies, announcements, agency publications, and disability-related links are also available. This website can be viewed at [www.dlc.org](http://www.dlc.org).

dLCV routinely takes training and outreach requests from the community providing a wide variety of presentations on multiple topics including CAP related issues like employment and benefit planning and work incentives.



dLCV offered two public input surveys during the spring and summer of this fiscal year. The first survey allowed our 318 respondents the opportunity to express which disability advocacy issues they feel are most important. The top three categories chosen: quality mental health care (15%), community access, and barrier free environment (10%) and special education (9%). Other CAP related issues of concern included: vocational rehabilitation services (8%) and employment rights (5%). 31% of our respondents were individuals with disabilities and 34% were family members and caregivers. dLCV used this information as part of our FY 17 goal and focus area development.

dLCV also distributed surveys to the public via mailings and at facilities. dLCV staff, with input from the PAC, public input survey, and past year work experience, also helped to develop Fiscal Year 2017 Goals, Focus Areas, and Objectives. The dLCV Board approved the Fiscal Year 2017 Goals and Focus Areas.

The second systemic input survey allowed dLCV to hear targeted input from 22 respondents who reviewed our dLCV Board adopted FY 17 goals and drafted ideas for focused systemic work to affect those goals. dLCV reviewed these suggestions and incorporated them into our FY 17 work plan.

disAbility Law Center of Virginia (dLCV) is pleased to report a one hundred percent satisfaction rate from the sixty nine client satisfaction surveys we received. This one hundred percent satisfaction rate breaks down as fifty four respondents who indicated a high level of satisfaction and fifteen, who reported satisfaction with the help they received from dLCV. This is a total of 69 out of 69 respondents indicating they were satisfied with their help from dLCV!

disAbility Law Center of Virginia (dLCV) conducted follow up interviews with 10% of our closed cases for more in depth feedback on our services. Eighty five percent of clients interviewed reported that they were satisfied with the results they got from our agency. Clients felt like dLCV supported them in their self-advocacy like one client who stated that, "it is so great to have someone in your corner!" Other clients reported satisfaction with the thoroughness of dLCV's services as exemplified by one client who stated that dLCV was "on point with everything" and another client who reports, "[the advocate] kept a check on me and gave me the confidence that I can do this."

We include "The Directors' Blog" on our website. This blog is offered as a way of alerting the public to news and developments in disability law, sharing activities of the Office, and getting feedback about how we're doing.

dLCV has a Facebook page which includes agency information and links to resources.

dLCV distributed an "annual report" to the members of the General Assembly which provides statistics and case examples about the work we do.

Internally, staff working under CAP may also work under our other federal grants which all could be related to CAP needs. We found this to be a natural and logical blending of objectives and funding in order to reach the target population and present comprehensive information.

1. Agency Staff Interviewed or Featured on Radio and TV	2
2. Articles about CAP Featured in Newspaper/Magazine/Journals	0
3. PSAs/Videos Aired about the CAP Agency	2
4. Publications/Booklets/Brochures Disseminated by the Agency	4250
5. Number of Times CAP Exhibited at Conferences, Community Fairs, etc.	11
6. Other (specify below)	

#### E. Information Disseminated About Your Agency By External Media Coverage

Describe the various sources and information disseminated about your agency by an external source.

N/A

## Part II. Individual Case Services

### A. Individuals served

An individual is counted only once during a fiscal year. Multiple counts are not permitted for Lines A1-A3.

1. Individuals who are still being served as of October 1 (carryover from prior year)	20
2. Additional individuals who were served during the year	78
3. Total individuals served (Lines A1+A2)	98
4. Individuals (from Line A3) who had multiple case files opened/closed this year (In unusual situations, an individual may have more than one case file opened/closed during a fiscal year. This number is not added to the total in Line A3 above.)	10
5. Individual still being served as of September 30 (Carryover to next year. This total may not exceed Line A3.)	10

### B. Problem areas

Multiple responses permitted.

1. Individual requests information	5
2. Communication problems between individual and VR counselor	11
3. Conflict about VR services to be provided	54
4. Related to VR application/eligibility process	16
5. Related to assignment to order of selection priority category	0
6. Related to IPE development/implementation	4
i. Selection of vendors for provision of VR services	
ii. Selection of training, post-secondary education	
iii. Selection of employment outcome	
iv. Transition services	
7. Related to independent living services	0
8. Other Rehabilitation Act-related problems	1
9. Non-Rehabilitation Act related	0
i. TANF	
ii. SSI/SSDI	
iii. Housing	
iv. Other:	
10. Related to Title I of the ADA	18

### C. Intervention Strategies for closed cases

(Choose one primary service the CAP provided for each closed case file. There may be more case files than actual individuals served.)

1. Short Term Technical Assistance	48
2. Investigation/Monitoring	0
3. Negotiation	37
4. Mediation and other methods of Alternative Dispute Resolution	0
5. Administrative / Informal Review	14
6. Formal appeal / Fair Hearing	0
7. Legal remedy / Litigation	0



## 8. Total

99

## D. Reasons for closing individuals' case files

(Choose one primary reason for closing each case file. There may be more case files than the total number of individuals served.)

1. All issues resolved in individual's favor	49
2. Some issues resolved in individual's favor (when there are multiple issues)	31
3. CAP determines VR agency position/decision was appropriate for the individual	1
4. Individual's case lacks legal merit; (inappropriate for CAP intervention)	2
5. Individual chose alternative representation	1
6. Individual withdrew complaint	12
7. Issue not resolved in clients favor	0
8. CAP services not needed due to individual's death, relocation, etc.	0
9. Individual not responsive/cooperative with CAP	3
10. CAP unable to take case due to lack of resources	0
11. Conflict of interest	0
12. Other (Please explain below)	

## E. Results achieved for individuals

(Choose one primary outcome for each closed case file. There may be more case files than the total number of individuals served.)

1. Controlling law/policy explained to individual	14
2. Application for services completed	4
3. Eligibility determination expedited	2
4. Individual participated in evaluation	1
5. IPE developed/implemented/Services Provided	10
6. Communication re-established between individual and other party	35
7. Individual assigned to new counselor/office	4
8. Alternative resources identified for individual	22
9. ADA/504/EEO/OCR complaint made	7
10. Other (Please explain below)	

### Part III. Program Data

#### A. Age

Multiple responses not permitted.

1. Up to 18	5
2. 19 - 24	24
3. 25 - 40	19
4. 41 - 64	46
5. 65 and over	4
6. Total (Sum of Lines A1 through A5. Total must equal Part II, Line A3.)	98

#### B. Gender

Multiple responses not permitted.

1. Females	46
2. Males	52
3. Total (Lines B1+B2. Total must equal Part II, Line A3.)	98

#### C. Race/ethnicity of Individuals Served

1. Hispanic/Latino of any race (for individuals who are non-Hispanic/Latino only)	2
2. American Indian or Alaskan Native	0
3. Asian	1
4. Black or African American	50
5. Native Hawaiian or Other Pacific Islander	0
6. White	41
7. Two or more races	1
8. Race/ethnicity unknown	3

#### D. Primary disabling condition of individuals served

Multiple responses not permitted.

1. Acquired Brain Injury	0
2. ADD/ADHD	1
3. AIDS/HIV	0
4. Amputations or Absence of Extremities	1
5. Arthritis or Rheumatism	0
6. Anxiety Disorder	1
7. Autism Spectrum Disorder	9
8. Autoimmune or Immune Deficiencies (excluding AIDS/HIV)	1
9. Blindness (Both Eyes)	5
10. Other Visual Impairments (Not Blind)	3
11. Cancer	0
12. Cerebral Palsy	2
13. Deafness	4

14. Hard of Hearing/Hearing Impaired (Not Deaf)	1
15. Deaf-Blind	0
16. Diabetes	1
17. Digestive Disorders	0
18. Epilepsy	0
19. Heart & Other Circulatory Conditions	0
20. Intellectual Disability	0
21. Mental Illness	21
22. Multiple Sclerosis	0
23. Muscular Dystrophy	0
24. Muscular/Skeletal Impairment	0
25. Neurological Disorders/Impairment	10
26. Orthopedic Impairments	20
27. Personality Disorders	0
28. Respiratory Disorders/Impairment	2
29. Skin Conditions	0
30. Specific Learning Disabilities (SLD)	15
31. Speech Impairments	0
32. Spina Bifida	0
33. Substance Abuse (Alcohol or Drugs)	1
34. Other Disability	0
35. Total (Sum of Lines D1through D34. Total must equal Part II, Line A3.)	98

#### E. Types of Individual Served

Multiple responses permitted.

1. Applicant of VR	14
2. Individual eligible for VR services currently on a wait list	6
3. Individual eligible for VR services not currently on a wait list	48
4. Applicant or individual eligible for Independent Living	1
5. Transition student/High school student	12
6. All other applicants or individuals eligible for other programs or projects funded unther Rehabilitation Act	18



## Part IV. Systemic Activities and Litigation

### A. Non-Litigation Systemic Activities

In October 2015, the disAbility Law Center of Virginia (dLCV) began investigating the accessibility of Virginia Department for Aging and Rehabilitative Services (DARS) application process. By “accessibility” we mean, if a prospective client attempts to initiate DARS services, can they do so independently and in a timely manner? Is it difficult to reach the local DARS offices? Are the offices responsive?

To answer these questions, we contacted the 34 DARS field offices in Virginia and inquired about the application process at each location. We were able to gather information from 30 of those offices. 4 DARS offices were non-responsive. We also listened to our clients’ experiences applying for services and discovered troubling inconsistencies that lead to delays in services.

dLCV requested DARS to implement a singular, unified application process across the state. Furthermore, dLCV requested for all prospective clients to have an application and intake appointment within 30 days of initial contact with DARS. We made this demand in a letter to the DARS Commissioner in Sept 2016 and are negotiating the unified system in FY 17.

dLCV also took on a major ‘Coming of Age’ project to provide information and education to students and parents to prepare them for what happens when a student turns 18 and becomes an adult. dLCV reached 520 individuals with the information at our own conference, detailed below, and at other presentations and outreach events.

dLCV’s ‘Coming of Age’ conference hosted 25 students and parents. dLCV provided educational information on being a self-advocate at your IEP meeting, provided information on supported decision making/alternatives to guardianship, provided information on how to apply for Social Security benefits and what to do to reapply when a child becomes an adult and provided information on Vocational Rehabilitation (VR) services and the Client Assistance Program (CAP). Finally, dLCV shared the importance of knowing that one does not automatically lose benefits when returning to work. All of the parents and students were so pleased to receive this information in a singular event.

Another aspect of our conference was our vendor fair. We had vendors from the VR agency, the Community Work Incentive Coordinator (CWIC), the Partnership for People with Disabilities and the Center of Transition Innovation from Virginia Commonwealth University. Also at the conference was a dLCV staff member showing different types of AT and how AT can positively change the life of a person with a disability. The conference also included a self-advocacy panel. dLCV invited 2 self-advocates and a parent to share their own experiences. All shared how AT had played an important role in their lives. The self-advocates also gave their contact information to our student attendees so they could be a resource later if needed.

dLCV created a handbook of resources which we distributed at our ‘Coming of Age’ conference to each family who attended. There was information in there about Social Security benefits and turning 18. There was information about Assistive Technology (AT). There was information about supported decision making and basic information about laws and things young adults need to know. These same resources in the handbook are on dLCV’s website.

dLCV also worked monitoring 14c providers in FY 16. We identified 44 total licensed 14c providers located in Virginia and about 15 are large providers providing services to more than 100 people. Of those, many of the people receiving services do not receive services in the sheltered workshop.

We were able to update the information and between the monitoring projects and additional visits, we visited 14 of the 44 providers during the past two years to gather community integration information - we also possessed that information from additional visits of 10 additional providers for a total of 24 of the 44 licensed 14c providers. Of the

remaining providers, 3 have fewer than 12 14c employees. We have identified additional providers of concern that we can focus on in the future.

dLCV participated on the Virginia State Rehabilitation Council for the Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired assigning two different disability rights advocates to each of the positions. The Rehabilitation Act of 1973, as amended, requires the establishment of a Statewide Rehabilitation Council to be appointed by the Governor. The amendments identify specific organizations or individuals, including current or former recipients of vocational rehabilitation services, to be represented on the councils. dLCV will continue collaboration with the State Rehabilitation Councils in FY 17.

1. Number of non-litigation systemic activities not involving individual representation that resulted in the change of one or more policy or practice of an agency.

4

2. Describe the systemic activities conducted by CAP during the fiscal year and its impact on other agency's policies or practices.

## B. Litigation

N/A

1. Total number of CAP cases requiring litigation involving individual representation resulting in, or with the potential for, systemic change.

a. Number of cases requiring litigation involving individual representation filed during fiscal year.

0

b. Number of on-going cases pending at start of fiscal year (carryover from prior fiscal year).

0

c. Number of cases resolved through litigation during fiscal year.

0

2. Describe the agency's on-going and completed systemic litigation activities involving individual representation.

## Part V. Agency Information

### A. Designated Agency

1. Agency Type (select only one option)	External-Protection and Advocacy agency
2. Name of designate agency	disAbility Law Center of Virginia
3. Is the designated agency contracting CAP services?	No
4. If yes, name of contracting agency:	N/A

### B. Staff Employed

Provide a description of all CAP positions (see instructions)

dLCV utilized advocates and attorneys and support staff from all units to complete our CAP advocacy in FY 16.

Multiple staff have attended the NDRN CAP training including: 1 Deputy Director, 1 Staff Attorney, and 4 Advocates.



## Part VI. Case Examples

Provide some examples of some interesting cases during the past fiscal year.

### I can work with a disability

Geoffrey contacted dLCV and requested assistance with getting DARS to open a vocational rehabilitation case to assist him in finding employment. He went into DARS, completed an application intake appointment, and never heard back from anyone. dLCV learned the counselor who completed his application/intake appointment was in the process of retiring and just simply allowed Geoffrey's VR case to fall through the cracks. dLCV intervened and spoke with the retiring counselor about the status of the client's case, the counselor stated the client would not be able to benefit from services because he could not work "due to his significant disabilities and extensive criminal background."

dLCV continued to zealously advocate on Geoffrey's behalf through a letter of concern and numerous emails and follow up phone calls to Geoffrey's newly assigned vocational rehabilitation counselor. Geoffrey's vocational rehabilitation counselor was able to find him eligible for DARS services and prepare a situational assessment for him. Geoffrey is about to be hired for a driving position, which is his vocational goal and falls right in line with his knowledge, skills, and abilities!

### A little support to start a business

Hillary called dLCV because she got a letter from the Department for Aging and Rehabilitative Services (DARS) stating they were going to close her case. Her vocational goal was to create a small business as a child care provider. She said she had worked with DARS in the past and was a part of their Small Business Enterprise (SBE) but not provided certain goods and services needed to maintain her business. dLCV agreed to assist Hillary in keeping her DARS case open.

dLCV negotiated with DARS. DARS wrote a proposal for services and dLCV responded with a counter proposal. As a result of dLCV's zealous advocacy, DARS agreed to the following:

1. DARS agreed to help Hillary identify a mentor through the Small Business Administration to provide ongoing support with business decisions.
2. DARS agreed to support Hillary through the Employment Resource Center (ERC), (Fairfax DARS office) to manage all business related paperwork (including but not limited to the Federal Tax ID, Metro Access Application and the Certificate of Trade Name application, Business License Permit, and child care applications). They also agreed to make this service available to Hillary after case closure.
3. DARS offered to make available to Hillary a computer with internet connection, printer and paper in the ERC; as needed within reason. They agreed to make this service available after case closure.
4. DARS agreed to sponsor a financial literacy class to help with budgeting.
5. DARS agreed to provide Hillary with a \$75 gas card to travel to her recertification training.
6. DARS agreed to provide Hillary with a \$200 spending account to purchase flyers and business cards.
7. VR counselor agreed to keep in touch with Hillary on a regular basis and created a standing appointment for 11am the first Tuesday of every month.

dLCV agreed to monitor the acquisition of these services. We followed up with numerous phone calls and emails to Hillary and in August 2016, Hillary reported she was getting all services from DARS and had 3 children in care!

### Starting to understand my rights

Our client Carlton is a 21 year old young man attending high school in Williamsburg. The school division failed to conduct a transition assessment until Carlton was 20 years old. dLCV attended the IEP meeting to review the transition assessment and advised Carlton to request an independent transition assessment. The school division repeatedly denied the parent's request with an attempt to limit the approval to a vocational assessment only. dLCV

filed a complaint with the Virginia Department of Education against the school division alleging unnecessary delay in either approving the parent's request or filing due process to defend its assessment. dLCV successfully advocated for Carlton to receive the requested assessment by the evaluator of the parent's choosing. dLCV also successfully advocated for Carlton to receive 390 minutes of speech services per week and several hours of transition services while the IEP team awaits the results of the transition assessment. dLCV also successfully advocated for Carlton to receive independent occupational and physical therapy evaluations. Combatting barriers and getting access

Ashley called dLCV because she received a closure letter from DARS. They were closing her case because they felt she was not taking advantage of the mental health supports, subsequently not "mentally stable" to work and essentially unable to receive DARS services. Ashley however, stated the only reason she was not able to seek out mental health treatments and supports was due to lack of transportation. She stated she wanted to work and seek out mental health supports, but it was impossible to do so without transportation.

dLCV opened a case and advocated on Ashley's behalf with DARS. DARS agreed to re-open Ashley's case and work with her and the staff at the Summit House to assist Ashley in re-establishing a positive relationship with them by combating some of those barriers which kept her from actively participating in a job search. They agreed to specifically assist Ashley with transportation to allow her the opportunity to be involved with the Summit House and access vocational rehabilitation services as well. Now that she can get help, Ashley has the opportunity to learn skills to be successful and get that job!

Certification

Approved

Reports are to be submitted to RSA within 90 days after the end of the fiscal year covered by this report. Please be reminded that you can enter data directly into RSA's website via the internet. Information on transmittal of the form is found on pages 19 and 20 of the reporting instructions.

Name of Designated Agency Official

Colleen  
Miller

Title of Designated Agency Official

Executive  
Director

Date Signed

10/19/2016

