

PAIR FY 16 PPR

RSA-509 - Protection & Advocacy of Individual Rights (PAIR) Program Performance Report

Virginia (disAbility Law Center of Virginia) - H240A110047

General Information

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Part I. Non-Case Services

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

Multiple responses are not permitted.

1. Individuals receiving I&R within PAIR priority areas **288**
2. Individuals receiving I&R outside PAIR priority areas **766**
3. Total individuals receiving I&R (lines A1 + A2) **1054**

B. Training Activities

1. Number of trainings presented by PAIR staff **16**
2. Number of individuals who attended training (approximate) **2,629**

C. Information Disseminated to the Public

1. Radio and TV appearances by PAIR staff **4**
2. Newspaper/magazine/journal articles **0**
3. PSAs/videos aired **4**
4. Hits on the PAIR/P&A website **71,059**
5. Publications/booklets/brochures disseminated **1,351**
6. Other (report to general assembly) **1**

Describe the trainings presented by PAIR staff. Be sure to include information about the topics covered, the training methods used, and the purpose for the training. Use separate sheets if necessary.

dLCV provided special education self-advocacy presentations and information on its services to 160 people in 5 different parent and child advocacy groups. These groups include the Charlottesville SEAC, students, and staff at Elk Hill High School, parents at Tidewater Autism Society, parents, vendors, and providers at the Learning Disability Association, and parents and providers at Children's Hospital of Richmond. dLCV also distributed brochures, posters, and general information cards at each of these presentations.

dLCV substantially enhanced its online resources through PAIR and other grant funded projects and introduced all 21 Virginia Centers for Independent Living to dLCV's online information and tools. dLCV notified all CILs of existing and newly added online resources, including Social Security Self Help guides covering a variety of topics and the "Ask the Expert" video series. For example, dLCV developed a guide for transition age youth. A number of CILs provided positive feedback on the value of those resources.

dLCV helped to staff the Youth Leadership Forum, a program that provides leadership and self-advocacy training to high school aged youth with disabilities. Participants received training from dLCV staff on the Americans with Disabilities Act, focusing on disability disclosure, accommodations, and disability discrimination in education and employment. dLCV trained 30 individuals in an engaging and age appropriate manner and received very positive feedback from the director of Developmental Disabilities Planning Council, which organizes the program.

dLCV introduced 172 people to the protection and advocacy system through 11 presentations across the state. Local business people, disability support groups, and people from the voter's registrar office better understood the disAbility Law Center of Virginia's protection and advocacy activities and its critical function in Virginia's disability service system.

dLCV held two organizational meetings in the Northern Virginia and Tidewater regions. dLCV staff consulted with seven individuals with the goal of forming regional outreach teams. At the conclusion of FY16, dLCV and its regional contacts, identified potential members of those outreach teams. This project is ongoing and further efforts to organize volunteer outreach teams will continue into FY17.

dLCV filmed four Ask the Expert videos this year. The topics included effective communication, voting rights and restoration rights, returning to work while keeping benefits and transition services for children. Although funded with multiple grants, PAIR was a big part of the success of the series. dLCV posted three videos in FY 16 on the dLCV website (www.dlcv.org) and on Youtube and received 574 views. The videos are invaluable to reach a statewide audience electronically through the internet and additionally supplement dLCV training and outreach across the Commonwealth.

Although not a formal training activity, dLCV held an open house event to the public in February to introduce the community to our agency and mission. We had 57 guests who had little or no prior knowledge of the dLCV. We made a great first impression and plan to hold other open house events in the future.

Part II. Individuals Served

A. Individuals Served

Count individual once per FY. Multiple counts not permitted for lines A1 through A3.

- | | |
|---|------------|
| 1. Individuals still served as of October 1 (carryover from prior FY) | 27 |
| 2. Additional individuals served during the year | 103 |
| 3. Total individuals served (lines A1 + A2) | 130 |
| 4. Individuals w. more than 1 case opened/closed during the FY. (Do not add this number to total on line A3 above.) | 6 |

B. Individuals served as of September 30

Carryover to next FY may not exceed total on line II. A.3 above **24**

C. Problem Areas/Complaints of Individuals Served

- | | |
|---------------------------------|-----------|
| 1. Architectural accessibility | 16 |
| 2. Employment | 7 |
| 3. Program access | 7 |
| 4. Housing | 4 |
| 5. Government benefits/services | 60 |
| 6. Transportation | 1 |
| 7. Education | 11 |
| 8. Assistive technology | 1 |
| 9. Voting | |
| 10. Health care | 13 |
| 11. Insurance | |
| 12. Non-government services | 2 |
| 13. Privacy rights | 5 |
| 14. Access to records | |
| 15. Abuse | 2 |
| 16. Neglect | 5 |
| 17. Other | 3 |

D. Reasons for Closing Individual Case Files

- | | |
|--|-----------|
| 1. Issues resolved partially or completely in individual favor | 94 |
| 2. Other representation found | 2 |
| 3. Individual withdrew complaint | 8 |
| 4. Appeals unsuccessful | 3 |
| 5. PAIR Services not needed due to individual's death, relocation etc. | 1 |
| 6. PAIR withdrew from case | 2 |
| 7. PAIR unable to take case because of lack of resources | 1 |
| 8. Individual case lacks legal merit | 2 |
| 9. Other (please explain) | |

E. Intervention Strategies Used in Serving Individuals

List the highest level of intervention used by PAIR prior to closing each case file.

1. Technical assistance in self-advocacy 9
2. Short-term assistance 59
3. Investigation/monitoring 7
4. Negotiation 25
5. Mediation/alternative dispute resolution 2
6. Administrative hearings 3
7. Litigation (including class actions) 7
8. Systemic/policy activities

Part III. Statistical Information on Individuals Served

A. Age of Individuals Served as of October 1

Multiple responses not permitted.

1. 0 – 4 0
2. 5 – 22 17
3. 23 – 59 84
4. 60 – 64 12
5. 65 and over 17

B. Gender of Individuals Served

Multiple responses not permitted.

1. Females 69
2. Males 61

C. Race/Ethnicity of Individuals Served

1. Hispanic/Latino of any race 5

For individuals who are non-Hispanic/Latino only

2. American Indian or Alaskan Native 1
3. Asian 2
4. Black or African American 43
5. Native Hawaiian or Other Pacific Islander
6. White 71
7. Two or more races 5
8. Race/ethnicity unknown 3

D. Living Arrangements of Individuals Served

Multiple responses not permitted.

1. Independent 72
2. Parental or other family home 26
3. Community residential home 4
4. Foster care
5. Nursing home 5

6. Public institutional living arrangement 6
7. Private institutional living arrangement 5
8. Jail/prison/detention center 7
9. Homeless 4
10. Other living arrangements 1 – Public Housing
11. Living arrangements not known

E. Primary Disability of Individuals Served

Identify the individual's primary disability, namely the one directly related to the issues/complaints

1. Blind/visual impairment 12
2. Deaf/hard of hearing 9
3. Deaf-blind
4. Orthopedic impairment 20
5. Mental illness 30
6. Substance abuse
7. Mental retardation
8. Learning disability 2
9. Neurological impairment 20
10. Respiratory impairment 2
11. Heart/other circulatory impairment 7
12. Muscular/skeletal impairment 17
13. Speech impairment
14. AIDS/HIV 1
15. Traumatic brain injury 4
16. Other disability 1 – Intellectual Disability; 1- Bipolar Disorder; 1- Hepatitis C; 1-ADHD; 1-Crohn's Disease; 2 - Autism

Part IV. Systemic Activities and Litigation

A. Systemic Activities

In FY16, dLCV organized the “Coming of Age” project, with the goal of improving access to information and services for youth with disabilities’ successful transition to adulthood and post -secondary education across Virginia. The project compiled a number of projects and activities under the “Coming of Age” umbrella to support this broader goal. Activities included the creation of self-help guides for transition age youth, short term assistance with extension of social security benefits, and hosting the “Coming of Age Conference.” Building on its successes in FY16, the “Coming of Age” project will continue into FY17 with new projects and activities to support youth with disabilities in transition.

dLCV built on its past education work, participating in stakeholder meetings with the Virginia Department of Education, and providing written feedback on

proposed seclusion and restraint regulations. dLCV also collaborated with advocacy partners in the Coalition for Improving Student Safety, who worked on a redraft of the proposed regulations more in line with its priorities of accountability and student safety. dLCV also attended public meetings of the Department of Education regarding the development of regulations and provided public comment. dLCV will continue to monitor the regulations as the final language is developed by the State Board of Education.

In order to ensure that Virginia primary, secondary and post-secondary schools have this necessary information, dLCV mailed copies of guidance documents on the implementation of the United States Department of Justice Testing Accommodation regulations to the designated special education administrator at every Virginia school district, university, and community college in the state.

dLCV surveyed a total of 123 United States Postal Service locations, far exceeding the minimum goal of its FY16 Objective. Many of the USPS locations were located in the Southwest and Central regions of Virginia. dLCV found that nearly three quarters of the USPS locations surveyed had one or more barriers to accessibility for people with disabilities. In an effort to address those barriers, dLCV sent letters to the postmasters of the six locations with the most significant barriers to accessibility. Those letters informed the Postmaster of potential barriers to accessibility identified by the dLCV surveyor and instructed them to contact the United States Access Board for guidance on meeting the legal obligation to provide accessible services to people with disabilities.

dLCV identified 10 hospitals from the “U.S. News and Report Best Hospitals in Virginia” and examined their policies on effective communication for people with disabilities. dLCV reviewed online policies and contacted the hospitals to inquire regarding interpreter on behalf of a hypothetical patient. While procedures were sometimes difficult to navigate, all hospitals dLCV surveyed had policies and procedures to request aids and services for effective communication, and dLCV found no evidence of systemic non-compliance. Interpreters and other aids and services for effective communication are available, and dLCV will continue to represent individual clients who report denial of effective communication on an individual basis.

B. Litigation/Class Actions

1. Number of individuals potentially impacted by changes as a result of PAIR litigation/class action efforts: 5 (all individuals- no class actions)
2. Number of individuals named in class actions: 0

Describe your litigation/class action activities. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation.

The disAbility Law Center of Virginia filed a number of lawsuits, both in state and Federal court, on behalf of individuals with disabilities. dLCV also filed administrative complaints. The PAIR grant funded legal representation for guardianship termination, discrimination, medical entitlements, and other disability rights matters.

Violet is a young woman with mental health support needs; a court appointed her parents as her plenary guardians when she turned 18. In the following years, Violet's relationship with her parents deteriorated, and she became increasingly self-reliant. She found in herself the ability to live independently, maintain employment, and attend college. Still, with the plenary guardianship in place, she could not obtain a driver's license, vote, or complete other important rites of passage. With the support of Violet's treating professionals, dLCV was able to make the case that Violet had recovered her decision-making capacity. Violet's dLCV attorney filed petition for termination of guardianship. The attorney advocated for Violet when her guardians opposed the petition, attending mediation sessions and working with her treatment professionals to get detailed information on her functioning. When the court finally heard the petition, the judge granted the petition. With her rights restored, Violet has been making up for lost time. She has drafted an advance directive, obtained her driver's license, and gotten married, none of which were possible while under guardianship.

dLCV assisted James with an Equal Employment Opportunity Commission complaint. James contacted dLCV after his termination from a large car dealership. James explained that he had recently transferred from a dealership in another state, where he received accommodations for his disability. He faced terminated after requesting a reduction of hours, despite supporting medical documentation and his previous use of this accommodation at another location of the same company. dLCV represented James in formal mediation sessions through the EEOC and negotiated a \$6,000.00 settlement from the employer.

dLCV represented Sarah, a nursing home resident recently injured by a fall. After the fall, the facility stopped her physical therapy and moved her from a skilled nursing bed to an unskilled nursing bed. When Sarah came to dLCV, she had prevailed on an appeal with the Department of Medical Assistance Services, who ordered that she should return to skilled nursing. Despite this final and favorable order, the facility failed to move her and filed a notice of appeal with DMAS. dLCV filed a Motion and Memo in Support in state circuit court to enforce the administrative order. After Sarah expressed her intent to move out of the facility, dLCV withdrew the motion.

Jackson is deaf and communicates in American Sign Language. He is a West Virginia resident who receives cardiology care in nearby rural Virginia. Jackson asked his cardiologist to provide a sign language interpreter at his appointments to ensure effective communication. After the doctor failed to reply, Jackson contacted dLCV for help. At that point, the doctor refused to continue providing care to Jackson. dLCV filed a complaint in the Federal circuit court, alleging violations of Title III of the Americans with Disabilities Act. This prompted settlement negotiations between dLCV and the doctor's counsel. Jackson approved a settlement agreement, and in exchange for an agreement to provide interpreter services and pay attorney's fees, dLCV withdrew its complaint on behalf of Jackson.

Stephanie, a recent law school graduate, contacted dLCV after the Virginia Board of Bar Examiners refused to provide her with reasonable accommodations when she sat for the Virginia Bar Exam. dLCV filed a complaint in Federal district court, seeking injunctive relief. In the complaint, dLCV asked the court to require that the VBBE provide Stephanie with the requested testing accommodations. Because of the impeding test date, dLCV obtained an expedited hearing, with a settlement conference to occur within 10 days of filing. At the settlement conference, dLCV, Stephanie, and VBBE reached an agreement that a Virginia clinician would administer a test approved by VBBE. All parties further agree that the Virginia clinician, not the VBBE, would determine whether VBBE would provide accommodations. The clinician supported Stephanie's accommodation request, and in addition to providing the recommended accommodations, agreed to accept dLCV's input on accommodation standards for future bar exams. dLCV recently learned that the client passed the exam.

Part V. PAIR'S Priorities and Objectives

A. Priorities and Objectives for the Fiscal Year Covered by this Report

For each of your PAIR program priorities for the fiscal year covered by this report, please:

1. Identify and describe priority.
2. Identify the need, issue or barrier addressed by this priority.
3. Identify and describe indicators PAIR used to determine successful outcome of activities pursued under this priority.
4. Explain whether pursuing this priority involved collaborative efforts by other entities. If so, describe this collaboration.
5. Provide the number of cases handled under the priority. Indicate how many of these, if any, were class actions.
6. Provide at least one case summary that demonstrates the impact of the priority.

Goal: Children with Disabilities Receive an Appropriate Education

Focus Area: Educational Services

Needs/Issues/Barriers Addressed: Based on public comment, experience, and the high volume of requests for services in this area, receiving appropriate educational services in order to participate in public education remains a high priority and area of concern for children with disabilities and their families.

Indicators for Success Include the Completion of the Following Objectives:

1. Launch dLCV's on-line self-advocacy resource guide to Special Education.
2. Increase self-advocacy by providing STA to callers who complain that they or their child were denied appropriate behavior support services in IEPs or 504 plans.

Collaborative Efforts: None

Number of Cases Handled: 5

Case Summary for each indicator that demonstrates the impact of the priority:

1. dLCV streamlined its efforts to assist students with disabilities and their educational decision-makers by establishing an online advocacy resource center with tools for understanding the processes involved in special education and negotiating with school divisions for appropriate services.
2. Using PAIR grant funding, dLCV also provided short term assistance to provide more individualized assistance on a variety of topics, including placement, discipline, and restraint. For example, a parent contacted dLCV because Lana, her 7 year old child with autism, succeeded academically but struggled with behavioral support needs. dLCV provided the mother with targeted assistance on Child Find and initiating the eligibility process. dLCV also explained how the parent could request an Independent Educational Evaluation for Lana if necessary.

Another parent contacted dLCV because the school division asked him to agree to a change in placement for his daughter Taleah. Taleah, eligible for special education services because of her emotional disability, needed appropriate educational and behavioral supports, but the school division offered administrative homebound services while evaluating her and developing a plan. dLCV made sure the parent understood the school's offer and the requirements for homebound education. dLCV also made sure the parent understood how to request an Independent Educational Evaluation and how to file a complaint if those issues could not be resolved within the school division.

Goal: Children with Disabilities Receive an Appropriate Education

Focus Area: Children who are suspended

Needs/Issues/Barriers Addressed: Based on public comment, experience, and the level of calls and requests for services in this area, many children in Virginia face inadequate behavioral accommodations and services to accommodate their disabilities and avoid disciplinary action.

Indicators for Success Include the Completion of the Following Objectives:

1. Increase self-advocacy by providing STA to callers complaining that they or their children have been suspended or subjected to seclusion or restraint due to a lack of needed and appropriate behavior support services in their IEPs or 504 Plans.
2. Represent students who have been subjected to repeated seclusion or who have been injured due to unnecessary or improper restraint due to lack of an appropriate FBA or BIP and advocate for them to receive services in the least restrictive environment.

Collaborative Efforts: None

Number of Cases Handled: 3

Case Summary for each indicator that demonstrates the impact of the priority:

1. Using PAIR grant funds, dLCV provided case services to three students with disabilities excluded from their regular educational programs due to disciplinary action. That included short term assistance for Landon who, despite his behavioral support needs and repeated discipline, didn't have a completed behavioral intervention plan. When the individual return to Virginia after receiving services in another state, the school division failed to complete the behavioral intervention plan and instead proposed highly restrictive educational placements for Landon. dLCV assisted Landon and his parent by giving them targeted advice on behavioral intervention plans and discipline due process protections for students with disabilities. dLCV also provided VDOE complaint documents and the procedure manual. Armed with the necessary knowledge and resources, the parent effectively advocated for Landon's rights.
2. Another parent contacted dLCV on behalf of Sarah, her 7 year daughter. Sarah endured repeated restraint and discipline because of her difficulties with emotional regulation. dLCV intervened and represented Sarah at a series of IEP meetings. During the course of those meetings, the school division agreed to update and improve Sarah's behavioral intervention plan and IEP. The IEP team also agreed to change the client's classroom teacher and to add an instructional aide into the client's classroom. With help from the dLCV, the IEP team was able to craft an appropriate IEP that offered Sarah the necessary behavioral supports she needed to be successful in the general education classroom. Sarah now attends school with the appropriate behavioral and educational supports.

Goal: People with Disabilities Have Equal Access to Government Services

Focus Area: Access to State and Federal Government Services

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing barriers to ADA Title II services such as access to government buildings.

Indicators for Success Include the Completion of the Following Objectives:

1. Assist individuals denied access to a government building or services due to architectural and other barriers to access including denial of reasonable accommodations.

Collaborative Efforts: None

Number of Cases Handled: 15

Case Summary for each indicator that demonstrates the impact of the priority:

1. Angelica, with the help of her Adult Protective Services worker, called dLCV for help with her medical transportation. They were frustrated that the provider continued to “no show.” APS would have to transport Angelica to the doctor when the provider failed to show up. dLCV negotiated with the provider to correct the issues so that Angelica would have the transportation she needed to remain in the community. The provider moved her to a VIP list, penalized “no show” drivers, and improved driver consistency. After dLCV monitored the situation for a few weeks, Angelica reported significant improvement in services and is very happy with the outcome.

Tate, a college student with low vision, contacted dLCV because he had significant access issues with the college library. dLCV asked the college administration to address the issue, providing them with video footage of Tate’s unsuccessful attempts to access the library. On Tate’s behalf, dLCV negotiated with the college’s Disability Services and ADA Coordinator. Those negotiations resulted in a number of positive changes, including the development of a library accessibility committee. The accessibility committee monitors ADA accessibility issues and universal design for all library activities. Tate can now successfully access the library and is pleased with the broader changes in the library’s approach to accessibility.

Cassie contacted dLCV after 10 years of frustration with her local department of social services. Cassie is blind and throughout this time, social services has not provided her appropriate accommodations. She felt that the failure to provide accommodations resulted in repeated denial of benefits. dLCV advocated for accommodations, and wrote to social services with information on Title II of the Americans with Disabilities Act and Cassie’s communication preferences. Cassie’s social services worker added computer prompts to remind her of Cassie’s communication preferences, using email to send her forms and following up with phone calls. The client says that those small changes have made a

significant difference for her, not only in her dealing with social service, but in her hope that things could improve.

Another client, Rhett, who is deaf, contacted dLCV for a similar effective communication issue. Rhett's local social security office denied his request for an interpreter when in face to face meetings. dLCV sent a letter to the local social security office informing them of Rhett's right to an effective communication. Upon his return to the social security office, Rhett received accommodations for effective communication, including direct staff assistance to complete his paperwork.

Goal: People with Disabilities Have Equal Access to Government Services

Focus Area: Access to Social Security Benefits

Needs/Issues/Barriers Addressed: dLCV will assist with barriers to receipt of Social Security benefits and provide education.

Indicators for Success Include the Completion of the Following Objectives:

1. Create a series of Self-Help Guides to educate youth in transition about their rights relating to SSI benefits.
2. Provide STA to individuals between 17 and 25 regarding extension of social security benefits.
3. Through the "Office Hours" program, train staff at three CILs on the new dLCV Social Security Self-Help Guides for filing for and appealing social security claims and inform CIL staff how to screen and refer social security cases to dLCV.
4. Provide STA to individuals with disabilities regarding Social Security Disability reviews, benefit cessation, appeals council process and re-applications.
5. Provide STA to callers regarding social security cases at the administrative law judge level of appeal to determine feasibility for representation. Meritorious cases will be opened for case services.
6. Represent individuals who have been denied Social Security Disability by an administrative law judge in their appeal for benefits.
7. Provide STA for 20 individuals at the initial denial/appeal level.

Collaborative Efforts: Centers for Independent Living

Number of Cases Handled: 43

Case Summary for each indicator that demonstrates the impact of the priority:

1. Information guides that target key social security issues are now available online at dLCV's organizational website www.dLCV.org/coa. They are part of our Coming of Age Impact Project, but can be useful for other individuals also. Using straightforward language and "layman's terms," they are a resource for youth and their parents. The information contained in the guides also served as the foundation for six (6) presentations during FY16. Presentation venues have included two Parent Resource

Centers, the Region Ten Autism Conference, Virginia Arc conference, Hanover Arc meeting, and the disAbility Law Center of Virginia's Coming of Age conference. The guides are part of the Coming of Age handbook that all conference attendees received at the September 24, 2016 event.

2. The disAbility Law Center of Virginia provided short term assistance to transition age youth (individuals between ages 17 and 25) on the extension of social security benefits. For example, Anna called dLCV to request help on behalf of her grandson Elton, who needed help with his social security re-determination case. A dLCV advocate used this as an opportunity to educate Anna and Elton on the differences between child and adult benefit criteria. dLCV helped them understand that Elton would not qualify for adult benefits unless he could not work at all. Because it is uncertain whether Elton can or cannot work, dLCV connected them to the Department of Aging and Rehabilitative Services (DARS) to discuss his work capacity and possible vocational rehabilitation services. He also received information on the Client Assistance Program should he have issues with DARS.
3. dLCV substantially enhanced its online resources through PAIR and other grant funded projects and introduced all 21 Virginia Centers for Independent Living to dLCV's online information and tools. dLCV notified all CILs of existing and newly added online resources, including Social Security Self Help guides covering a variety of topics and the "Ask the Expert" video series. For example, dLCV developed a guide for transition age youth. A number of CILs provided positive feedback on the value of those resources.
4. The disAbility Law Center of Virginia provided STA to individuals with disabilities regarding Social Security Disability reviews, benefit cessation, appeals council process, and re-applications. For example, dLCV provided STA to Felix, a career ironworker who began receiving a disability benefit about five years ago. Felix had cancer and a heart condition. While the cancer is in remission, his radiation treatments caused peripheral neuropathy, leaving him with lingering pain. He also struggled with gastrointestinal issues after a recent weight loss surgery. Felix called dLCV when his hearing was just two weeks away. dLCV explained that he could request a continuance and continue to develop his case. dLCV provided Felix with short term assistance and self-advocacy strategies. dLCV advised him to collect records and obtain a statement from his physician. dLCV also advised him to create a simple chart that outlines his various conditions, symptoms, and limitations, specifying their intensity, frequency, and duration. This would allow him to present a straightforward and well-documented case to the factfinder.
5. Isabela, another client, contacted dLCV because of inadequate representation at the hearing level. When her representative withdrew after her loss, she decided to self-advocate and appeal to the appeals council (AC). She had evidence that the representative neglected to submit. dLCV supported Isabela's self-advocacy efforts by explaining the process at the AC, including the possible outcomes at this level. dLCV also reviewed the documents and provided consultation.

6. dLCV provided STA to callers with social security cases at the administrative law judge level of appeal to provide help and evaluate for possible representation. Sam is one of those callers. Sam experienced significant orthopedic problems and needed help with his social security case. The advocate offered to review his electronic file from the Social Security Administration in advance of his hearing, but after many requests and months of waiting, he couldn't get a copy of his file. Feeling discouraged, Sam took a job with benefits outside his field, fearing he would lose everything while waiting for the hearing. While the job is not without difficulty, he expects it to last, and wondered whether he should withdraw from the appeal process. dLCV informed him of his right to request a closed period of disability for the months he couldn't work. If Sam is unable to sustain his current job, the evidence of an unsuccessful work attempt with significant accommodations could support his appeal.

dLCV also provided short term assistance to Max, a veteran who needed help with his social security case. Max receives a non-service connected disability pension. He believed he might qualify for additional benefits based on his civilian work record. While reviewing his extensive social security file, the advocate learned that the Max received a needs-based veteran benefit possibly impacted by a disability benefit. The advocate carefully researched this matter to correctly advise the client of how the type of pension he received, service connected vs. non-service connected, would affect his ability to qualify for an additional benefit. While Max felt discouraged that he couldn't qualify for any additional benefit because of the type of pension he received, he appreciated knowing this in advance.

7. dLCV also provide short term assistance to individuals with social security cases at the initial denial and appeal level. Sasha contacted dLCV, reporting that her claims for social security disability (SSDI) or supplemental security income (SSI) were denied multiple times. Sasha provided a detailed history of her many applications and appeals. When Sasha shared more of her story, we learned that she lived in a shelter and was close to discharge. Her legal and mental health history both contributed to her difficulty maintaining employment. We referred Sasha to two SOAR workers in her community (SSDI/SSI Outreach, Access & Recovery Initiative), a program that expedites claims for individuals who have mental health disabilities and are experiencing homelessness.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Maximize Individual Choice and Self Direction

Needs/Issues/Barriers Addressed: dLCV will educate and assist individuals with creation of Advance Directives and modification or termination of guardianships to allow for maximized individual choice. We will also respond to legislation and inform policy makers as needed to protect the rights of personal choice and self-direction.

Indicators for Success Include the Completion of the Following Objectives:

1. Represent individuals in proceedings to prevent, modify, or terminate guardianship where the guardian is barrier to a less restrictive environment.
2. Represent individuals living in institutional settings to receive opportunities for choice and control over themselves and their environment to include opportunities to communicate and meet in private and any necessary AT.
3. Present training on self-determination and self-advocacy at the Youth Leadership Forum.

Collaborative Efforts: Virginia Board for People with Disabilities

Number of Cases Handled: 4

Case Summary for each indicator that demonstrates the impact of the priority:

1. dLCV represented individual in proceedings to prevent, modify, or terminate guardianship. For example, dLCV represented Violet, a young woman with mental health support needs. A court appointed Violet's parents as her plenary guardians when she turned 18. In the following years, Violet's relationship with her parents deteriorated, and she became increasingly self-reliant. She found in herself the ability to live independently, maintain employment, and attend college. Still, with the plenary guardianship in place, she could not obtain a driver's license, vote, or complete other important rites of passage. With the support of Violet's treating professionals, dLCV was able to make the case that Violet had recovered her decision-making capacity. Violet's dLCV attorney filed a petition for termination of guardianship. We advocated for Violet when her guardians opposed the petition, attending mediation sessions and working with her treatment professionals to get detailed information on her functioning. When the court finally heard the petition, the judge granted the petition. With her rights restored, Violent has been making up for lost time. She has drafted an advance directive, obtained her driver's license, and gotten married, none of which were possible while under guardianship.
2. dLCV helped individuals exercise choice and control in a variety of ways. Tanya, a long time self advocate and advocate for people with disabilities, suffered from a stroke. In the weeks after the stroke, she had many difficulties, and her sister and mother stepped in to help her. Early in her recovery, her sister hired a lawyer to draft and execute a very detailed power of attorney. Tanya felt disempowered by her stroke, and while she remained at a rehabilitation center, she wanted to start doing more for herself again. After significant consultation with dLCV, Tanya executed a simpler, more limited power of attorney that she understood and that reflected her current support needs and wishes. She was empowered to exercise more choice and control and to move forward in her recovery with more confidence.
3. dLCV helped to staff the Youth Leadership Forum, a program that provides leadership and self-advocacy training to high school aged youth with disabilities. Participants

received training from dLCV staff on the Americans with Disabilities Act, focusing on disability disclosure, accommodations, and disability discrimination in education and employment. dLCV trained 30 individuals in an engaging and age appropriate manner and received very positive feedback from the director of Developmental Disabilities Planning Council, which organizes the program.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Equal Access to Public Accommodations under the ADA

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing architectural and parking barriers to allow access to places of public accommodation.

Indicators for Success Include the Completion of the Following Objectives:

1. Represent individuals denied access to services in a non-governmental institutional setting due to architectural barriers or failure to accommodate.
2. Assist individuals denied access to a place of public accommodation due to architectural and other barriers to access including denial of reasonable accommodations.
3. Survey public playgrounds or children's activity programs for ADA accessibility. Take corrective action as needed.

Collaborative Efforts: None

Number of Cases Handled: 12

Case Summary for each indicator that demonstrates the impact of the priority:

1. dLCV opened a service request for Johannes, who complained that the private hospital where he resided had failed to accommodate his communication needs. Johannes had concerns with his medical care and told dLCV that the hospital would not provide him with communication accommodations in order to prevent him from filing a complaint. We visited Johannes at the hospital, interviewed him, and noted his environment and care. dLCV found that his treatment, and not effective communication, was Johannes' primary concern. Therefore, dLCV offered to help him draft a complaint to address alleged medical neglect and provide him with the accommodations necessary to communicate with us. Unfortunately, due to his terminal condition, Johannes couldn't authorize services and we had to close his service request.
2. Ines is a member of the YMCA and uses its swimming pool facilities. Because of her disability, Ines found it difficult to access the pool and locker room because the long corridors lack handrails. In addition, the locker room lacks an accessible changing stall,

so Ines must change in the accessible toilet stall. dLCV wrote a letter to the director of the YMCA, advising him of the facility's non-compliance and making recommendations that would improve accessibility for Ines and other members with disabilities. The director passed this information along to the CFO for consideration. The CFO notified dLCV that they have plans in place to renovate the changing area to include accessible stalls. dLCV followed up by meeting on the site with the risk assessment manager to confirm that their plans are compliant with the ADA and the client will have a safe path of travel to the pool. Construction is complete and the client has the same opportunity to change privately and access the facilities as other patrons.

dLCV also worked with Penny. Penny contacted dLCV for help, upset because accessibility issues at her doctor's office interfered with her healthcare. She complained that there were too few handicapped parking spaces, and that the doors were too heavy to open independently. dLCV assisted Penny by performing an accessibility survey of her doctor's office, targeting her areas of concern. While dLCV found the parking lot compliant, the advocate verified Penny's complaint with the door. After contacting the property manager with Penny's concerns, he corrected the doors and asked maintenance staff to come in and replace the door closures. The client can now access her doctor's office and get the care she needs.

3. dLCV supports access for all individuals with disabilities. In effort to help children with disabilities have equal access to play equipment, dLCV worked with several former clients and conducted informal surveys of three public-owned parks. The 2010 ADA Standards for Accessible Design lay out the requirements for recreational facilities, including public playgrounds. These standards provide the minimum requirements for accessibility. All three of the playgrounds used ground cover that impedes access for children and parents, and not all parks had sufficient accessible routes throughout. dLCV wrote to the directors of the Parks and Recreation Departments of the areas surveyed. In one county, there had been a multi-million dollar renovation to a park. Work completed in FY16 was phase one of this project. dLCV plans to seek corrective action as needed and survey additional playgrounds in 2017.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Access to Healthcare

Needs/Issues/Barriers Addressed: This Focus Area allows dLCV to address the need for greater architectural access, reliable medical transportation, and effective communication for people with disabilities accessing healthcare facilities.

Indicators for Success Include the Completion of the Following Objectives:

1. Represent individuals with disabilities denied access to healthcare facilities or services under the ADA due to architectural barriers, failure to provide reasonable accommodations, or denial of the use of a service animal.

Collaborative Efforts: N/A

Number of Cases Handled: 3

Case Summary for each indicator that demonstrates the impact of the priority:

dLCV represented individuals denied access to healthcare facilities because of failure to accommodate or provide effective communication. Shay contacted dLCV when the children's hospital that cared for her children would not provide her with an in-person American Sign Language interpreter. As a result of dLCV's intervention on Shay's behalf, the hospital acknowledged that the interpreter would be an appropriate modality for effective communication and agreed to provide an in-person American Sign Language interpreter for all of her children's pre-scheduled appointments.

B. Priorities and Objectives for Fiscal Year 2017-

Please include a statement of priorities and objectives for the current fiscal year (the fiscal year succeeding that covered by this report), which should contain the following information:

1. a statement of each priority;
2. the need addressed by each priority; and;
3. a description of the activities to be carried out under each priority.

Goal: Children with Disabilities Receive an Appropriate Education
Focus Area: Children who are Suspended, Secluded or Restrained in Schools

Needs/Issues/Barriers Addressed: Based on public comment, experience, and the level of calls and requests for services in this area, many children in Virginia face inadequate behavioral accommodations and services to accommodate their disabilities and avoid disciplinary action.

Indicators for Success Include the Completion of the Following Objectives:

Educate policy makers regarding the need for effective regulations regarding the use of seclusion and restraint in Virginia's public schools by evaluating proposed regulations and by assisting parents to support the legislative and regulatory reforms.

Increase self-advocacy by providing STA to callers complaining that they or their children have been suspended or subjected to seclusion or restraint due to a lack of needed and appropriate behavior support services in their IEPs or 504 Plans.

Represent students who have been subjected to repeated seclusion or who have been injured due to unnecessary or improper restraint and advocate for them to receive services in the least restrictive environment.

Goal: People with Disabilities Have Equal Access to Government Services

Focus Area: Architectural Barriers and Reasonable Accommodations

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing barriers to ADA Title II services included access to government buildings.

Indicators for Success Include the Completion of the Following Objectives:

Provide training to staff at Appomattox, Charlotte, Southampton and two other Social Services offices of the requirements under Title II of the Americans with Disabilities Act to provide accessible services and accommodations.

Survey local DSS Offices in Appomattox, Charlotte, Southampton and seven other counties to ensure compliance with the Americans with Disabilities Act and obtain corrective action.

Represent individuals with physical or sensory disabilities who are denied access to government services in an institutional setting due to architectural barriers or failure to accommodate.

Identify public playgrounds or children's activity programs in Southampton County, Appomattox County or Charlotte County or where significant modifications or renovations are planned to ensure future ADA accessibility. Provide a written report of any deficiencies to the responsible public agency and obtain corrective action.

Create a social media campaign on Twitter and Facebook where students and staff at institutions of higher learning draw attention to the inaccessible features of their campuses using a unique hashtag campaign. dLCV will use the data collected from this campaign to target and select the schools for the objective below.

Based on the results of the social media campaign, select and survey the architectural accessibility of one public college, one private university, and one community college in three separate regions across the state (total of three colleges). Advise college of findings and obtain corrective action.

Investigate the application process for the Virginia Bar Examination for compliance with ADA requirements and obtain corrective action.

Based on information provided as required by the settlement agreement in Winborne v. Virginia Lottery, select noncompliant lottery providers and take appropriate action.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Maximize Individual Choice

Needs/Issues/Barriers Addressed: dLCV will educate and assist individuals with creation of Advance Directives and modification or termination of guardianships to allow for maximized individual choice. We will also respond to legislation and inform policy makers as needed to protect the rights of personal choice and self-direction.

Indicators for Success Include the Completion of the Following Objectives:

Represent individuals living in institutional settings to eliminate barriers to self-determination, including lack of assistive technology, effective communication and review of decision-making capacity.

Expand the Supported Decision-Making Resource Center on our website by adding three additional tools that individuals can use to do their own advance care planning.

Obtain senior needs assessments from five local or state government agencies (such as Richmond City Office on Aging and Disability) to identify those needs which pose a barrier to community integration for elders with disabilities.

Publish initial findings to the legislature and 10 elder rights organizations.

Train attorneys who are members of the Virginia Academy of Elder Law Attorneys or similar organization about the history of disability rights and the intersections between disability rights and elder rights.

With input from the organizations above, revise and publish a final report addressing barriers to inclusion for elders with disabilities and present recommendations for systemic change.

Represent individuals, including seniors, in proceedings to prevent, modify, or terminate guardianship where there is evidence of capacity.

Represent individuals on their social security appeal before an administrative law judge.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Equal Access to Public Accommodations

Needs/Issues/Barriers Addressed: dLCV will seek local and systemic change to increase the quality of life for people with disabilities by removing architectural and parking barriers to allow access to places of public accommodation.

Indicators for Success Include the Completion of the Following Objectives:

Inform the United States Access Board of our findings of inaccessible post offices.

Represent individuals who have been denied access to buildings, either due to architectural barriers or refusal to allow service animals

Survey Social Security offices to determine compliance with the Architectural Barriers Act. Inform the United States Access Board for corrective action.

Create a quarterly article for social media that will outline EEOC's "hot topics." Analyze current trends in employment law to allow us to decide future direction of employment work for the agency.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Access to Healthcare

Needs/Issues/Barriers Addressed: This Focus Area allows dLCV to address the need for greater architectural access, reliable medical transportation, and effective communication for people with disabilities accessing healthcare facilities.

Indicators for Success Include the Completion of the Following Objectives:

Represent individuals who require effective communication or other specialized services under a Medicaid Waiver.

Represent individuals who have been denied effective communication or who face physical barriers at medical offices.

Part VI. Narrative

- A. Sources of funds received and expended
- B. Budget for the fiscal year covered by this report
- C. Description of PAIR staff (duties and person-years)
- D. Involvement with advisory boards (if any)
- E. Grievances filed under the grievance procedure
- F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency

A. Sources of funds received and expended

Source of Funding	Amount Received	Amount Spent
Federal	\$382,321	\$258,830
State	-	-
Program Income	-	-
Private	-	-
All other funds-carryover	352,683	352,683
Total (from all sources)	\$744,281	\$611,513

B. Budget for the fiscal year covered by this report

Category	Prior Fiscal Year-FY15	Current Fiscal Year FY16
Wages/salaries	\$325,095	\$403,674
Fringe benefits (FICA, unemployment, etc.)	66,252	88,520
Materials/supplies	1,200	1,500
Postage	600	900

Telephone	3,000	4,500
Computer/IT	7,500	4,900
Rent -	30,000	34,200
Travel	7,000	10,300
Copying	500	150
Equipment (rental/purchase)	2,550	3,960
Temporary Personnel Services	1,000	1,000
Miscellaneous	20,375	23,350
Total	\$465,072	\$576,954

C. Description of PAIR staff (duties and person-years)

Type of Position	FTE	% of year filled	Person-years
Professional			
Full-time	25	92%	23
Part-time			
Vacant			
Clerical			
Full-time	8	95%	7.6
Part-time			
Vacant			

D. Involvement with advisory boards (if any)-

dLCV operated with one (1) Advisory Council: The Protection and Advocacy for Individuals with Mental Illnesses (PAIR) Advisory Council. The Council's primary responsibility was to advise the protection and advocacy system on policies and

priorities affecting individuals with disabilities, concentrating on those with mental illness. This function helped dLCV to identify underserved and unserved Virginians.

E. Grievances filed under the grievance procedure-

Two individuals filed PAIR Grievances with the dLCV Executive Director this fiscal year. The Executive Director reviewed both and one was appealed to the dLCV Board.

F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency

CAP is part of dLCV.

Coordination with the State Long-Term Care Ombudsman Program is particularly important during the legislative session.

The Long-Term Care Ombudsman Program consists of the Office of the State Long-Term Care Ombudsman and twenty local offices located in area agencies on aging throughout the state providing direct service in their communities. The mission of Virginia's State Long Term Care Ombudsman Program is to serve as an advocate for older persons receiving long-term care services. Virginia Local Ombudsmen provide older Virginians and their families with information, advocacy, complaint counseling, and assistance in resolving care problems. The program also represents the interests of long-term care consumers before state and federal government agencies and the General Assembly.

The Department of Medical Assistance Services (DMAS) is the primary source of funding for the long-term care system in Virginia. dLCV coordinates with them on an as needed basis.

Certification

Signed

Signed By Colleen Miller, Esq.

Title Executive Director