

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

## **Virginia (Disability Law Center of Virginia) - H161A160067 - FY2019**

### **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](mailto:info@dlcv.org)

Website Address <http://www.dlcv.org>

Phone 804-225-2042

Toll-free Phone 800-552-3962

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

Website Address <http://www.dlc.v.org>

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## **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 19

2. Information regarding independent living programs

3. Information regarding American Indian VR Service projects

4. Information regarding Title I of the ADA 26

5. Other information provided 16

6. Information regarding CAP 3496

7. Total I&R services provided (Lines A1 through 6) 3557

## **B. Training Activities**

1. Number of training sessions presented to community groups and public agencies.  
45

2. Number of individuals who attended these training sessions. 3494

3. Describe training presented by the staff. Include the following information:

topics covered, purpose of the training and description of the attendees

dLCV presented to 9 groups on transition related CAP topics. We reached a total of 157 individuals including students, vision teachers, professionals, and parents from the Department for the Blind and Vision Impaired (DBVI), Bon Secours Community Health Workers Association, Blue Ridge Autism Achievement Center, North Star Academy, Resources for Independent Living, Hanover Community Services Board (CSB), and at a resource fair in Prince George County. dLCV provided resources in Spanish and English.

dLCV reached 106 students and parents in 3 separate trainings about assistive technology and transition rights for those seeking to obtain or maintain employment. The audience learned how to learn to locate employment support services in post-secondary education and how these services continue after graduation.

We identified and summarized 12 VR success stories to post on social media to encourage others in the community to reach out to dLCV for assistance with their vocational rehabilitation and CAP issues and concerns. Our Facebook posts reached 3,100 people.

dLCV successfully provided 10 vocational rehabilitation and ADA rights presentations to 75 individuals at day support programs across Virginia.

The disAbility Law Center (dLCV) provided an in-depth presentation on employment rights and laws reaching 6 people with mental health

disabilities. dLCV provided resources from the EEOC to all attendees to help them advocate for themselves in the workplace.

This year dLCV posted 4 articles to social media to help college students understand classroom accommodations, employment accommodations, their rights under the ADA, as well as self-identifying as an individual with a disability. Over 50 individuals viewed this information.



### **C. Agency Outreach**

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

dLCV's Outreach Coordinator connected with Hispanic community advocacy groups in Chesterfield, Richmond, Hampton Roads in FY 19. We joined the Hispanic Chamber of Commerce and participated in multiple community outreach activities including the Que Pasa festival, school resource fairs and meeting with representatives from local health departments.

During fiscal year 2019, dLCV utilized a total of 96 volunteers that logged 589 hours of volunteer service to dLCV. Volunteers performed tasks such as representing dLCV at resource fairs, promoting the CAP program at outreach events, and administrative tasks such as covering the front desk and research for dLCV staff members for various projects and service requests.

dLCV continues close communication with all state Department for Aging and Rehabilitative Services (DARS) and Department for Blind and Vision Impaired (DBVI) offices to ensure their clients understand dLCV and the CAP program.

dLCV is pleased to report a 98% Satisfaction rate from the 50 client satisfaction surveys we received across all grants in FY 19. This satisfaction rate breaks down as 42 highly satisfied respondents, 7 satisfied, and 1 unsatisfied.

dLCV conducted follow-up interviews with 10% of our closed clients for more in depth feedback on our services. 100% percent of clients interviewed reported that they were satisfied with the results they received from our agency. Clients felt like dLCV was a valuable resource. One client stated: "thank you for all that you do for special needs" and another commented "Applause! Applause! God sent! When I had nowhere to turn God sent me a blessing thank you again for everything."

### **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 offered a public input survey to identify which disability advocacy issues we should consider in FY 20. We posted the survey on our website and distributed through monitoring, trainings, and multiple outreach activities. Our 405 respondents identified quality mental health care, access to government benefits, and housing as the top three areas of concern. 37% of our respondents were individuals with disabilities. Agencies and groups we reached included: the Virginia Board for People with Disabilities, Department for Aging and Rehabilitative Services (DARS), Partnership for People with Disabilities, Department for Behavioral Health and Developmental Services (DBHDS) , and multiple community advocacy and networking groups. dLCV used this information to develop our FY 20 CAP goals and focus areas.

dLCV participated on the Virginia State Rehabilitation Councils (SRACs) for the Department for Aging and Rehabilitative Services (DARS) and the Department for the Blind and Vision Impaired (DBVI), assigning two different CAP disability rights advocates to each position. dLCV will continue collaboration with the State Rehabilitation Councils in FY 20. Topics included review of Order of Selection (OOS) status and discussion of DARS Combined State Plan. dLCV attended the Coalition of State Administrators for Vocational Rehabilitation (CSAVR) conference to become familiar with best practice for state VR agencies.

dLCV maintains a website that posts the following: our federal grants' goals and focus areas, notices for the Board of Directors and dLCV's Advisory Council meetings, job vacancies, announcements, agency publications, and disability-related links.

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

1. Agency Staff Interviewed or Featured on Radio and TV 7

2. Articles about CAP Featured in Newspaper/Magazine/Journals 0

3. PSAs/Videos Aired about the CAP Agency 2

dLCV's 'VR Rights and Services' and 'Employment Rights' Ask the Expert videos, produced in FY 16 are still posted on [www.dlcv.org](http://www.dlcv.org). Many other resources related VR remain as well. This year, dLCV had 68,366 visitors to our website to view our videos and VR resources.

4. Publications/Booklets/Brochures Disseminated by the Agency 2380

5. Number of Times CAP Exhibited at Conferences, Community Fairs, etc. 38

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**

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) 13

2. Additional individuals who were served during the year 55

3. Total individuals served (Lines A1+A2) 68

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.) 5

5. Individual still being served as of September 30 (Carryover to next year. This total may not exceed Line A3.)  
13

## **B. Problem areas**

Multiple responses permitted.

1. Individual requests information 6
  
2. Communication problems between individual and VR counselor 7
  
3. Conflict about VR services to be provided 22
  
4. Related to VR application/eligibility process 18
  
5. Related to assignment to order of selection priority category
  
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 3
  - v. Other 1
  
7. Related to independent living services 2
8. Other Rehabilitation Act-related problems 2
9. Non-Rehabilitation Act related
  - i. TANF
  - ii. SSI/SSDI
  - iii. Housing

iv. Other:

10. Related to Title I of the ADA 12

### **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 19

2. Investigation/Monitoring

3. Negotiation 43

4. Mediation and other methods of Alternative Dispute Resolution

5. Administrative / Informal Review 2

6. Formal appeal / Fair Hearing 1

7. Legal remedy / Litigation

8. Advisory/interpretational 1

9. Information/referral

10. Transportation

10. Total 66

#### **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 37
2. Some issues resolved in individual's favor (when there are multiple issues) 22
3. CAP determines VR agency position/decision was appropriate for the individual 1
4. Individual's case lacks legal merit; (inappropriate for CAP intervention) 1
5. Individual chose alternative representation
6. Individual withdrew complaint 2
7. Issue not resolved in clients favor 1
8. CAP services not needed due to individual's death, relocation, etc. 1
9. Individual not responsive/cooperative with CAP 1

10. CAP unable to take case due to lack of resources

11. Conflict of interest

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 17

2. Application for services completed 7

3. Eligibility determination expedited 1

4. Individual participated in evaluation

5. IPE developed/implemented/Services Provided 10

6. Communication re-established between individual and other party 15

7. Individual assigned to new counselor/office 1

8. Alternative resources identified for individual 10

9. ADA/504/EEO/OCR complaint made 2

10. Other (Please explain below)

### **Part III. Program Data**

#### **A. Age**

Multiple responses not permitted.

1. Up to 18 7

2. 19 – 24 22

3. 25 – 40 9

4. 41 – 64 25

5. 65 and over 5

6. Total (Sum of Lines A1 through A5. Total must equal Part II, Line A3.) 68

#### **B. Gender**

Multiple responses not permitted.

1. Females 32

2. Males 36

3. Total (Lines B1+B2. Total must equal Part II, Line A3.) 68

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

1. Hispanic/Latino of any race (for individuals who are non-Hispanic/Latino only) 9

2. American Indian or Alaskan Native

3. Asian 4

4. Black or African American 19

5. Native Hawaiian or Other Pacific Islander

6. White 30

7. Two or more races 5

8. Race/ethnicity unknown 1

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

Multiple responses not permitted.

1. Acquired Brain Injury

2. ADD/ADHD 3

3. AIDS/HIV

4. Amputations or Absence of Extremities

5. Arthritis or Rheumatism

6. Anxiety Disorder

7. Autism Spectrum Disorder 10

8. Autoimmune or Immune Deficiencies (excluding AIDS/HIV) 3

9. Blindness (Both Eyes) 10

10. Other Visual Impairments (Not Blind) 4

11. Cancer

12. Cerebral Palsy 1

13. Deafness 3

14. Hard of Hearing/Hearing Impaired (Not Deaf) 1

15. Deaf-Blind

16. Diabetes 1

17. Digestive Disorders

18. Epilepsy

19. Heart & Other Circulatory Conditions

20. Intellectual Disability 6

21. Mental Illness 11

22. Multiple Sclerosis

- 23. Muscular Dystrophy 1
  
- 24. Muscular/Skeletal Impairment 5
  
- 25. Neurological Disorders/Impairment 3
  
- 26. Orthopedic Impairments 3
  
- 27. Personality Disorders
  
- 28. Respiratory Disorders/Impairment
  
- 29. Skin Conditions
  
- 30. Specific Learning Disabilities (SLD) 3
  
- 31. Speech Impairments 1
  
- 32. Spina Bifida
  
- 33. Substance Abuse (Alcohol or Drugs)
  
- 34. Other Disability

35. Total (Sum of Lines D1 through D34. Total must equal Part II, Line A3.) 68

### **E. Types of Individual Served**

Multiple responses permitted.

1. Applicant of VR 17
2. Individual eligible for VR services currently on a wait list 2
3. Individual eligible for VR services not currently on a wait list 30
4. Applicant or individual eligible for Independent Living 3
5. Transition student/High school student 5
6. All other applicants or individuals eligible for other programs or projects funded under Rehabilitation Act 8

## **Part IV. Systemic Activities and Litigation**

### **A. Non-Litigation Systemic Activities**

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. 5

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

"Who is dLCV?"

dLCV provided a live webinar to educate DARS Counselors about dLCV and the services we provide. dLCV discussed working together with DARS staff and using the lowest level of intervention possible. There were over 70 staff members logged on to the presentation. However, DARS recorded the webinar for their staff to view and be a part of their future staff training.

dLCV provided outreach materials on self-identifying, classroom accommodations, and reporting problems early to 37 DARS transition counselors. These materials aid and motivate college students to self-advocate and find success in post-secondary education.

dLCV completed informative CAP chats with 14 different VR agencies and groups to discuss CAP matters and provided guidance to over 92 VR agency staff, individuals with disabilities, VR clients, and members of the general public across Virginia. This includes CAP chats with the Norfolk, Richmond, Roanoke and Fairfax DBVI offices, and the Portsmouth, South Hampton Roads, Norfolk, Richmond and Roanoke DARS offices.

In FY 2016, dLCV wrote the DARS Commissioner regarding the inconsistencies with their referral process throughout the Commonwealth. The Commissioner promised there would be changes forthcoming. In FY 2019, after investigation and further communication, we learned that DARS developed a uniform practice throughout the Commonwealth for processing referrals. DARS posted this information of their website and established a definite uniform statewide practice.

In FY 2019, dLCV investigated the DARS vehicle modification policy to determine if it contradicts federal regulations and advocate for corrective action. Per guidance from RSA, dLCV learned the DARS van modification did indeed contradict federal regulations and advocated for corrective action. DARS stated they would work with the Rehabilitation Services Administration (RSA) to review the policy and ensure their van modification policy was in line with federal regulations. dLCV is monitoring the progress of the policy change.

#### Helping Lawmakers Understand

In FY2018, dLCV staff visited 14(c) certificate holders across the Commonwealth to train workers making less than minimum wage about their rights under Section 511. In FY 19, we followed up with a report to the General Assembly detailing the changes to the Rehabilitation

Act; the requirement that individuals with disabilities receive counseling and training before they can receive less than minimum wage; and dLCV's experience with sheltered workshops.

We distributed the report to legislators and dLCV's advocacy partners. It laid out the steps lawmakers would need to take in order for Virginia to make progress toward individuals with disabilities to receive competitive wages. Some of our recommendations included: phasing out of all sheltered work settings; development of better work opportunities for people with disabilities in rural communities; recognizing employers who are leaders in integrating individuals with disabilities in their workforce; and ensuring that school transition specialists build on the strengths of young workers and help them obtain skills necessary for competitive work.

## **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.

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

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

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

dLCV did represent one client in a DARS Fair Hearing. See the final narrative in Part VI.

## **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

dLCV utilized 36 advocates, attorneys, and support staff from all units to complete our CAP advocacy in FY 19.

As Virginia's protection and advocacy system, we utilize multiple funding streams to complete our advocacy projects and casework.

## **Part VI. Case Examples**

“WIOA protects us!”

Ella learned DARS had closed her case. dLCV argued Ella received inadequate services under her transition plan and Individualized Education Program (IEP). Moreover, DARS also neglected regulations under the Workforce Innovation Opportunity Act (WIOA). dLCV requested they reconsider the decision to close her case. Within a day, DARS discovered that the client was still eligible for services and her case remains open.

“Keep it moving!”

Dora called dLCV in distress because she needed services from DARS to find employment. Instead, she received a notice they were going to close her case. DARS told her she had the tools to accomplish her vocational goals, but that was not the case. She still needed job coaching and counseling assistance. She felt as if DARS was leaving her without these supports when she needed them the most. dLCV successfully negotiated for her vocational rehabilitation case with DARS to remain open. After the meeting, Elena reported being able to feel hopeful about the future for the first time in years.

“Establishing expectations”

David contacted dLCV to request a new counselor. He is pursuing a specialized IT profession and is working towards certifications and trainings. David became frustrated with his DARS counselor’s tardiness and follow through when it came time to pay for tests. dLCV identified the source of the communication breakdown, negotiated a compromise, and communication was restored. The counselor agreed to work on her tardiness and also put in place monthly meetings via phone and enrolled David in a specialized program. This program allows a counselor to provide insight on trends and trainings for the IT field. David can now pursue his career!

“Forget me not”

Sara requested dLCV assist her with understanding the status of her VR case and denial of additional situational assessments from DARS. All the previous situational assessments had been in food service or janitorial work, areas outside of the client’s areas of interest. dLCV requested and obtained records related to the situational assessments that were previously completed and learned there were no official reports or feedback about the assessments.

After restoring communication, the team agreed to a discovery assessment through waiver services. The discovery assessment is a new technique used to really delve into a client’s environment, really get to know them, get to know their likes and dislikes, triggers, interests, etc. thus allowing the assessor insight to an appropriate vocational goal. dLCV monitored the case to ensure the client’s discovery occurred and ensured the assessments began in an appropriate amount of time.

“The sky’s the limit”

Charles reached out to dLCV in a panic when denied sponsorship for his education from DARS. Although Charles did not want to contact dLCV because he was reluctant to “tell on” DARS, he felt as though he had no other option. dLCV attended a meeting with Charles and his vocational rehabilitation counselor to help him his concerns. The client explained his feelings to the counselor about his vocational goal. dLCV protected the client’s rights by informing DARS the client was eligible for college sponsorship because the denial from DARS was unwarranted. DARS realized the client did indeed need their support with school sponsorship and they agreed to do so.

“Services attained, job obtained!”

Randall needed transportation, job leads, and assistance with updating his resume. dLCV leaped into action and advocated for Randall to receive these services from DARS. Because of dLCV’s advocacy, Randall is now working!

dLCV represented Lance at an Administrative Hearing in front of a Hearing Officer (HO). DBVI wanted to keep Lance’s VR case closed. dLCV successfully argued for Lance. The case closure was overturned. Now Lance will continue receiving VR services and has the chance to reach his dream of gainful employment.

"Case closure overturned"

Thomas is a client of the Richmond DBVI Office. He requested that dLCV represent him to get his case reopened because he still needs DBVI services to find gainful employment. dLCV attended a meeting with DBVI Management and the Commissioner, to discuss case closure and advocate for the case to remain open. The Commissioner ruled that the case would remain closed and he gave the client appeal rights to his decision.

The client and dLCV then entered into a new agreement where dLCV would represent him at a Fair Hearing. dLCV represented our client at the hearing. The hearing officer ruled in favor of the client that DBVI reverse their closure decision and consider other supports to accommodate the client’s mental health and provide services to client. DBVI reestablished services and a new working relationship with Thomas.

## **Certification**

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