

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

Virginia (Disability Law Center of Virginia) – H201A160067 - FY2020

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 <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)

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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 7

2. Information regarding independent living programs 0

3. Information regarding American Indian VR Service projects 0

4. Information regarding Title I of the ADA 16

5. Other information provided 1

6. Information regarding CAP 1162

7. Total I&R services provided (Lines A1 through 6) 1186

B. Training Activities

1. Number of training sessions presented to community groups and public agencies. 13

2. Number of individuals who attended these training sessions. 2,677

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

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

“CIL Outreach”

In FY 2020 dLCV developed a project to provide meet and greet sessions at 4 Centers for Independent Living (CILs) quarterly to educate advocates, individuals with disabilities, and community providers regarding identifying and addressing issues related to vocational rehabilitation services and service and companion animals. A combined total of 37 participants were present at these trainings from CILs across the Commonwealth.

“Education Makes ALL the Difference”

dLCV spoke with three brain injury clubhouses, a mental health clubhouse, and 2 day program groups to educate participants about the Client Assistance Program (CAP) and Vocational Rehabilitation (VR) and other programs. Throughout the year, dLCV spoke with Mount Vernon Lee Enterprises, Denbigh House, Bridgeline Place, Kenmore Club, and Mill House. There were 75 participants total and over 1500 received the information through brochures and other materials distributed by our partners.

"A Plethora of Resources"

dLCV presented to a combined total of 110 students with disabilities, their parents, families, and the professionals who work with them on topics related to transitioning from high school to life after high school. dLCV presented at William and Mary, parents groups in Danville and Charlottesville, and the Community Services Board (CSB)

state conference. People were enthusiastic, had great questions and were very thankful for the "I Have a Choice, I Have a Voice" manual. An overwhelming amount of parents and participants agreed that they had no clue they had so much to think about when transitioning from high school to adulthood for individuals with disabilities.

“When You Know Better, You Do Better”

In FY 20, dLCV trained 6 job clubs, employment networks, employment service organizations, and community service providers regarding CAP and Title 1 of the Americans with Disabilities Act (ADA). The community partners who benefited from the presentations and the materials provided included the Henrico Fairfield Library, The Choice Group in Fairfax Virginia, The Coastal Clubhouse in Chesapeake, Virginia, Hired Hands and Associates, and The Spina Bifida Organization. A combined total of 46 participants, individuals with disabilities, their families, and individuals in the community were educated and 300 individuals received the information provided.

“Very Chatty!”

In Fiscal Year 2020, dLCV expanded “CAP Chats” to agencies and organizations outside of DARS. dLCV completed CAP chats at the Norfolk Workforce Center, the Woodbridge Workforce Center, the Parent Education Advocacy and Training Center (PEATC). We also filmed a CAP Video that is on Facebook and YouTube. The combined views on the video is 694. We had 664 Facebook views and 30 YouTube views. Due to dLCV in-person Cap Chats, as well as the virtual CAP chats we reached 730 people!

C. Agency Outreach

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

“New Information”

dLCV updated the "I Have a Choice, I Have a Voice Manual" that was originally published in 2016. The updated manual has information to reflect facts from the Workforce Innovation and Opportunity Act (WIOA).

We translated the manual into Spanish. We used the manual as a resource for the virtual "I Am Determined" statewide Zoom conference. Over 100 individuals participated in the video session on Supported Decision making. Many other people had access to the manual due to the conference being available online and archived. The updated manual is also current and active on dLCV's website.

dLCV hired a Disability Rights Advocate with specific skills in outreach to reach the Hispanic community. We continued our participation with the Hispanic Chamber of Commerce and involvement in multiple community outreach activities including resource fairs, community events and meeting with community organizations and faith based groups.

dLCV collaborated with three veterans' hospitals in Richmond, Hampton, and Salem by sending information to each of the three facilities regarding dLCV and CAP.

dLCV used our volunteer core of over 50 individuals to attend fairs, conferences and other events to reach many across the Commonwealth as well.

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 offered a public input survey to identify which disability advocacy issues we should consider in FY 21. We posted the survey on our website and distributed primarily through electronic means with some limited distribution in outreach due to COVID. Our 112 respondents identified quality mental health care, community access, and special education as the top three areas of concern. 39% 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 21 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 21.

dLCV created a podcast series titled ‘Rights Here, Rights Now!’. We released over twenty podcast episodes about disability rights, self-advocacy strategies, and organizational successes. Vocational Rehabilitation and employment rights are topics in the series. Our podcast is available at <https://anchor.fm/rightshereightnow> and on all major podcast platforms (such as Spotify, Apple Podcasts, and Google Podcasts). Volunteers transcribe every episode to ensure full accessibility for individuals who are deaf or hard of hearing. The podcast has been accessed over 1,100 times and listenership continues to grow! We have even had listeners in Ireland, Canada, United Kingdom, Romania, and Germany. In FY21, dLCV will continue to develop and release new content.

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 agency information and links to resources.

1. Agency Staff Interviewed or Featured on Radio and TV 3
2. Articles about CAP Featured in Newspaper/Magazine/Journals 0
3. PSAs/Videos Aired about the CAP Agency 3
4. Publications/Booklets/Brochures Disseminated by the Agency 1162
5. Number of Times CAP Exhibited at Conferences, Community Fairs, etc. 5
6. Other (specify below) Podcasts -2

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) 8

2. Additional individuals who were served during the year 29

3. Total individuals served (Lines A1+A2) 37

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.) 2

B. Problem areas

Multiple responses permitted.

1. Individual requests information 7

2. Communication problems between individual and VR counselor 7

3. Conflict about VR services to be provided 15

- 4. Related to VR application/eligibility process 8

- 5. Related to assignment to order of selection priority category 0

- 6. Related to IPE development/implementation 2
 - i. Selection of vendors for provision of VR services
 - ii. Selection of training, post-secondary education
 - iii. Selection of employment outcome
 - iv. Transition services 1
 - v. Other 1

- 7. Related to independent living services
- 8. Other Rehabilitation Act-related problems 3
- 9. Non-Rehabilitation Act related
 - i. TANF
 - ii. SSI/SSDI
 - iii. Housing
 - iv. Other:

10. Related to Title I of the ADA

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 11

- 2. Investigation/Monitoring

- 3. Negotiation 16

- 4. Mediation and other methods of Alternative Dispute Resolution

5. Administrative / Informal Review 8

6. Formal appeal / Fair Hearing

7. Legal remedy / Litigation 1

8. Advisory/interpretational

9. Information/referral 4

10. Transportation

10. Total 40

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 26

2. Some issues resolved in individual's favor (when there are multiple issues) 8

3. CAP determines VR agency position/decision was appropriate for the individual

4. Individual's case lacks legal merit; (inappropriate for CAP intervention)

5. Individual chose alternative representation

6. Individual withdrew complaint 4

7. Issue not resolved in clients favor

8. CAP services not needed due to individual's death, relocation, etc.

9. Individual not responsive/cooperative with CAP

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

11. Conflict of interest

12. Other (Please explain below) Appeal(s) Unsuccessful 2

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 5

3. Eligibility determination expedited

4. Individual participated in evaluation 3

5. IPE developed/implemented/Services Provided 4

6. Communication re-established between individual and other party 8

7. Individual assigned to new counselor/office 1

8. Alternative resources identified for individual 2

9. ADA/504/EEO/OCR complaint made

10. Other (Please explain below)

Part III. Program Data

A. Age

Multiple responses not permitted.

1. Up to 18 11

2. 19 – 24 5

3. 25 – 40 12

4. 41 – 64 9

5. 65 and over 0

6. Total (Sum of Lines A1 through A5. Total must equal Part II, Line A3.) 37

B. Gender

Multiple responses not permitted.

1. Females 13

2. Males 24

3. Total (Lines B1+B2. Total must equal Part II, Line A3.) 37

C. Race/ethnicity of Individuals Served

1. Hispanic/Latino of any race (for individuals who are non-Hispanic/Latino only) 3

2. American Indian or Alaskan Native 0

3. Asian 3

4. Black or African American 9

5. Native Hawaiian or Other Pacific Islander 0

6. White 20

7. Two or more races 2

8. Race/ethnicity unknown 0

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 0

5. Arthritis or Rheumatism 0

6. Anxiety Disorder 0

7. Autism Spectrum Disorder 8

8. Autoimmune or Immune Deficiencies (excluding AIDS/HIV) 1

9. Blindness (Both Eyes) 3

10. Other Visual Impairments (Not Blind) 2

11. Cancer 0

12. Cerebral Palsy 1

13. Deafness 3

14. Hard of Hearing/Hearing Impaired (Not Deaf) 0

15. Deaf-Blind 0

16. Diabetes 0

17. Digestive Disorders 0

18. Epilepsy 0

19. Heart & Other Circulatory Conditions 0

20. Intellectual Disability 3

- 21. Mental Illness 7

- 22. Multiple Sclerosis 1

- 23. Muscular Dystrophy 0

- 24. Muscular/Skeletal Impairment 2

- 25. Neurological Disorders/Impairment 3

- 26. Orthopedic Impairments 1

- 27. Personality Disorders 0

- 28. Respiratory Disorders/Impairment 0

- 29. Skin Conditions 0

- 30. Specific Learning Disabilities (SLD) 1

- 31. Speech Impairments 0

- 32. Spina Bifida 0

- 33. Substance Abuse (Alcohol or Drugs) 0

34. Other Disability 0

35. Total (Sum of Lines D1 through D34. Total must equal Part II, Line A3.) 37

E. Types of Individual Served

Multiple responses permitted.

1. Applicant of VR 10

2. Individual eligible for VR services currently on a wait list 1

3. Individual eligible for VR services not currently on a wait list 20

4. Applicant or individual eligible for Independent Living

5. Transition student/High school student 8

6. All other applicants or individuals eligible for other programs or projects funded under Rehabilitation Act 1

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. 2

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

"We Now Know"

dLCV did a Live Webinar to VR Counselors and VR Management from DBVI on CAP and many other important disability advocacy topics and how dLCV can help. There were 26 Counselors, Managers and Administrators who attended the webinar live. DBVI recorded the webinar and they use the webinar for new employee training for their VR staff now and in the future! This webinar bridges a knowledge gap about VR agencies and dLCV and that will be invaluable to ensure our clients' rights are protected!

"Education is the Key to Future Success"

dLCV presented to three Psychiatric Residential Treatment Facilities (PRTFs) to educate staff about Pre Employment Transition Services (pre ETS) which DARS or DBVI can provide to residents at PRTFs. dLCV had previously had access issues reaching these students, but that barrier has been broken. The staff at the PRTFs were happy with the information and now have resources to share with their residents and their families to assist in preparing for discharge and return to the community.

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 20.

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

Part VI. Case Examples

"On the Road to True Independence!"

Edward requested dLCV assist him with advocating for van modifications from DARS. dLCV jumped into action and requested mediation after DARS made a determination to deny Edward's van modification for a third time in an informal administrative review. Edward felt lost as he could not understand why DARS would continue to deny his van modification. Edward was pursuing a bachelor's degree, worked for years to get a license so he could be independent, and saved for years to purchase a van. The only thing in his way to complete independence was the approval from DARS for his van modification.

dLCV and Edward worked together to gather information from his physician as well as other documentation and statements. dLCV presented the additional information and documentation and DARS made the correct decision to provide Edward with the van modification! Edward can finally independently and safely travel in the community!

"Must be Reasonable"

Paulette called dLCV due to being denied additional leave time to go to the doctor. She had recently started working in a new office, and she used her paid time off in its entirety due to illness. dLCV informed her about DBVI as a resource since she was vision impaired and was in need of vocational rehabilitation services. Additionally, we explained the order of selection and exceptions which would make her eligible for services without having to wait on the DBVI waitlist. Paulette was so grateful she contacted dLCV because she found DBVI was a great resource and she was able to get immediate assistance from DBVI to save her job!

"I Just Want Services"

Natalie contacted dLCV to request we represent her in the fair hearing process with DARS. DARS closed her Vocational Rehabilitation case, denied her a job coach, and other services needed for her to find employment.

dLCV represented her at an initial fair hearing and a continued fair hearing. The hearing officer unfortunately made the decision to deny Natalie the services requested. Natalie did however, decide to appeal the hearing officer's decision and dLCV connected her to the Commonwealth's administrative review appeal process where she awaits a final decision.

Although the hearing officer ruled against Natalie, she was grateful to know dLCV was in her corner and put every effort toward protecting her rights!

“I Need Measurable Goals!”

Teddy and his family contacted dLCV because he needed to meet with DARS in order to update his Individualized Plan for Employment (IPE). dLCV advocated for a continuum of services with DARS. We worked with the family and other support staff to ensure that the goals in Teddy’s IPE were reasonable and measurable. DARS agreed to edit the IPE goals, and the family was very happy with the services dLCV provided as Teddy now has the plan he needs to succeed!

“Setting Up for Success”

John wanted dLCV to help break down barriers for DARS to develop a plan for Pre-Employment Transition Services. dLCV helped John advocating DARS establish services for him. John met with DARS and dLCV to express his career goals and DARS agreed to provide training and the services he needed. Due to dLCV's advocacy, John is now receiving pre-ETS from DARS and is on the career path he chose!

“More Work Options”

Irene was frustrated that DARS was not adequately working with her to get a job or explore career options. Irene’s job coach left her position, leaving Irene with no supports for career exploration; subsequently leaving her VR case and progress stalled. dLCV intervened and got Irene a new job coach with a new vendor. Additionally, dLCV negotiated for Irene to participate in a Trial Work Experience that she was very enthused about! Without dLCV’s intervention, Irene’s VR progress would have probably remained stagnant. She was very appreciative of dLCV’s advocacy!

“Don’t Call Us, We will Call You”

Bertha asked dLCV to investigate her service denial by DARS. dLCV explained to the DARS District Manager the policy which showed Bertha was indeed eligible to receive DARS services. The District Manager quickly responded and contacted the local DARS office and informed them they needed to provide Bertha with services. Bertha was able to go to the office and she received services this time! dLCV was available to assist the client right on time to avoid the loss of her job!

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