

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

## **Virginia (Disability Law Center of Virginia) – H211A160067 - FY2021**

### **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.dlc.v.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 126

2. Information regarding independent living programs 7

3. Information regarding American Indian VR Service projects 0

4. Information regarding Title I of the ADA 92

5. Other information provided 83

6. Information regarding CAP 132

7. Total I&R services provided (Lines A1 through 6) 480

### **B. Training Activities**

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

21

2. Number of individuals who attended these training sessions. 696

3. Describe examples of 3 trainings presented by the staff.

During this fiscal year, the disAbility Law Center of Virginia (dLCV) held four CAP clinics to reach out to individuals with disabilities who are not familiar with dLCV and our CAP program. dLCV provided individual consultations and services to 13 people who overcame issues related to vocational rehabilitation services as a result of our assistance!

dLCV continued our successful podcast series in FY 21 reaching over 4,000 viewers! We developed and released two podcast episodes featuring the Deputy Commissioners for the Department of Aging and Rehabilitative Services (DARS) Division of Rehabilitative Services and the Department for the Blind and Vision Impaired (DBVI) Deputy Commissioner for Services and Director of Vocational Rehabilitation and Workforce Services. Both episodes demonstrated that students and adults with disabilities can receive vocational rehabilitation services, assistive technology, and independent living supports from DARS, DBVI, and advocacy from dLCV to obtain and maintain employment and independence. The podcast episodes are accessible online at: <https://anchor.fm/rightshererightnow/episodes/Interview-with-Dale-Batton--DARS-Deputy-Director-e15nbdo/a-a6ajuuq> and <https://anchor.fm/rightshererightnow/episodes/Interview-with-the-Department-of-Blind-and-Vision-Impaired-e16chp5> and also on the Anchor, Spotify, Apple Podcast, and Google Podcast apps.

dLCV presented employment rights presentations and CAP information to Dominion Payroll and the Norfolk Commission for people with disabilities (PWD). Attendees engaged in active conversation about dLCV services and how Title 1 of the Americans with Disabilities Act (ADA) impacts their work environments and policy. There were 58 people present at the Dominion Payroll presentation and 35 present at the Norfolk Commission presentation.

### **C. Agency Outreach**

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

dLCV continued membership in the Virginia Hispanic Chamber of Commerce. We participated in activities and meetings with the Chamber throughout the year. In a virtual roundtable hosted by the Hispanic Chamber, The Northern Virginia Black Chamber of Commerce, and the Virginia Asian Chamber of Commerce, dLCV helped 95 business owners understand their obligations and their employees' rights under Title I of the Americans with Disabilities Act (ADA). These business owners now have a better understanding of hiring and supporting people with disabilities to achieve successful employment.

dLCV collaborated with La Casa de la Salud, Lay Health Promoters El poder de ser, Mujer Multicultural Educational Center Sacred Heart, Virginia Commonwealth University, Family Life Line, Shenandoah Valley Juvenile Center, Virginia Community Health Workers Association, Northstar Academy, 4 Virginia Foundation, Cafecito, Henrico County Public Library, and a Parent Education, Advocacy and Training Center (PEATC) support group to provide training on CAP and dLCV to 250 underserved individuals with disabilities and their family members and information and materials for an additional 2019 individuals.

dLCV collaborated with a mobile home complex and two apartment complexes with a high percentage of minority tenants. dLCV provided educational information by distributing our CAP brochure in both English and Spanish. Due to dLCV efforts and education to the families from these housing complexes, dLCV brochures are now a part of the welcome packets at all 3 locations. Due to dLCV's outreach in these living communities, we were able to reach people from underserved communities that had never heard of us before.

dLCV maintains a cultural competency work group, in which our staff discuss ideas for increased cultural competency and awareness throughout the agency. This year we brought in the Manager of the Richmond Office of Multicultural Affairs for an internal staff training on cultural competency. The Committee also completes an annual evaluation of the effectiveness of our outreach to unserved and underserved communities.

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.

dLCV continues to complete activities to increase our diversity internally as well such as advertisement of employment and volunteer opportunities in minority markets.

#### **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.

The disAbility Law Center of Virginia (dLCV) drafted a new Client Assistance Program brochure and sent 6000 copies to all 80 Virginia locations of the Department for Aging and Rehabilitative Services, Department for the Blind and Vision Impaired, and Centers for Independent Living. The updated brochure includes information about how dLCV can help people with disabilities who are interested in, applying to, or receiving services from these agencies. Other information provided includes descriptions of and contact information for the state agencies, concerns dLCV may be able to address, and types of services dLCV offers.

dLCV updated all Employment Service Organizations (ESOs) with dLCV's new Client Assistance Program (CAP) brochure. This brochure gives clients and organizations information and details regarding the services available to individuals with disabilities including services that are available separately or in combination with other rehabilitation services. dLCV sent 50 CAP brochures in English and 25 in Spanish to the 95 ESOs throughout Virginia.

dLCV offered an annual public input survey allowing our 204 respondents the opportunity to express which disability advocacy issues they feel are most important. The top three categories selected were: quality mental health care, community access / barrier free, and access to government benefits including Medicaid waivers. 38% of our respondents were individuals with disabilities, who represented our highest number of respondents. Agencies and groups we reached included: past dLCV clients, the Department for Aging and Rehabilitative Services (DARS), Virginia Board for People with Disabilities, Arc South of the James, Partnership for People with Disabilities, Department for Behavioral Health and Developmental Services (DBHDS), and dLCV volunteers. dLCV used this information to develop our FY 22 goals and focus areas.

disAbility Law Center of Virginia (dLCV) is pleased to report a 94.2% satisfaction rate from the 34 client satisfaction surveys we received across all grants. This satisfaction rate breaks down as 28 respondents who indicated a high level of satisfaction, 4 were satisfied, and 2 were unsatisfied.

disAbility Law Center of Virginia (dLCV) conducted follow-up interviews with 10% of our closed clients for more in depth feedback on our services. 95% percent of clients interviewed reported that they were satisfied with the results they received from our agency.

dLCV staff attended quarterly meetings for State Rehabilitation Councils for DARS and the Department for the Blind and Vision Impaired (DBVI). dLCV had a voice at the table when discussing Order of Selection (OOS) and vocational support services during the COVID-19 Pandemic. dLCV also received reports from both Commissioners on the state of each agency.

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 include agency information and links to resources.

1. Agency Staff Interviewed or Featured on Radio and TV 2
  
2. Articles about CAP Featured in Newspaper/Magazine/Journals
  
3. PSAs/Videos Aired about the CAP Agency 2
  
4. Publications/Booklets/Brochures Disseminated by the Agency 13,125
  
5. Number of Times CAP Exhibited at Conferences, Community Fairs, etc. 6
  
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) 2
2. Additional individuals who were served during the year 67
3. Total individuals served (Lines A1+A2) 69
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.) 3

## B. Problem areas

Multiple responses permitted.

1. Individual requests information 9
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 28
5. Related to assignment to order of selection priority category 0

6. Related to IPE development/implementation

- i. Selection of vendors for provision of VR services 0
- ii. Selection of training, post-secondary education 0
- iii. Selection of employment outcome 0
- iv. Transition services 0

7. Related to independent living services 4

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 2

**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 29

2. Investigation/Monitoring 1

3. Negotiation 29

4. Mediation and other methods of Alternative Dispute Resolution

5. Administrative / Informal Review 1

6. Formal appeal / Fair Hearing

7. Legal remedy / Litigation



8. Advisory/interpretational

9. Information/referral 11

10. Transportation

10. Total 71

#### **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 36

2. Some issues resolved in individual's favor (when there are multiple issues) 28

3. CAP determines VR agency position/decision was appropriate for the individual 1

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. 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)      Not Selected

**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    41

2. Application for services completed      9

3. Eligibility determination expedited

4. Individual participated in evaluation

5. IPE developed/implemented/Services Provided    3

6. Communication re-established between individual and other party      13

7. Individual assigned to new counselor/office    2

8. Alternative resources identified for individual    2

9. ADA/504/EEO/OCR complaint made

10. Other (Please explain below) 1

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

#### **A. Age**

Multiple responses not permitted.

1. Up to 18 24

2. 19 – 24 10

3. 25 – 40 9

4. 41 – 64 25

5. 65 and over 1

6. Total (Sum of Lines A1 through A5. Total must equal Part II, Line A3.) 69

#### **B. Gender**

Multiple responses not permitted.

1. Females 32

2. Males 37

3. Total (Lines B1+B2. Total must equal Part II, Line A3.) 69

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

1. Hispanic/Latino of any race (for individuals who are non-Hispanic/Latino only) 11

2. American Indian or Alaskan Native 0

3. Asian 2

4. Black or African American 17

5. Native Hawaiian or Other Pacific Islander 1

6. White 34

7. Two or more races 1

8. Race/ethnicity unknown 3

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

Multiple responses not permitted.

1. Acquired Brain Injury

2. ADD/ADHD 4

3. AIDS/HIV

4. Amputations or Absence of Extremities

5. Arthritis or Rheumatism

6. Anxiety Disorder 1

7. Autism Spectrum Disorder 14

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

9. Blindness (Both Eyes) 2

10. Other Visual Impairments (Not Blind) 1

11. Cancer

12. Cerebral Palsy 1

13. Deafness

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

15. Deaf-Blind

16. Diabetes

17. Digestive Disorders

18. Epilepsy

19. Heart & Other Circulatory Conditions

20. Intellectual Disability 3

21. Mental Illness 23

22. Multiple Sclerosis

23. Muscular Dystrophy

24. Muscular/Skeletal Impairment 3

25. Neurological Disorders/Impairment 6

26. Orthopedic Impairments 5

27. Personality Disorders

28. Respiratory Disorders/Impairment

29. Skin Conditions

30. Specific Learning Disabilities (SLD) 6

31. Speech Impairments

32. Spina Bifida

33. Substance Abuse (Alcohol or Drugs)

34. Other Disability 1

35. Total (Sum of Lines D1 through D34. Total must equal Part II, Line A3.) 69

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

Multiple responses permitted.

1. Applicant of VR 21

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

3. Individual eligible for VR services not currently on a wait list 22

4. Applicant or individual eligible for Independent Living 2

5. Transition student/High school student 21

6. All other applicants or individuals eligible for other programs or projects funded under Rehabilitation Act 4

## **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. 1

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

Through an impact project focusing on PRTFs, we reached all 19 Psychiatric Residential Treatment Facilities (PRTFs) in Virginia. We provided 11 different trainings and educated over 60 individuals about CAP and VR Services. The trainings led to dLCV providing public comment to DARS about how youth at the PRTFs should be receiving services. DLCV staff met with the DARS Deputy Commissioner of and Director of Employment Services and Special Programs who agreed that students at PRTFs should be receiving Pre-Employment Transition Services (Pre-ETS) and stated that they would work to address the barriers that dLCV encountered throughout the project.

dLCV also provided our 'I Have a Choice, I Have a Voice' manuals to each of the 19 PRTFs in Virginia, and we got information to over 500 individuals to educate youth with disabilities about services to help them transition into VR services and employment.

As a result of our focus on PRTFs and VR and Pre-ETS services, we are breaking down barriers for youth with disabilities to find a path to employment. We still have work to do in the area, and the project continues in FY 22!

## **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.

## **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

## **Part VI. Case Examples**

### **I Got a Job**

Sam is a client of the Richmond DARS Office. He has mental health and learning disabilities. He received a letter from DARS stating they would close his VR case immediately after he acquired a job. dLVCV contacted

DARS on his behalf and stated Sam does not want his VR case closed. DARS agreed to provide him with support to make sure his job gets off to a good start with adequate supports. dLCV advocated for DARS and Sam to have a better communication plan moving forward in order for Sam to have what he needs to be successful in his employment. Sam is now confident and successful at his job!

### Fulfilling a Dream

Charles has mental health disability and is a DARS client. Charles wants to go to Wilson Workforce Rehabilitation Center (WWRC) to learn a trade. Charles has dreamed of going to WWRC for over thirty years. dLCV advocated with DARS and WWRC admissions staff to update Charles's medical information and update his application for admission to reflect his current needs and interests. Due to dLCV advocacy, Charles attended WWRC for an evaluation and plans to return soon for training with using computers. Charles is well on his way to getting the training he needs so he can be successful in future employment.

### Preparing for the Future

Tara is a teenage resident of a Psychiatric Residential Treatment Facility (PRTF) for children. She has intellectual and mental health disabilities. Tara is preparing for discharge to return to her community. She is 17 years old and is preparing for her life after high school. She knows her disability could be a barrier to getting a job. Tara and her case manager from Cumberland contacted dLCV to see how Tara can be eligible to receive Pre-ETS from DARS. dLCV connected Tara and her family to DARS and she began meeting with DARS staff before she left the hospital. Once she left the hospital, dLCV assisted Tara to connect with her local DARS resources. DARS assisted Tara to enroll in a class to get her driving learner's permit. DARS is also providing career interest inventories and other vocational assessments to help her evaluate what type of career she is interested in pursuing.

### I Want to be Involved in My Community

Eli has mental health disabilities. He contacted dLCV because he wants to receive services from his local Center for Independent Living (CIL) to find employment and community supports. dLCV worked with Eli to empower him to self-advocate and communicate with the CIL. Due to Eli's self-advocacy skills, as well as dLCV's support and advocacy, Eli is now working with the CIL to help him integrate and work in the community.

### I Don't Understand

Roberto has multiple disabilities and is a student in high school. Spanish is his primary language and he does not always understand what services and supports he is entitled to due to his disability. dLCV's bi-lingual advocate provided education to Roberto regarding Pre-ETS from DARS. dLCV also provided Robert with a copy of our CAP brochure and 'I Have a Choice, I Have a Voice' transition manual in Spanish, to prepare students with disabilities and their families for life after high school. Roberto is now accessing services from DARS and making plans for the next phase of his life in his own language and on his own terms.

### I Want Services

Sarah has an intellectual disability. Sara wants to work with children in a daycare setting. She is trying to receive adult VR services from her local DARS office. Her VR counselor denied her services. The counselor told her she's on the Medicaid Waiver waitlist and she can get services through her waiver when she gets off of the waitlist. dLCV informed DARS policy on their obligation to provide an intake. DARS immediately provided a VR intake. Sara is now a client of DARS and is receiving Situational Assessments (SAs) in the area of childcare.

## I Want to Take a Drive

Olivia is a DARS client. She has orthopedic disabilities. She needs vehicle modifications for her van. DARS provided her some of her needed modifications, but due to the Pandemic and delays in evaluations, they were unable to complete the modifications to her van. In the meantime, DARS decided she no longer met financial criteria for vehicle modifications and they would not finish what they started. dLCV worked with Olivia and DARS staff to try and negotiate for DARS to provide the vehicle modifications. DARS again denied the request for the modifications. dLCV requested an “Informal Administrative Review” (IAR) by the District Director. The IAR decision found in favor of Olivia and she will get her needed modifications to her van. The modifications will allow for her continued independence while performing her job.

## I Don't Want to Lose my Job

Juan has autism and Spanish is his primary language. Juan is working with DARS and works part-time with a flower shop. Juan contacted dLCV because he was having trouble with his Job Coach and his employer. dLCV worked with Juan, his Mother, DARS and the Job Coach to discuss a communication plan moving forward. Due to dLCV's assistance of bringing all parties together, the communication issues are addressed and Juan now understands when to contact his Job Coach and how to address his employer.

## I Don't Have that Much Money

Henry is a DARS client. He has several neurological and orthopedic disabilities. He works part-time, but he is still trying to meet his employment goal of being a teacher. He contacted dLCV because DARS said he no longer meets the financial eligibility to receive “cost services” from DARS. dLCV communicated with Henry, his Counselor and the District Director to discuss DARS financial policy. They further discussed how DARS reached their decision that Henry no longer meets financial criteria. dLCV successfully negotiated an arrangement to allow Henry to bring in further financial documentation to show that he does meet financial criteria for “cost services”. As a result, Henry can continue to receive “cost services” from DARS so he can fulfill his dream to one day be a teacher.

## Certification

Name of Designated Agency Official      Colleen Miller

Title of Designated Agency Official      Executive Director