

Disability Rights of West Virginia (DRWV)

Fiscal Year 2018 Priorities and Objectives

*Acronyms after Objectives indicate funding source and targeted populations. See explanation of Programs.

**Numbering of Priorities and Objectives does not indicate importance.

Priority 1: Children and Youth with Disabilities Receive a Free and Appropriate Public Education in the Least Restrictive Environment.

Objectives:

1. DRWV will monitor to determine if the West Virginia Department of Education (WVDE) and each county school system are complying with the United States Department of Justice (USDOJ) directives for addressing bullying. (PADD, PAIMI, PAIR, PATBI)
2. DRWV will provide direct advocacy services on behalf of students with disabilities relative to bullying, suspensions, expulsions, out-of-school environment, alternative education placements for up to fourteen (14) individuals (see footnote 1). (PADD, PAIMI (see footnote 5), PAIR, PATBI)
3. DRWV will use social media to post information about special education at least one (1) time per quarter, including stories of successful outcomes for students with disabilities. (PADD, PAIR, PATBI)
4. DRWV will collaborate with the West Virginia Developmental Disabilities Council (WVDDC) to distribute the Parent's Advocacy Guide to Special Education to parents of school age children with disabilities. (PADD, PAIR, PATBI, PAAT)
5. DRWV will collaborate with the West Virginia Developmental Disabilities Council (WVDDC) to develop web-based training for sections of the Parent's Advocacy Guide to Special Education. (PADD, PAIR, PATBI, PAAT)
6. DRWV will systemically monitor and advocate on behalf of students with disabilities related to individual counties and/or statewide policy changes. (PADD, PAIR, PATBI, PAAT)

Priority 2: People with Disabilities are Able to Live in the Community Setting of Their Choice with Individualized Supports, Services and Protections as Ordered in the Olmstead Decision.

Objectives:

1. DRWV will, as co-counsel in E.H., et al., v. MATIN, et al. (also known as the Hartley case), continue to advocate and litigate for sufficient, appropriate state-wide community based services for individuals with mental illness in order to decrease institutionalization and increase the availability of accessible and affordable community-based services. (PAIMI)
2. DRWV will systemically monitor and advocate for individuals found eligible for services under the Medicaid Title XIX Home and Community Based Waiver programs in West Virginia to ensure access to self-direction, choice of providers and quality services in their home community. (PADD, PAIR, PATBI)
3. DRWV will provide direct advocacy services for up to twenty (20) individuals found eligible for services under the three Medicaid Title XIX Home and Community Based Waiver programs, or Medicaid Personal Care in West Virginia to ensure access to self-direction, choice of providers and quality services in their home community. (PADD, PATBI, PAIR)
4. DRWV will collaborate with the West Virginia Developmental Disabilities Council (WVDDC), and other relevant entities, to ensure that individuals with intellectual/developmental disabilities are discharged from the two state psychiatric hospitals to the community in a timely manner with appropriate placements and supports. (PADD)
5. DRWV will systemically monitor and advocate for children to receive mental health services in the community. (PAIMI)

Priority 3: People with Disabilities Who Are at Risk of and/or Institutionalized in Psychiatric Facilities in West Virginia are Aware of and Able to Exercise Their Rights.

Objectives:

1. DRWV will conduct a minimum of forty-eight (48) monitoring visits at the two (2) state psychiatric hospitals in West Virginia and address systems issues as identified. (See footnote 4). (PAIMI)
2. DRWV will conduct a minimum of twelve (12) monitoring visits at psychiatric facilities not operated by the state of West Virginia and address systems issues as identified. (PAIMI)

3. DRWV will open a service request for all individuals in psychiatric facilities in West Virginia who request advocacy services, with priority given to patients at the two (2) state psychiatric hospitals (see footnote 3). (PAIMI all, PATBI)
4. DRWV will provide five (5) self-advocacy trainings regarding patient rights to patients at the two (2) state and two (2) non-state psychiatric hospitals. (PAIMI)
5. DRWV will provide Psychiatric Advance Directives training to three (3) service provider organizations. (PAIMI)

Priority 4: People with Disabilities are Free from Abuse and Neglect.

Objectives:

1. DRWV will investigate, refer for investigation or monitor allegations of death or serious injury in which there is probable cause that abuse or neglect was involved, including alleged abuse/neglect that occurs during acts of seclusion, restraint, use of aversive techniques, excessive force or other punitive methods of controlling individuals with disabilities at state and private facilities, and WV schools that are reported to or discovered by DRWV. (see footnotes 1, 2) (PADD, PAIMI, PAIR)
2. DRWV will advocate for disability related medical/psychiatric treatment, including properly prescribed and administered medication to be available to individuals of all ages who are incarcerated that come to the attention of DRWV. (see footnote 1) (PAIMI, PAIR, PATBI)
3. DRWV will provide direct advocacy services to individuals who meet DRWV's case selection criteria and are at risk of abuse, neglect, or financial exploitation when requested by the individual or their legal representative. (see footnote 1) (PADD, PAIMI, PAIR, PATBI)
4. DRWV will conduct at least ten (10) monitoring visits to Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs) and address systems issues as identified (see footnote 4). (PADD)
5. DRWV will monitor adherence to operational plans for mental health treatment for individuals with mental illness incarcerated in the WV Department of Corrections facilities. (PAIMI)
6. DRWV will conduct at least ten (10) monitoring visits to residential placements who serve children with disabilities and address systems issues as identified. (PADD, PAIR, PAIMI, PATBI)

Priority 5: People with Disabilities Have Equal Access to Programs, Services and the Physical Environment as Required by the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, as Amended, the Architectural Barriers Act (ABA) and the Fair Housing Act.

Objectives:

1. DRWV will advocate for up to twenty (20) people with disabilities who meet DRWV's case selection criteria (see footnote 1). (PADD, PAIMI (see footnote 5), PAIR, PATBI)
2. DRWV will complete accessibility studies when access issues are discovered by DRWV or brought to our attention. (PAIR)
3. DRWV will collaborate with the West Virginia Commission for the Deaf and Hard of Hearing to provide statewide outreach to professionals—educating them on their responsibility to provide auxiliary aids and services, including but not limited to sign language interpreters, as required by the Americans with Disabilities Act (ADA). (PAIR)
4. DRWV will provide outreach to organizations throughout West Virginia that serve veterans to offer outreach and education to veterans with disabilities. (PADD, PATBI, PAIR, PAIMI)
5. DRWV will offer one (1) training to non-DRWV attorneys and other interested parties regarding the rights of people with disabilities. (to be determined)

Priority 6: People with Disabilities Who Require Assistive Technology Have Access to It.

Objectives:

1. DRWV will provide advocacy for up to ten (10) (see footnote 1) people with disabilities to gain or maintain access to assistive technology and related supports (see footnote 3). (PAAT)
2. DRWV will collaborate with the West Virginia Assistive Technology System (WVATS) to increase awareness of the availability of and right to access assistive technology. (PAAT)
3. DRWV will use social media to post information about assistive technology at least one (1) time per quarter. (PAAT)

Priority 7: People with Disabilities Have Equal Access to Centers for Independent Living, Competitive/Integrated Employment and Employment-Related Services.

Objectives:

1. DRWV will provide direct advocacy services for up to twenty-five (25) individuals requesting assistance who are applying for, eligible for, or receiving services from the West Virginia Division of Rehabilitation Services (WVDRS), supported employment programs and other programs funded under the Workforce Innovation and Opportunity Act (WIOA) (see footnote 3). (CAP)
2. DRWV will provide direct advocacy services for up to twenty-five (25) individuals requesting assistance who are Supplemental Security Insurance/Social Security Disability Insurance (SSI/SSDI) beneficiaries and want to work but are encountering barriers per the priorities established by the Social Security Administration (SSA) (see footnote 3). (PABSS)
3. DRWV will provide direct advocacy services for up to five (5) individuals requesting assistance who are applying for, eligible for, or receiving services from a Center for Independent Living (CIL). (CAP)
4. DRWV will disseminate information to people with disabilities about their disability specific employment rights, including their rights under the Workforce Innovation and Opportunity Act (WIOA). (PADD, PAIR, PAIMI, PATBI, PABSS, CAP)
5. DRWV will disseminate information to agencies providing services to people with disabilities to educate them about the disability specific employment rights of those they serve, including their rights under the Workforce Innovation and Opportunity Act (WIOA). (PADD, PAIMI, PAIR, PATBI, PABSS, CAP)
6. DRWV will collaborate with the West Virginia Developmental Disabilities Council (WVDDC) in their efforts to encourage integrated employment options and "Employment First" initiatives for people with disabilities. (CAP, PADD)
7. DRWV will monitor West Virginia's compliance with the Workforce Innovation and Opportunity Act (WIOA). (CAP, PABSS)

Priority 8: People with Disabilities are Able to Exercise Their Right to Vote (See Footnote 3).

Objectives:

1. DRWV will act to increase equal access for individuals with disabilities requesting assistance to participate in the voting process, including polling places, voting equipment, and voter registration. (PAVA)

2. DRWV will educate at least fifty (50) people with disabilities, family members and service providers about the voting process and their right to vote. (PAVA)

3. DRWV will work in conjunction with the Secretary of State's office to educate County Clerks and election divisions about the voting rights of people with disabilities. (PAVA)

Priority 9: DRWV Will Collaborate With Existing Grassroots Networks and Underserved Populations in Conducting Education and Outreach on Disability Related Self-Advocacy.

Objectives:

1. DRWV will actively participate on various committees, coalitions, and other types of groups with grassroots advocacy missions, not including lobbying. (PADD, PAIMI, PAIR, PATBI)

2. DRWV will develop and conduct disability rights outreach to educate unserved and underserved populations of people with disabilities about their rights and DRWV's services. (PAAT, PAIMI, PADD, PAIR, PATBI, PAVA)

3. DRWV will provide outreach to increase public awareness of Traumatic Brain Injury (TBI). (PATBI)

FOOTNOTES

1. Criteria used to select cases for direct representation are:

- (a) meets program eligibility for one of DRWV's federally funded programs;
- (b) in agreement with the DRWV's mission;
- (c) the vulnerability of the client or the potential to effect policy or systemic change;
- (d) consistent with ethical standards;
- (e) possesses sufficient legal merit;
- (f) funds/resources must be available.

In complaints where abuse or neglect are currently being investigated by law enforcement, DRWV will delay its investigation pending the outcome of an investigation completed by law enforcement.

Non-priority case compelling – These service requests may raise issues that meet federal funding eligibility and that DRWV may want to address, but which do not fall

within the agency's priorities and objectives. These service requests may include emerging issues.

Numbers used in objectives are solely for the purpose of reporting outcomes to federal funders. They do not limit the number of individuals actually served. Actual numbers served beyond the targeted number will depend upon agency resources.

2. "Serious injury" is defined as physical harm or injury to an individual with disabilities and includes, but is not limited to acts such as: rape or sexual assault; striking; the use of excessive force when placing an individual with disabilities in bodily restraints; or use of restraints not in compliance with state and federal laws.

3. This objective is based on the requirements of DRWV's federal funders and the Authorizing Acts:

PADD: Developmental Disabilities Assistance and Bill of Rights (DD) Act of 2000

CAP: Rehabilitation Act of 1973, as amended, Title I 29 U.S.C. 732(a)

PAIMI: Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, as amended in 2000

PAIR: Protection and Advocacy for Individual Rights (PAIR) Program of the Rehabilitation Act

PAAT: Public Law 108-364: The Assistive Technology Act of 2004

PABSS: Ticket to Work and Work Incentives Improvement Act of 1999, as amended ("TWWIIA"), 42 U.S.C. § 1320b-21

PATBI: Title XIII of the Traumatic Brain Injury Act, as part of the Children's Health Act of 2000 (Public Law 106-310)

PAVA: Protection and Advocacy for Voting Access program of the Help America Vote Act

4. Monitoring is defined as having a visible and consistent presence in psychiatric and ICF/IID facilities to assure life safety, quality of treatment and protection of client's rights.

5. The issue must be directly related to an individual's mental illness in order to qualify for services.

Additional notes about DRWV:

Outcomes of all priorities and objectives will be measured by documentation maintained in DRWV's database and reported on the annual program performance reports for each of DRWV's Federal programs.

DRWV Outreach/Training:

DRWV provides general and targeted outreach and educational presentations to people with disabilities, professionals and the community at large with preference given to un-served and under-served populations.

Information and Referral (I&R):

DRWV provides Information and Referral to all callers related to disability rights issues.

Individual program budgets determine availability of services.

PROGRAMS

CAP	Serves individuals who have applied for or are receiving services from DRS, Center for Independent Living, supported employment programs, and other programs funded under the Rehabilitation Act of 1973, as amended.
PAAT	Serves children and adults with disabilities who need assistive technology devices and related support services to maintain or increase their skills, independence, and community integration.
PABSS	Assists individuals who receive SSI or SSDI break down barriers to employment.
PADD	Serves individuals with developmental disabilities or a severe & chronic mental or physical impairment that begins before age 22 and investigates abuse & neglect complaints on their behalf.
PAIMI	Serves individuals with significant mental illness or emotional impairment and investigates abuse & neglect complaints on their behalf.
PAIR	Serves individuals with disabilities that substantially limit one or more major life activities and who are not eligible for advocacy under PAIMI or PADD and do not have a CAP eligible issue.
PATBI	Serves individuals with traumatic brain injury who are significantly limited in activities of daily living.
PAVA	Carries out the mandate of the "Help America Vote Act", legislation passed to ensure that individuals with disabilities can fully participate in the electoral process.