

WEST VIRGINIA ADVOCATES, INC. (WVA)

FY 2010 PRIORITIES AND OBJECTIVES

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

PRIORITY 1: CHILDREN AND YOUTH WITH DISABILITIES RECEIVE A FREE AND APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT.

Objectives:

1. WVA will represent up to four (4) students in due process proceedings in cases that meet WVA's case selection criteria (see footnote #1). (PADD, PAIMI, PAIR, PATBI, PAAT)
2. WVA will provide five (5) trainings to parents and other interested parties to increase their knowledge of self-advocacy related to student's rights under WV Department of Education Policy 2419. (PADD, PAIR, PATBI, PAAT)
3. WVA will develop a training on student's rights under IDEA with a focus on transition services. (PADD, PAIMI, PAIR, PATBI, PABSS)
4. WVA will provide technical and/or short-term assistance (see footnote #2) on behalf of students with disabilities relative to suspensions, expulsions, out-of-school environment and alternative education placements for up to fifteen (15) individuals. (PADD, PAIMI, PAIR, PATBI, PAAT)
5. WVA will maintain and facilitate a special education electronic communication network. (PADD, PAIMI, PAIR, PATBI, PAAT)
6. WVA will develop a report addressing the use of seclusion and restraint in schools in WV. (PADD, PAIMI, PAIR, PATBI)
7. WVA will provide two (2) Individualized Education Plan (IEP) clinics. (PADD, PAIMI, PAIR, PATIB, PABSS)

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. WVA will collaborate with a coalition to advocate systemically for citizens of West Virginia to access ventilator care services within West Virginia. (PAAT, PAIR, PADD, PATBI)
2. WVA will advocate and litigate, if necessary, 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 for individuals with mental illness. (PAIMI)
3. WVA will advocate systemically for participants of the Title XIX Home and Community Based MR/DD Waiver to have choice of service providers as required by the Centers for Medicare and Medicaid Services (CMS). (PADD, PATBI)
4. WVA will systemically monitor West Virginia Department of Health and Human Resources (WVDHHR) compliance with the Centers for Medicare and Medicaid Services (CMS) assurances for the Title XIX Home and Community Based MR/DD and Aged/Disabled Waivers. (PADD, PATBI, PAIMI, PAIR)
5. WVA will provide outreach for up to five (5) veteran's centers regarding services for veterans with Traumatic Brain Injuries (TBI) and Post Traumatic Stress Disorder (PTSD). (See Footnote 5) (PATBI, PAIMI)
6. WVA will monitor contested discharges by West Virginia Department of Health and Human Resources' (WVDHHR) contracted service providers and WVDHHR's oversight of the discharge process. (PADD, PAIMI, PAIR, PATBI)
7. WVA will offer a continuing education training for attorneys in an area of disability rights law. (PADD, PAIR, PAIMI, PATBI)

PRIORITY 3: PEOPLE WITH DISABILITIES WHO ARE INSTITUTIONALIZED IN STATE PSYCHIATRIC HOSPITALS ARE AWARE OF AND ABLE TO EXERCISE THEIR RIGHTS.

Objectives:

1. WVA will conduct a minimum of forty-eight (48) monitoring visits to the two (2) State Psychiatric Hospitals (See footnote #6). (PAIMI)
2. WVA will open a service request for all individuals from state psychiatric hospitals who request advocacy services (see footnote #5). (PAIMI)
3. WVA will provide five (5) self-advocacy trainings to residents of the state psychiatric hospitals relative to their rights. (PAIMI)

4. WVA will advocate systemically for West Virginia Department of Health and Human Resources (WVDHHR) to reduce overcrowding at the two (2) State Psychiatric Hospitals. (PAIMI)

PRIORITY 4: PEOPLE WITH DISABILITIES ARE FREE FROM ABUSE AND NEGLECT.

Objectives:

1. WVA will investigate all allegations of abuse, neglect or financial exploitation that are reported to or discovered by WVA in which there is a possibility of death, serious injury (see footnotes #1, 3 & 5) or financial harm. (PADD, PAIMI, PAIR, PATBI)
2. WVA will review investigations conducted by agencies charged with investigating abuse, neglect and financial exploitation (see footnote #4) in the State psychiatric hospitals to assess the quality and adequacy of the investigations that come to the attention of WVA pursuant to WVA case selection criteria (see footnote 1). (PADD, PAIMI, PATBI)
3. WVA will investigate and monitor alleged abuse/neglect during acts of seclusion, restraint, use of aversive techniques, excessive force and other punitive methods of controlling individuals with disabilities at state and private facilities (including WV schools) that are reported to or discovered by WVA and report findings to appropriate state and local agencies (see footnote 1). (PADD, PAIMI, PAIR, PATBI)
4. WVA will advocate for disability related medical/psychiatric treatment, including properly prescribed and administered medication to be available to incarcerated individuals of all ages with disabilities that come to the attention of WVA. (PAIMI, PAIR, PATBI)

PRIORITY 5: PEOPLE WITH DISABILITIES HAVE EQUAL ACCESS TO PROGRAMS AND PUBLIC BUILDINGS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT (ADA), SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED, AND THE FAIR HOUSING ACT.

Objectives:

1. WVA will advocate for up to twenty-five (25) people with disabilities who meet WVA's case selection criteria (see footnote 1). (PADD, PAIMI, PAIR, PATBI)

2. WVA will collaborate with other community agencies and grass roots organizations to address systemic issues regarding rights violations associated with housing. (PADD, PAIMI, PAIR, PATBI)
3. WVA will distribute self-advocacy materials from WVA and/or outside sources relative to program access. (PADD, PAIMI, PAIR, PATBI, PAVA)
4. WVA will provide public education on the rights of individuals with disabilities who use service animals. (PAIR)

PRIORITY 6: PEOPLE WITH DISABILITIES WHO REQUIRE ASSISTIVE TECHNOLOGY HAVE ACCESS TO IT.

Objectives:

1. WVA will provide advocacy for up to twenty-five (25) people with disabilities to gain or maintain access to assistive technology and related supports (see footnote #5). (PAAT)
2. WVA will provide training and outreach to targeted areas of the state to increase awareness of the right to access assistive technology. (PAAT)
3. WVA will monitor the WV Bureau of Medical Services compliance with the Centers for Medicare and Medicaid Services (CMS) regulations for providing assistive technology. (PAAT)

PRIORITY 7: PEOPLE WITH DISABILITIES HAVE EQUAL ACCESS TO EMPLOYMENT AND EMPLOYMENT-RELATED SERVICES.

Objectives:

1. WVA will provide services to all individuals who call WVA for assistance who are receiving/applying/eligible for services from the West Virginia Division of Rehabilitation Services (WVDRS), a Center for Independent Living, supported employment programs and other programs funded under the Rehabilitation Act, as amended and are not satisfied with these services (see footnote #5). (CAP)
2. WVA will provide services to all individuals who call WVA for assistance who are Supplemental Security Insurance/Social Security Disability Insurance (SSI/SSDI) beneficiaries and who want to work but encounter barriers per the priorities established by the Social Security Administration (SSA) (see footnote #5). (PABSS)

3. WVA will provide ongoing outreach and self advocacy training for individuals eligible under the CAP and PABSS programs related to obtaining, maintaining, or regaining employment. (CAP, PABSS)

PRIORITY 8: PEOPLE WITH DISABILITIES ARE ABLE TO EXERCISE THEIR RIGHT TO VOTE (see footnote #5).

Objectives:

1. When complaints are received, WVA will act to increase equal access for all eligible individuals with disabilities to participate in the voting process, including polling places, voting equipment, and voter registration. (PAVA)
2. WVA will educate at least twenty-five (25) people with disabilities about the voting process and their right to vote. (PAVA)
3. WVA will work in conjunction with the Secretary of State's office to educate at least twenty-five (25) public officials about the rights of people with disabilities to register and vote. (PAVA)

PRIORITY 9: WVA WILL TAKE A LEADERSHIP ROLE IN ORGANIZING CONSUMERS AND STAKEHOLDERS AROUND THE STATE TO FORM A SELF-ADVOCACY NETWORK.

Objectives:

1. WVA will contact consumers and stakeholders to form a workgroup to develop a self-advocacy network. (PADD, PAIMI, PAIR, PATBI, PABSS, CAP, PAAT, PAVA)
2. WVA will actively participate on various committees, coalitions, and other types of groups with grassroots advocacy missions. (PADD, PAIMI, PAIR, PATBI, PABSS, CAP, PAAT, PAVA)
3. WVA will develop and conduct outreach to educate underserved populations, including people who are homeless, about their disability rights. (PAIMI, PADD, PAIR, PATBI)
4. WVA will develop and conduct outreach to increase public awareness of Traumatic Brain Injury (TBI) in at-risk populations. (PATBI)

FOOTNOTES

1. Criteria used to select cases for direct representation are:
 - (a) in agreement with the WVA's mission;

- (b) the vulnerability of the client or the potential to effect policy or systemic change;
- (c) consistent with ethical standards;
- (d) possesses sufficient legal merit;
- (e) funds/resources must be available.

Abuse investigations will be prioritized as follows: suspicious death, seclusion & restraint, eminent threat of harm, sexual misconduct and complaints originating in locations with repeated complaints of abuse and neglect.

In complaints where abuse or neglect are currently being investigated by law enforcement, WVA 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 WVA may want to address, but which do not fall within the agency’s priorities and objectives. These service requests may include emerging issues.

- 2. Technical Assistance = Information and assistance specific to a particular problem such as coaching a person with a disability in self-advocacy.

Short Term Assistance = Time limited advice and assistance which may include: reviewing information/records; counseling a person with a disability on actions one may take; and/or assisting a person with a disability in preparing letters or other documents, or making calls to resolve their issue.

- 3. “Serious injury” is defined as physical harm, injury or death 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.
- 4. Agencies may include, but are not limited to, the West Virginia Department of Health & Human Resources and its various divisions, the West Virginia Department of Education and local education agencies, law enforcement agencies, etc.
- 5. This objective is based on the requirements of WVA’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, Part B, Sec. 112; 29 U.S.C. 732

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

6. Monitoring is defined as having a visible, consistent, long-term presence in the state hospitals to increase the clients' confidence and trust, to be responsive to all concerns and to act on those that fit within WVA's statutory mandate and chosen priorities. Monitoring also includes the systematic process for addressing areas of likely rights violations.

Additional notes about WVA:

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.

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

Priorities are based on a three (3) year cycle. Objectives may or may not be carried into the next fiscal year.

WVA Outreach/Training:

WVA 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):

WVA 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 federal Rehabilitation Act.
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 any other federal program.
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.