

Disability Rights of West Virginia (DRWV)
Fiscal Year 2020 Priorities and Objectives

DRAFT

Priority 1: Children and Youth with Disabilities Receive an Appropriate Education.

1. DRWV will provide direct advocacy services on behalf of up to seven (7) students with disabilities who are receiving no educational services, or at risk of receiving no educational services. (see footnote 1) (PADD, PAIMI (see footnote 3), PAIR, PATBI)
2. 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)
3. 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)
4. 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)
5. DRWV will systemically advocate/litigate for children with disabilities who have been subjected to unnecessary exclusionary discipline. (PADD, PAIMI, PAIR, PATBI)

Priority 2: People with Disabilities Make Decisions About Where They Live, and the Supports and Services They Receive.

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. (PADD, 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, PAIR, PATBI)

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 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)
6. DRWV will advocate/litigate for the civil rights of children with disabilities who have been abused and neglected while they were dependent on the WV child welfare system. (PAIMI)
7. DRWV will advocate/litigate for the civil rights of individuals with disabilities who have been found not guilty by reason of mental illness. (PAIMI)

Priority 3: People with Disabilities are Free from Abuse, Neglect, Exploitation, and Other Rights Violations.

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 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. (PAIMI, PATBI)
5. DRWV will conduct at least fifty (50) monitoring visits to Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs) and address systems issues as identified. (PADD)
6. DRWV will conduct at least fifty (50) monitoring visits to WV Department of Corrections facilities to ensure that appropriate mental health/medical treatment is being provided to individuals with disabilities. (PAIMI, PAIR, PATBI)
7. DRWV will conduct a minimum of fifty (50) monitoring visits to residential placements who serve children with disabilities and address systems issues as identified. (PADD, PAIMI, PAIR, PATBI)
8. DRWV will conduct a minimum of sixty (60) monitoring visits at the two (2) state psychiatric hospitals in West Virginia and address systems issues as identified. (PAIMI)
9. DRWV will conduct a minimum of twenty-four (24) monitoring visits at psychiatric facilities not operated by the state of West Virginia and address systems issues as identified. (PAIMI)
10. DRWV will conduct a minimum of fifteen (15) monitoring visits at the five (5) nursing homes operated by the state of West Virginia and address systems issues as identified. (PADD, PAIMI, PAIR, PATBI)
11. DRWV will conduct a minimum of seventy-five (75) monitoring visits at nursing homes not operated by the state of West Virginia and address systems issues as identified. (PAIR, PADD)
12. DRWV will conduct a minimum of ten (10) monitoring visits at Specialized Family Care (SFC) homes in West Virginia and address systems issues as identified. (PADD)

Priority 4: People with Disabilities Have Access Provided by the Americans with Disabilities Act (ADA), the Architectural Barriers Act (ABA), and the Fair Housing Act.

1. DRWV will advocate for up to fifteen (13) people with disabilities who meet DRWV's case selection criteria (see footnote 1). (PADD, PAIMI, 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, PAIMI, PAIR, PATBI)

Priority 5: People with Disabilities Have Access to Assistive Technology.

1. DRWV will provide advocacy for up to ten (10) people with disabilities to gain or maintain access to assistive technology and related supports (see footnote 1). (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 6: People with Disabilities Have Access to Centers for Independent Living, Competitive/Integrated Employment, and Employment-Related Services.

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 1). (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 1). (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) (see footnote 1). (CAP)
4. 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)
5. DRWV will actively support the Statewide Rehabilitation Council's (SRC) mandate to monitor and advise on the activities of WVDRS. (CAP)

Priority 7: People with Disabilities Have Full Access to the Electoral Process.

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 8: DRWV Will Conduct Outreach and Education, and Support the Work of Others to Promote Self-Advocacy.

1. DRWV will actively support the missions 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, PADD, PAIMI, PAIR, PATBI, PAVA, CAP, PABSS)
3. DRWV will provide outreach to increase public awareness of Traumatic Brain Injury (TBI). (PATBI)
4. DRWV will host a Disability Law Symposium covering a variety of current disability related issues, and will serve as an educational and recruiting tool for legal work on disability rights. (PADD, PAIMI, PAIR, PATBI)

5. DRWV will provide Supported Decision Making training to nonprofit organizations, parent advocacy groups, and various state and local organizations. (PADD, PAIMI, PAIR, PATBI)
6. DRWV will provide Psychiatric Advance Directives training to at least ten (10) individuals with mental illness and other stakeholders. (PAIMI)
7. DRWV will provide employment rights training to at least two (2) organizations who focus on finding employment or removing barriers to employment for individuals with disabilities. (PADD, PAIMI, PAIR, PATBI, CAP)

Priority 9: DRWV will conduct reviews of and provide education to Representative Payees who handle income for individuals with disabilities from Supplemental Security Insurance/Social Security Disability Insurance (SSI/SSDI) to verify that they are using the benefits properly on behalf of the beneficiary and are carrying out their responsibilities and duties correctly. (PABRP)

No Objectives are needed for this Priority as they are detailed in the grant agreement.

Priority 10: DRWV will provide advocacy services for class members in compliance with WV DHHR statement of work and state and federal court directives in Civil Action 81-585 E.H. v. Matin (1983), Hartley Decree, and Civil Action 78-2099 Medley vs. Ginsberg (1981), Medley Decree. (MHAP)

No Objectives are needed for this Priority as they are detailed in the statement of work.

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.

FOOTNOTES

1. Case Selection Criteria:

- A. There is a significant risk of abuse and neglect. Client is danger of or has experienced severe bodily harm. The client is at risk or a has experienced a serious financial harm.

- B. The client is institutionalized and ready for reintegration to the community and there is a barrier to discharge.
- C. A clear violation of the ADA has occurred.
- D. The case is a special education matter and the child is not receiving consistent educational services, or is at serious risk of receiving no services, or the needs related to the child's disability have been completely ignored by the school district.
- E. It is a matter concerning voting rights, assistive technology, a barrier to employment for a beneficiary of SSI or SSDI, Representative Payees, or services under the Rehabilitation Act.

Additionally, all cases MUST:

- Meet program eligibility for one of DRWV's federally funded programs;
- be in agreement with DRWV's mission;
- be consistent with our ethical standards;
- possess significant legal merit; and
- funds/resources must be available.

At the discretion of the Executive Director or Legal Director a case can be selected for direct representation because of the vulnerability of the client or the potential to effect policy or systemic change or another compelling reason.

Abuse and neglect investigations will be prioritized as follows: seclusion & restraint with death or serious injury, suspicious death, and incidents occurring in locations with repeated complaints of abuse and neglect. In complaints where abuse or neglect are currently being investigated by law enforcement, DRWV will delay its investigation until law enforcement has completed their investigation.

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

Programs

Client Assistance Program (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.

Protection and Advocacy for Assistive Technology (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.

Protection and Advocacy for Beneficiaries of Social Security (PABSS)

Assists individuals who receive SSI or SSDI break down barriers to employment.

Protection and Advocacy for Individuals with Developmental Disabilities (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.

Protection and Advocacy for Individuals with Mental Illness (PAIMI)

Serves individuals with significant mental illness or emotional impairment and investigates abuse & neglect complaints on their behalf.

Protection and Advocacy for Individual Rights (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.

Protection and Advocacy for Traumatic Brain Injury (PATBI)

Serves individuals with traumatic brain injury who are significantly limited in activities of daily living.

Protection and Advocacy for Voting Access (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.

Protection and Advocacy for Beneficiaries with Representative Payees (PABRP)

Carries out the mandate of the "Strengthening Protections for Social Security Beneficiaries Act 2018" which protects beneficiaries of SSI/SSDI who have representative payees.

Medley/Hartley Advocacy Program (MHAP)

This state grant provides advocacy to individuals with developmental disabilities in compliance with state and federal court directives in Civil Action 81-585 E.H. v. Matin (1983), Hartley Decree, and Civil Action 78-2099 Medley vs. Ginsberg (1981), Medley Decree.