

West Virginia Advocates, Inc. (WVA)

Fiscal Year 2017 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. WVA 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. WVA 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. WVA will use social media to post information about special education at least one (1) time per quarter. (PADD, PAIR, PATBI)
4. WVA 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)

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, 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. WVA 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. WVA 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 in West Virginia to ensure access to self-direction, choice of providers and quality services in their home community. (PADD, PATBI, PAIR)

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

Objectives:

1. WVA will conduct a minimum of forty-eight (48) monitoring visits at the two (2) state psychiatric hospitals in West Virginia (See footnote 4). (PAIMI)

2. WVA will conduct a minimum of twelve (12) monitoring visits at psychiatric facilities not operated by the state of West Virginia. (PAIMI)

3. WVA 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. WVA will provide five (5) self-advocacy trainings regarding patient rights to patients at the two (2) state psychiatric hospitals. (PAIMI)

5. WVA will provide Psychiatric Advance Directives training to patients and social workers at the two (2) state psychiatric hospitals, in at least one (1) psychiatric facility not operated by the state of West Virginia, and in at least two (2) comprehensive behavioral health centers. (PAIMI)

6. WVA 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)

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

Objectives:

1. WVA 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 WVA. (see footnotes 1, 2) (PADD, PAIMI, PAIR)
2. WVA 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 WVA. (see footnote 1) (PAIMI, PAIR, PATBI)
3. WVA will provide direct advocacy services to individuals who meet WVA'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. WVA will conduct at least twenty (20) monitoring visits to Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs) (see footnote 4). (PADD)
5. WVA will monitor adherence to operational plans for mental health treatment for individuals with mental illness incarcerated in the WV Department of Corrections facilities. (PAIMI)

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. WVA will advocate for up to twenty (20) people with disabilities who meet WVA's case selection criteria (see footnote 1). (PADD, PAIMI (see footnote 5), PAIR, PATBI)
2. WVA will collaborate with the West Virginia Commission for the Deaf and Hard of Hearing to advocate for access to American Sign Language (ASL) interpreters in West Virginia. (PAIR)
3. WVA will provide statewide outreach to professionals (for example: medical providers, law enforcement, etc.) to educate them on their responsibility to provide auxiliary aids and services as required by the Americans with Disabilities Act (ADA). (PAIR)

4. WVA 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. WVA will offer one (1) training to non-WVA 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. WVA 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. WVA 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. WVA 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 Integrated Employment and Employment-Related Services.

Objectives:

1. WVA 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), a Center for Independent Living, supported employment programs and other programs funded under the Workforce Innovation and Opportunity Act (WIOA) (see footnote 3). (CAP)

2. WVA 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 who want to work but are encountering barriers per the priorities established by the Social Security Administration (SSA) (see footnote 3). (PABSS)

3. WVA 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)

4. WVA 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)

5. WVA 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. (PADD)

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

Objectives:

1. WVA 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. WVA 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. WVA will work in conjunction with the Secretary of State's office to educate up to twenty-five (25) public election officials about the voting rights of people with disabilities. (PAVA)

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

Objectives:

1. WVA will collaborate with the Wellness and Recovery Drop-In Centers statewide to support peer based opportunities for self-advocacy. (PAIMI)

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

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

4. WVA 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 WVA's federally funded programs;
 - (b) in agreement with the WVA'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, 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.

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 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 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 WVA:

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 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.