

**ANNUAL PROTECTION & ADVOCACY OF INDIVIDUAL RIGHTS (PAIR)
PROGRAM PERFORMANCE REPORT**

Fiscal Year 2009

DESIGNATED AGENCY IDENTIFICATION	
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Name of PAIR Director/Coordinator:	Colleen Miller, Esq.
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PART I. NON-CASE SERVICES:	
A. Individual Information and Referral Services (I&R): (Multiple responses are not permitted.)	
1. Individuals receiving I&R <u>within</u> PAIR's priority areas	1418
2. Individuals receiving I&R <u>outside</u> of PAIR's priority areas	818
3. Total individuals receiving I&R (lines A1+A2)	2236
B. Training Activities:	
1. Number of trainings presented by PAIR staff	26
2. Number of individuals who attended these trainings (approximate)	326
Describe the trainings presented by PAIR staff. Be sure to include information about the topics covered, the training methods used, and the purpose for the training. Use separate sheets if necessary.	
VOPA plans its trainings within its annual objectives in response to identified needs within the State. (Please see Part V for summaries of trainings and presentations.) In addition, VOPA provides a Speakers Bureau for the public. The Speakers Bureau coordinates requests from the public that typically are not specified in the annual objectives. If a request falls within the objectives, we will respond accordingly. If resources permit, we may provide trainings and presentations that are related to our goals and focus areas via the Speakers Bureau.	
C. Information Disseminated to the Public:	
1. Radio and TV appearances by PAIR staff	0
2. Newspaper/magazine/journal articles	0
3. PSAs/videos aired	0
4. Hits on the PAIR/P&A website	20,864
5. Publications/booklets/brochures disseminated	329
6. Other (specify on separate sheet)	0

PART II. INDIVIDUALS SERVED:	
A. Individuals Served: (An individual is counted only once per fiscal year. Multiple counts are not permitted for lines A1 through A3.)	
1. Individuals who were still being served as of October 1 (carryover from prior fiscal year)	40
2. Additional individuals who were served during the year	77
3. Total individuals served (lines A1+A2)	117
4. Individuals who had more than one case file opened/closed during the fiscal year. (This number is not added to the total on line A3 above.)	8
B. Individuals still served as of September 30 (carryover to next year) (May not exceed total on line II.A.3 above.)	
	15
C. Problem Areas/Complaints of Individuals Served:	
1. Architectural accessibility	51
2. Employment	10
3. Program access	3
4. Housing	19
5. Government benefits/services	9
6. Transportation	12
7. Education	20
8. Assistive technology	
9. Voting	
10. Health care	8
11. Insurance	
12. Non-government services	
13. Privacy rights	
14. Access to records	
15. Abuse	
16. Neglect	1
17. Other- - substitute decision makers	4
D. Reasons for Closing Individual's Case Files:	
1. Issues resolved partially or completely in the individual's favor	110
2. Other representation found	
3. Individual withdrew complaint	3
4. Appeals were unsuccessful	2
5. PAIR services not needed due to individual's death, relocation, etc.	1
6. PAIR withdrew from case	1
7. PAIR unable to take case because of lack of resources	
8. Individual's case lacks legal merit	3
9. Other	
E. Intervention Strategies Used in Serving Individuals: (List the <u>highest level</u> of intervention used by PAIR prior to closing each case file.)	
1. Technical assistance in self-advocacy	12
2. Short-term assistance	69
3. Investigation/monitoring	5
4. Negotiation	26
5. Mediation/alternative dispute resolution	2
6. Administrative hearings	
7. Litigation (including class actions)	6
8. Systemic/policy activities	

PART III. STATISTICAL INFORMATION ON INDIVIDUALS SERVED:	
A. Age of Individuals Served: (as of October 1) (Multiple responses not permitted.)	
1. 0 - 4	
2. 5 - 22	23
3. 23 - 59	64
4. 60 - 64	6
5. 65 and over (1 additional person refused to disclose)	24
B. Gender of Individuals Served: (Multiple responses not permitted) ¹	
1. Females	73
2. Males	44
C. Race/Ethnicity of Individuals Served: (Multiple responses permitted)	
1. White	80
2. Black or African American	32
3. American Indian or Alaska Native	1
4. Asian	
5. Native Hawaiian or other Pacific Islander	
6. Hispanic or Latino	
7. Race/ethnicity unknown (self-reported as multi-racial)	4
D. Living Arrangements of Individuals Served: (Multiple responses not permitted)	
1. Independent	85
2. Parental or other family home	25
3. Community residential home	1
4. Foster care	
5. Nursing home	4
6. Public institutional living arrangement	
7. Private institutional living arrangement	
8. Jail/prison/detention center	1
9. Homeless	
10. Other living arrangements (Board and Care)	1
11. Living arrangements not known	
E. Primary Disability of Individuals Served: (Identify the individual's primary disability, namely the one directly related to the issues/complaints raised by the individual.)	
1. Blind/visual impairment	9
2. Deaf/hard of hearing	10
3. Deaf-blind	
4. Orthopedic impairment	27
5. Mental illness	
6. Substance abuse	
7. Mental retardation	
8. Learning disability	14
9. Neurological impairment	19
10. Respiratory impairment	2
11. Heart/other circulatory impairment	10
12. Muscular/skeletal impairment	24
13. Speech impairment	
14. AIDS/HIV	

15. Traumatic brain injury	
16. Other disability (Cancer 1; diabetes 1)	2

PART IV. SYSTEMIC ACTIVITIES AND LITIGATION:	
A. Systemic Activities:	
1. Number of policies/practices changed as a result of non-litigation systemic activities	1
2. Number of individuals potentially impacted by policy changes	169,838
<p>Describe your systemic activities. Be sure to include information about the policies that were changed and how these changes benefit individuals with disabilities. Include case examples of how your systemic activities impacted individuals served. (Attach separate sheets if necessary.)</p> <p>It should be noted that the Virginia Office for Protection and Advocacy (VOPA) has made a deliberate decision to take cases that we believe will have a strong systemic impact on the lives of Virginians with disabilities. Although we strive for a targeted number of cases, we believe that by tying them directly to systemic reform, we are making a significant impact on a much larger population group.</p> <p>As well, VOPA plans its objectives based on the needs of the state; not by funding stream or specific disabilities. Some of the estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on PAIR-eligible individuals.</p> <p>Using PAIR and other funding sources, VOPA completed numerous systemic activities, several examples of which are outlined in greater detail below. Other activities by VOPA include evaluating whether the Department of Medical Assistance Services (DMAS) provides appropriate Medicaid transportation to people with disabilities. VOPA reviewed complaints by clients, reports submitted by Logisticare, DMAS' contractor, and did trend analysis. VOPA found inaccuracies or inconsistencies in DMAS and Logisticare material and asked for more information. The material reviewed strongly suggests that DMAS and Logisticare do not provide appropriate services. VOPA convened a conference with DMAS and suggested several ways it could improve its performance and ways DMAS and VOPA could work together on this issue.</p> <p>VOVA reviewed the regulatory requirements for disaster response plans by community-based programs providing services to persons with disabilities to determine whether they provided sufficient protection from harm. VOPA found that the State Nursing Facilities regulations require an emergency plan but are lacking in detail. Federal regulations also require nursing facilities to develop plans. VOPA found that the Virginia Department of Health does not routinely survey these plans; it is only required for new licensees. VOPA concluded that although the regulations offer sufficient guidance on development of disaster response plans, there is a need for increased consumer involvement in all levels of planning.</p> <p>VOVA investigated whether the Department of Social Services provides appropriate services and supports to help children in their custody transition into adulthood. VOPA reviewed cases where children in DSS custody did not receive appropriate services, resulting in their institutionalization as adults. VOPA met with the Commissioner of DSS to inform him of the</p>	

cases we reviewed and our preliminary conclusion that DSS does not provide appropriate services. VOPA offered to provide training to DSS employees in programs such as Early and Periodic Screening, Diagnostic, and Treatment (EPSDT), Ticket to Work, special education, vocational rehabilitation, 1619(B), and the Medicaid Buy-In. The Commissioner agreed and referred us to his training director. The training director has agreed to several trainings. As part of the agreement, VOPA will provide training to all DSS employees with direct responsibility for children in foster care.

VOPA is working with the Fauquier County School Board on accessibility issues at their public schools. The School Board has surveyed all of their schools and reported their findings to VOPA. The school board has also put in work orders to address the areas found to be inaccessible. VOPA receives regular updates from Fauquier on their progress and continues to monitor the progress of the work.

B. Litigation/Class Actions:

1. Number of individuals potentially impacted by changes as a result of PAIR's litigation/class action efforts	1,500,000
2. Number of individuals named in class actions	0

Describe your litigation/class action activities. Explain how individuals with disabilities benefited from your litigation activities. Be sure to include case examples that demonstrate the impact of your litigation. (Attach separate sheets if necessary.)

As a direct result of its ADA presentation for consumers at the Abingdon CIL, VOPA received complaints regarding a national chain's restaurant located in Abingdon. A survey revealed numerous architectural barriers in violation of the ADA. The corporate owner has responded with reluctance to incur the expense of required modifications due to the age and location of the structure; however, an investigation into the corporation shows that it has many other Virginia locations and adequate assets to make the necessary repairs. VOPA is prepared to pursue legal remedies including litigation should the corporation fail to respond to our demands relating to accessibility.

Norton Commons is a shopping center which was built on three levels. Each level was separated by a slope, with a planter in the middle of the slope and stairs along the side. Defendant argued that the stairs were not for pedestrian use, but were a design feature, and therefore the transition from one level of the shopping center to the next was not necessary. After VOPA's demand letter and threat of litigation, the area was made accessible to people who use mobility devices. This case was resolved in pre-litigation between VOPA and counsel for the defendant. Visitors using mobility devices can now shop at all levels of the shopping center without needing to return to their vehicles and move from one parking lot section to the next.

A client was unable to enter several buildings in Downtown Roanoke due to the step in front of those businesses. One of the businesses did not respond to VOPA's settlement offers. VOPA sued the defendant. The Court entered a Final Order on March 17, 2009, ordering defendant to comply with the ADA as indicated in the Complaint and awarding VOPA fees and costs. Individuals who use mobility devices may now enter the restaurant and dine there.

VOPA represents four people with disabilities who were denied access to Lottery retailers. VOPA sued the Lottery under the Americans with Disabilities Act (ADA) and the Virginians with Disabilities Act (VDA) seeking an injunction to require the Lottery to ensure that its retailers are

accessible to people with disabilities. The Trial Court granted Summary Judgment to the Lottery in 2008. On appeal the Virginia Supreme Court ruled that the trial court erred when it dismissed the case. The Court held that the Lottery is a "program" for the purposes of the VDA and ADA. The Supreme Court held that the Lottery must ensure that people with disabilities can access Lottery tickets and prizes. The case now returns to the trial court. The Lottery has agreed to discuss settlement.

PART V. PAIR'S PRIORITIES AND OBJECTIVES:

A. Priorities and Objectives for the Fiscal Year Covered by this Report:

Goal: People with Disabilities are Free from Abuse and Neglect

Focus Area: Abuse and Neglect in Community Settings

Needs/Issues/Barriers Addressed:

Individuals with disabilities living in the community are being subjected to abuse and neglect.

Indicators for Success Include the Completion of the Following Objectives:

1. Inform all volunteer ombudsman and local staff for the Long Term Care Ombudsman about VOPA's objectives and efforts to reduce abuse and neglect by training staff at the November conference and by developing an information sheet and providing it to all staff and volunteers semi-annually.
2. Submit a Petition for Rulemaking to the Virginia Department of Health and Department of Social Services recommending that their regulations provide specific and measurable standards for disaster response plans for all community-based facilities.

Collaborative Efforts

1. VOPA worked with the Richmond Long Term Care Ombudsman Office and the local Ombudsman offices throughout Virginia.
2. VOPA collaborated with the Virginia Department of Emergency Management, the Virginia Department of Health, and the Virginia Office of Commonwealth Preparedness to regain lost momentum for consideration of disability related issues and persons with disabilities in emergency preparedness and response activities. VOPA gained inclusion in the Office of Commonwealth Preparedness workgroup and access to Department of Health emergency preparedness and response planners. Once the Health and Human Resources Secretariat designated the Department of Health as "Lead" agency and established an emergency preparedness and response workgroup within the Secretariat, VOPA collaborated with the Virginia Board for People with Disabilities to share information and workloads.

Number of cases handled: not individual case activity

Case summary that demonstrates the impact of the priority

1. VOPA provided our Objectives and General Brochures to 22 volunteer Long-term Care

Ombudsman throughout Virginia to assist in our mutual efforts of reducing abuse and neglect of people with disabilities. The Director of VOPA presented at the Long Term Care Ombudsman 2008 November Annual Conference on VOPA's efforts to reduce abuse and neglect of people with disabilities and identified opportunities for collaboration. VOPA sent information regarding our Objectives and Goals, and provided VOPA brochures and posters, to all Volunteer Long-term Care Ombudsman offices throughout Virginia. The State Long-Term Ombudsman provided VOPA with an overview of their efforts and authorities at one of VOPA's monthly staff meetings. At times, VOPA and the Ombudsman provide similar advocacy efforts in state workgroups and task forces.

2. VOPA has collaborated and continues to work with The Virginia Board for People with Disabilities to address issues within the Health and Human Resources Secretariat now that it has designated the Virginia Department of Health as the lead agency for emergency planning and response. For broader issues, VOPA participates in the Commonwealth Preparedness Workgroup. This collaboration ensures that the Developmental Disability partners coordinate a consistent approach to emergency preparedness and response and reduces overlap in meeting attendance. VOPA and the Virginia Board for People with Disabilities have provided information on activities to the Partnership and requested that the Partnership include information on leadership and advocacy opportunities in this arena when they provide leadership training. In following up on this objective, VOPA has also furthered working relationships with the Virginia Department of Emergency Management and Virginia Department of Health planners.

Goal: People with Disabilities are Free from Abuse and Neglect

Focus Area: Abuse and Neglect in Institutions

Needs/Issues/Barriers Addressed:

Individuals with disabilities living in institutions are being subjected to abuse and neglect.

Indicators for Success Include the Completion of the Following Objectives:

Investigate whether the Virginia Department of Corrections and policies and practices comply with the requirements of the ADA regarding the provision of services to individuals who are blind or vision impaired or deaf or hearing impaired.

Collaborative Efforts

VOPA shared information regarding issues, research, law, and contacts with the Legal Aid Justice Center in Charlottesville, which worked on prison issues and had access to potential clients.

Number of cases handled: 1

Case summary that demonstrates the impact of the priority

VOPA has determined that the Virginia Department of Corrections complaint procedure is complicated but defensible. In light of the Prison Litigation Reform Act, the lack of facility based Americans with Disabilities Act coordinators is a concern. VOPA does not have adequate information on how the process works or to what extent it may impact Americans with Disabilities Act compliance. VOPA will continue working on specific complaints and client issues in order to make any determination regarding actual practices. VOPA will continue to look for individual cases and collaborate with Legal Aid Justice Center on this matter.

Goal: Children with Disabilities Receive an Appropriate Education

Focus Area: Denial of eligibility due to lack of or inappropriate evaluations and assessments

Needs/Issues/Barriers Addressed:

Children with disabilities who need special education services may be denied eligibility due to a lack of or inadequate assessments and evaluations.

Indicators for Success Include the Completion of the Following Objective:

1. Develop a publication on Virginia's new special education regulations, when they are adopted, and disseminate it to at least ten (10) advocacy groups.
2. Develop training for foster parents and advocates regarding special education rights and transition services and present to two groups.
3. Develop outreach and training for the Spanish-speaking community to inform them of their right to special education services.
4. By March 1, 2009, develop training programs on at least three (3) distinct stages of the IEP development and implementation process. Present trainings.
5. Represent 5 children, including children in foster care or from Spanish-speaking families, who have improperly been found ineligible for special education or appropriate special education services due to lack of or inappropriate evaluations or assessments. Cases will be selected where there is the potential for systemic impact. Represent the child in Due process Hearing if necessary.
6. Respond to the final state special education administrative regulations.

Collaborative Efforts

1. VOPA worked with several schools and Parent/Teacher Associations throughout the state to arrange presentations and disseminate information.
2. VOPA conducted two trainings for foster parents and advocates regarding special education rights and transition services, working with the Eastern Shore Early Childhood Development and Commonwealth Catholic Charities.
3. VOPA worked with members of the Southwood Project Coalition (Richmond area) including the Bilingual Parent Liaison for the Richmond City Schools and the Director of the Southwood neighborhood "Resource Center," as well as the Southwood Boys/Girls Club staff.
4. VOPA coordinated trainings with other agencies and organizations including the Virginia Rehabilitation Center for the Blind and Vision Impaired, In His Image parents' group; Disability Resource Center; Virginia Association of Licensed Child Protective Agencies; First Home Care; parent groups in Richmond and Quantico. Collaborators provided meeting space and advertising for the trainings, and collaborated on specific discussion topics.
5. VOPA worked with Virginia schools special education teachers and administrative staff.

6. VOPA extensively collaborated with the Virginia Coalition for Students with Disabilities.

Number of cases handled: 10

Case summary that demonstrates the impact of the priority

1. VOPA developed and presented trainings on the new special education regulations to groups that included parents, advocates and school personnel. At the trainings, materials on the new special education regulations were disseminated.
2. VOPA conducted trainings for foster parents and advocates regarding special education rights and transition services, working with the Eastern Shore Early Childhood Development and Commonwealth Catholic Charities. Approximately 30 individuals involved in foster care for children were educated and advised as to rights and issues relating to special education, transition services, and Medicaid waivers.
3. VOPA continued its outreach to the Spanish-speaking community by reviewing Census Bureau data to identify areas with a significant Hispanic population, and by identifying Virginia-based organizations with a focus on education issues serving Virginia's Spanish-speaking population. These include organizations offering ESL (English as a Second Language) classes and others such as Parent Educational Advocacy Training Center. VOPA identified Spanish newspapers and radio stations along with contact information for these media outlets. VOPA presented special education training to ten Spanish-speaking parents at an elementary school Parent-Teacher Associations (PTA) and provided special education materials in Spanish to eleven (11) other PTA organizations in areas with a significant Hispanic population. VOPA met with members of the Southwood Project Coalition (Richmond area) including the Bilingual Parent Liaison for the Richmond City Schools and the Director of the Southwood neighborhood "Resource Center." VOPA met with the Southwood Boys/Girls Club staff and provided written information about VOPA and about special education, including Spanish-language materials.
4. VOPA developed and presented trainings on three distinct stages of the IEP process to groups that included parents, advocates and school personnel. The trainings were very well received and resulted in numerous requests that VOPA provide the training to parents and advocates throughout the Commonwealth. VOPA has edited the material to include additional information on voting, Medicaid, and traumatic brain injury issues. At the trainings, materials on the new special education regulations were disseminated.
5. VOPA assisted parents in the filing of complaints with the Virginia Department of Education in four (4) cases. In one case VOPA assisted a client in drafting and filing a complaint against the school district for refusing to provide services consistent with our client's Individualized Educational Plan (IEP) (a 1:1 behavioral specialist). The Virginia Department of Education determined the school to be in non-compliance with the IEP and instructed the school to provide the services, as well as compensatory education services as agreed to by the IEP team.
6. VOPA proposed that regulations that would have negatively impacted children be changed to lessen that impact. For example, the independence of Due Process Hearing Officers was ensured, transition age was lowered to 14, schools must now consider benchmarks and short term objectives, and schools may not cease special education services without consent of parents. In several instances, proposed special education

regulations that would have hurt children with disabilities were changed for the better. These include regulations that would have made Due Process Hearing Officers Virginia Department of Education Employees; that would have removed any obligation for schools to get parental consent before stopping special education services; and that would have removed any obligation for schools to consider benchmarks or short term objectives.

Goal: People with Disabilities have Equal Access to Government Services

Focus Area: Services and Supports to Enable Individuals to Move into the Community

Needs/Issues/Barriers Addressed:

This allows VOPA to advocate for adherence to the true intent of the Olmstead decision.

Indicators for Success Include the Completion of the Following Objective:

1. Respond to all legislative proposals that appear to violate the Americans with Disabilities Act's (ADA) Integration Mandate.
2. Change the state's policy of limiting auxiliary grants to assisted living facilities and adult foster care.

Collaborative Efforts

1. VOPA reviewed issues in collaboration with National Alliance on Mental Illness-Virginia, Virginia Department of Behavioral Health and Developmental Services, and Virginia Department of Social Services as they sought to identify the first Community Service Board/Department of Social Services pilot location and to establish protocols for Auxiliary Grant portability and other issues.
2. VOPA collaborated with National Alliance on Mental Illness-Virginia, Virginia Department of Behavioral Health and Developmental Services, Virginia Department of Social Services, and Centers for Independent Living by sharing of information and advocacy efforts

Number of cases handled: not individual case services

Case summary that demonstrates the impact of the priority

1. VOPA worked with other advocacy groups to change Virginia's policy of limiting auxiliary grants to assisted living facilities. The 2010 Budget included a pilot program to test using the grants in alternative settings. However, it appears that no significant progress has been made in beginning this pilot. VOPA reviewed issues with the National Alliance on Mental Illness –Virginia, and collaborated with the Virginia Department of Behavioral Health and Developmental Services (VDBHDS), and the Virginia Department of Social Services as they sought to identify the first pilot site and establish protocols. VOPA is researching cases in other states to determine the next course of action in FY2010. VOPA carefully tracked a legislative proposal dealing with the issues of multiple jurisdiction and interstate transfer of guardianship. VOPA has also contributed to discussions on the recommendations of the MH Law Reform Commission related to authority of guardians to admit an incapacitated person to a mental health facility. VOPA staff members have presented models of person-centered planning to the Virginia Public Guardianship Advisory Board subcommittees on Planning and Development and on Substitute Decision Making and the Board asked for a formal training on person-centered planning at the fall training conference for all public guardians. VOPA provided

public comment on the DBHDS regulatory package addressing voluntary admissions to state-operated ICFs/MR. VOPA identified sections of the regulations that were in violation with the DBHDS Human Rights regulations. VOPA also noted that the Medicaid State Plan assures individuals' rights to ICF/MR services, not a building. Notification to the CSB when a denied request for admission was being reconsidered by the Commissioner was also recommended. DBHDS informed us they will take these recommendations to the DBHDS State Board for consideration. VOPA recommended that the DBHDS consider withdrawing the regulation package as there are many initiatives being worked on.

2. VOPA and several other state agencies including the Virginia Department of Behavioral Health and Developmental Services, and the Virginia Department of Social Services are working together to expand the use of auxiliary grants beyond assisted living facilities and adult foster homes. Legal issues related to Social Security and Medicaid eligibility are the present concern, as these funds, if regarded as income, could affect benefits eligibility. Once change is implemented an individual leaving an institution could use an auxiliary grant with no detriment to their other sources of income and move into whatever type of housing they choose.

Goal: People with Disabilities have Equal Access to Government Services

Focus Area: Services and Supports to Enable Individuals to Remain in the Community

Needs/Issues/Barriers Addressed:

This allows VOPA to advocate for adherence to the true intent of the Olmstead decision

Indicators for Success Include the Completion of the Following Objective:

1. Develop training on the rights of individuals with disabilities under the ADA to accessible public transportation, and provide training to the personnel of a county or city transportation provider.
2. Inform residents about their housing and employment rights by visiting assisted living facilities serving persons with disabilities.
3. Inform Guardian Ad Litem candidates about identifying children with disabilities and the services available to children with disabilities including special education, EPSDT, and Social Security benefits planning.
4. Develop and distribute information and educational material on the rights of persons who are deaf or hard of hearing to have effective communications in government activities to government entities.
5. Respond to any proposal from the Virginia Department of Emergency Management Special Population workgroup and Virginia Department of Health Medical Sheltering Group that appears to violate federal law.
6. Represent individuals who either reside in public housing or receive public assistance in housing who have been discriminated against due to their use of a service animal or due to denial of an accommodation.

Collaborative Efforts

1. VOPA collaborated with a large city transit system by providing them with training on

Americans with Disabilities Act requirements.

2. VOPA worked with Assisted Living Facilities (ALFs) in Virginia to coordinate trainings.
3. VOPA worked with Professor Volenik of the University of Richmond School of Law to coordinate the inclusion of VOPA's information about identifying children with disabilities and services available to them into the training packet for all Virginia Public Defenders and Guardians ad Litem for children.
4. VOPA provided information to a mix of 25 rural and urban government agencies throughout Virginia.
5. VOPA worked with the Virginia Department of Emergency Management (VDEM), Virginia Department of Health (VDH), Virginia Board for People with Disabilities (VBPD), and the Office of Commonwealth Preparedness (OCP) to ensure federal law was followed.
6. VOPA worked with non-profit agency Elder Homes and the Department of Rehabilitative Services to find a contractor who could build a ramp in a difficult location at a housing complex.

Number of cases handled: 9 cases

Case summary that demonstrates the impact of the priority

1. VOPA provided Americans with Disabilities Act accessibility training to the supervisors of a major city public transportation provider. Several issues that required adjustments were brought to their attention, with the provider agreeing to implement many of the necessary changes.
2. VOPA provided training to residents of ten Assisted Living Facilities (ALFs) on housing and employment rights. The information provided will assist individuals who have opportunities to move out of the ALF into their own home. The training also helped individuals know their employment rights under the Americans with Disabilities Act -- from the job search stage, to the interview, to reasonable accommodations once employed. Individuals living in ALFs are better informed and equipped to seek other housing and employment options. Knowing their rights, they will also be more inclined to contact VOPA should issues arise.
3. VOPA's publications on Assistive Technology for Children, Early Periodic Screening Diagnosis and Treatment, and Benefits Planning were included in the training packet for the annual conference for Public Defenders and Guardians ad litem for children. Over 100 attorneys received the information.
4. VOPA developed an information packet to inform and educate government entities about effective communication with people who are deaf or hard of hearing. Included were educational materials regarding Title II of the ADA from the Department of Justice and recognized national advocacy organizations, along with website links to additional resources. VOPA distributed electronic copies of these documents to a total of 25 rural and urban governmental entities across the various regions of Virginia.

5. VOPA reviewed the language used by various state agencies to ensure consistency and found that recent revisions have clarified and strengthened emergency planning and response. VOPA requested that each facility or hospital licensure agency, The Virginia Department of Health, The Virginia Department of Social Services, and the Virginia Department of Behavioral Health and Developmental Services provide VOPA with the numbers of identified compliance issues related to emergency planning and response. VOPA has provided information on these activities and requested that the agencies include information on leadership and advocacy opportunities in this arena when they do leadership training. In following up on this objective, VOPA has also furthered working relationships with agency planners.

6. (a) A client called VOPA because she used an electric wheelchair and needed a ramp outside her apartment. The apartment is in a public housing complex, so the responsibility lies with the owner to provide the reasonable modification. The land had already been evaluated by several contractors and even the city code inspector, all of whom said the ramp could not be built due to the slope of the land and the short space between the apartment and the parking lot. The slope of the ramp for that space would be too steep. VOPA and our client met with the property manager and the attorney for the property to negotiate an acceptable outcome. The parties agreed that if VOPA could find a contractor that could do the job according to code requirements, the housing complex would pay for it. VOPA asked for the assistance of a non-profit volunteer organization that has helped others with such issues, Elder Homes. Their engineer also determined the project to be undoable under the code requirements. Client was referred to Department of Rehabilitative Services by a friend and someone from that office referred her to 2 more contractors who could look at the lot. Those 2 contractors submitted plans with the code inspector and both were denied. They each resubmitted plans addressing the elements that failed the first time, and the plans were approved. Client now has a custom-built ramp that runs alongside the building at an acceptable slope and her apartment is now accessible. Due to the success of this case, the property manager asked the contractor to review all other ramps on the property and give her plans for updating them.

6. (b) VOPA was contacted by a client who is blind and uses a service animal for ambulation. He lives at a public apartment complex. VOPA's client received a letter from his apartment manager demanding that he restrain his service animal at all times via a harness and leash and that if the resident failed to do so, his tenancy could be jeopardized. VOPA immediately responded to the manager and explained in depth the Americans with Disabilities Act and Fair Housing Law as it applied to the case. The point was made that service animals are an extension of the individual with disabilities and not pets. VOPA requested that the manager allow for unconditional access without restraint for his service animal at all times. VOPA then spoke on the phone with the apartment manager who requested additional help in mediating a session between VOPA's client, the apartment complex, and the other resident who had a fear of dogs. VOPA facilitated the mediation session via tele-conference and clearly outlined the law on this case and requested unconditional access. The manager agreed to immediately grant our request and explained to the other resident that she could no longer hold client to an obligation of keeping the service animal restrained. The manager assured VOPA and the client that the service animal does in fact have full access and that the client's residency is in good standing.

Goal: People with Disabilities have Equal Access to Government Services

Focus Area: Access to State and Local Government Buildings

Needs/Issues/Barriers Addressed:

This allows VOPA to enforce Title II of the Americans with Disabilities Act on a systemic basis.

Indicators for Success Include the Completion of the Following Objective:

1. Improve accessibility for clients of the Department of the Blind and Vision Impaired by surveying the new dormitories at the Rehabilitation Center for the Blind to ensure that they are compliant with the ADA and ADAAG. Obtain corrective action for any violations.
2. By February 1, 2009, identify a school district and investigate whether its school buildings are accessible to people with disabilities and compliant with the ADA and ADAAG. Obtain corrective action for any violations.
3. Represent three (3) individuals to be able to bring service animals into government buildings, including schools.
4. Investigate compliance with the ADA's access requirements at one public university, focusing on public areas, by April 1, 2009.

Collaborative Efforts

1. The Virginia Department for the Blind and Visually Impaired agreed to survey the dormitories with VOPA and make the necessary changes to ensure accessibility.
2. VOPA collaborated with Fauquier County Public Schools who agreed to survey their schools to determine if they comply with the Americans with Disabilities Act and the Accessibility Guidelines and make alterations necessary to bring schools into compliance.
3. VOPA works with Centers for Independent Living for references of clients to VOPA services.
4. VOPA and the University of Virginia General Counsel, architects and historic preservation staff suggested and utilized many solutions and proposals to increase accessibility of the University campus.

Number of cases handled: 0

Case summary that demonstrates the impact of the priority

1. VOPA surveyed the Virginia Department for the Blind and Visually Impaired (DBVI) new dormitories at the Rehabilitation Center for the Blind in Richmond. DBVI agreed to make and made accessibility changes. People with physical disabilities attending the Rehabilitation Center for the Blind can now access the buildings and dorm rooms.
2. Fauquier County Public Schools agreed to make alterations to all schools in the county to ensure that they are accessible to people with disabilities. The work was completed. Fauquier County Public Schools are now accessible, benefiting all students and parents with disabilities who need to access the schools.
3. VOPA received no requests for services this year involving service animals and access to government building and schools. The Fauquier County Public Schools objective

listed above resulted in increased access to the schools by people with disabilities who utilize service animals. VOPA also resolved a case with the Hampton Roads Transit Authority to allow a client to be accompanied by her service animal, giving her previously unavailable access to schools and government buildings, and when the Director of Transportation resigned VOPA educated the new director on the previous history with the case and the corrective actions taken to ensure the rights of disabilities were honored during use of their service.

4. VOPA conducted a survey of many public buildings and the grounds at the University of Virginia (UVA) for accessibility under the Americans with Disabilities Act, and reviewed the UVA Current Planning and Projects Report, UVA Historic Preservation Framework Plan, UVA Grounds Plan, and Rotunda Historic Structure Report. VOPA conducted a successful meeting with UVA's General Counsel, architects, and the historic preservation office regarding increased accessibility to the Rotunda, the Grounds (central campus,) the Chapel, the Gardens, parking, and accessible routes. UVA is creating new accessible route maps, and will post them on lighted kiosks on campus, making them more prominent and available to visitors to campus. The Chapel and Rotunda have renovations planned that will increase accessibility. The Chapel will have a new ramp and door handles installed, and the slope of the ground surface around the Chapel is being re-graded during the renovation. The Gardens will be landscaped for increased accessibility, and the possibility of using an existing elevator in an existing building along the Lawn will be investigated as a way to increase accessibility on campus.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment
Focus Area: Consumer Driven Alternatives to Guardianship

Needs/Issues/Barriers Addressed:

There is an increase in Guardianship over people with disabilities in Virginia.

Indicators for Success Include the Completion of the Following Objective:

1. Respond to all proposals on the Guardianship Advisory Board of the Department for the Aging that do not promote alternatives to guardianship, capacity reviews, consumer self-direction, and improved protections for persons with disabilities.
2. Present training on Advance Directives and powers of attorneys and present at parent and consumer-based disability organizations.
3. Represent individuals in executing an Advance Directive or power of attorney.
4. Represent individuals who currently have substitute decision makers to assist them in increasing their degree of self determination.
5. Respond to all legislative and regulatory proposals that appear to violate legal rights in substitute decision-making proceedings.

Collaborative Efforts

1-4 VOPA worked on this project with Virginia Department for the Aging, Virginia Association of Community Service Boards, Virginia Area Agencies on Aging, Virginia Arc, Virginia Guardianship Association, Virginia Department of Social Service, Virginia Bar Association, Virginia Department of Behavioral Health and Developmental Services,

Virginia Alliance for the Mentally Ill, and the Virginia League of Social Service Executives. VOPA worked on this project with Goochland High School, Richmond Independent Living Center, Mt. Rogers CSB (Wytheville), SW Virginia Regional Consumer Empowerment and Recovery Council, Endependence Center of Norfolk, Hospice of the Piedmont (Charlottesville), National Alliance on Mental Illness of Hampton Roads-Newport News, Region 10 CSB (Charlottesville), RACSB (Fredericksburg), Hanover Center for Independent Living, Virginia Assistive Technology System, and the Virginia Organization of Consumers Asserting Leadership

5. VOPA worked with the MH Law Reform Commission, and a VOPA staff member serves on the Virginia Public Guardianship Advisory Board (VPGCAB). VOPA made numerous suggestions to the VPGCAB Planning and Development subcommittee.

Number of cases handled: 4 using PAIR funds

Case summary that demonstrates the impact of the priority

1. VOPA represented the interests of individuals with public guardians at quarterly meetings and on the policy and standards subcommittee. VOPA had a voice in developing standards for public guardians and in providing training on Person-Centered Planning. All public guardians received and will continue to receive training on Person-Centered Planning.
2. VOPA presented trainings on advance directives at 14 venues reaching over 300 people with disabilities and professionals who serve people with disabilities. Many individuals worked with a VOPA Staff Attorney to develop their own advance directives after attending VOPA training. At least 3 individuals were able to avoid impending guardianship proceedings due to VOPA's assistance.
3. VOPA assisted individuals in drafting an Advance Directive or power of attorney in nine (9) cases, and ended the fiscal year with an additional sixteen (16) open cases. Five (5) cases involved family members who had already sought information on petitioning for guardianship; three (3) were parents who had attended a VOPA training, each of whom thought guardianship was the only viable option. In each case, it was determined that the individual did not need guardianship. In another case, an individual in a group home wanted increased independence from his mother, who acted as his "informal" authorized representative and has threatened guardianship proceedings to maintain control. Client's creation of an Advance Directive has to this point prevented the implementation of a guardianship.
4. A client contacted VOPA concerning terminating his current guardian, who was court appointed over 3 years ago. The client currently resides in a nursing home facility and is attempting to move into an apartment in the community. The guardian is not allowing the client to move out of the nursing home facility. The client is requesting that VOPA assist in terminating his current guardian or having a new guardian designated, so he can make his own decisions. VOPA has advised the client of his legal options and the consequences of any decisions he makes.
5. VOPA serves on the Virginia Public Guardianship and Conservatorship Advisory Board (VPGCAB). VOPA carefully tracked a legislative proposal dealing with the issues of multiple jurisdiction and interstate transfer of guardianship. VOPA contributed to discussions on the recommendations of the MH Law Reform Commission related to

authority of guardians to admit an incapacitated person to a mental health facility. VOPA staff members have presented models of person-centered planning to the VPGCAB subcommittees on Planning and Development and on Substitute Decision Making and the Board asked for a formal training on person-centered planning at the fall training conference for all public guardians. The Board also tasked the Planning and Development subcommittee to read the draft program guidelines with an eye toward principles of person-centered planning. This is a new and exciting concept for many members of the Board, and its inclusion as best practices for the public guardianship program has the potential for a huge systemic impact.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment
Focus Area: Inaccessibility to Retail Settings

Needs/Issues/Barriers Addressed:

This allows VOPA to enforce Title III of the Americans with Disabilities Act on a systemic basis.

Indicators for Success Include the Completion of the Following Objective:

1. Develop training on ADA accessibility requirements for restaurants and provide to three advocacy or support groups in the Commonwealth.
2. Develop a fact sheet on ADA accessibility requirements and distribute to sixty restaurants throughout the Commonwealth.
3. Coordinate with consumer advocacy or support groups to identify and survey 20 restaurants who received the fact sheet.
4. Inform restaurants, identified above, of areas of non-compliance and take action to correct, to include litigation at no more than five (5) locations.
5. Litigate against the Lottery to obtain compliance with the state and federal law.
6. Obtain compliance by the Department of Transportation with the requirement that the State not contract with private businesses that discriminate against persons with disabilities in its Logo Program.
7. Litigate against businesses in downtown Roanoke who have refused to become accessible after receiving technical assistance.

Collaborative Efforts

1. VOPA coordinated with Centers for Independent Living in Richmond, Abingdon and Harrisonburg and a Traumatic Brain Injury clubhouse in Richmond, Virginia to schedule trainings to consumer groups.
2. VOPA met with self advocates at presentations in Centers for Independent Living in Richmond, Abingdon and Harrisonburg and a Traumatic Brain Injury clubhouse in Richmond, Virginia who identified restaurants in the Richmond and Abingdon areas of Virginia.
3. VOPA met with individuals at Centers for Independent Living and a Traumatic Brain Injury clubhouse who identified multiple restaurants in their area that have at least one issue with accessibility. VOPA selected restaurants based on the feedback from

presentations and targeted the restaurants with multiple accessibility issues.

4. VOPA worked with Centers for Independent Living who assisted VOPA in surveying restaurants and contacting clients.
5. VOPA has worked with the Virginia Lottery and the Virginia Attorney General's Office to attempt to resolve this issue.
6. VOPA worked with the Virginia Department of Transportation to resolve this issue on behalf of not only Virginians with Disabilities but all people with disabilities who travel in or visit Virginia. The Virginia Department of Transportation agreed to make necessary alterations to rest stops to ensure that they comply with the Americans with Disabilities Act and are accessible to people with disabilities.
7. VOPA worked with Centers for Independent Living and grass roots organizations to survey, visit, and take action against Roanoke restaurants which were not accessible to people with disabilities.

Number of cases handled: 14

Case summary that demonstrates the impact of the priority

1. VOPA has developed a presentation on accessibility requirements of the Americans with Disabilities Act (ADA) for restaurants. VOPA delivered seven (7) trainings to eighty-seven (87) individuals and to advocacy groups in Richmond, Abingdon and Harrisonburg, Virginia. As result of the presentation, individuals can successfully identify accessibility issues at restaurants that violate the ADA. Based on the feedback from presentations, VOPA received eighteen (18) referrals resulting in several clients represented for case level services.
2. VOPA has developed a fact sheet on Americans with Disabilities Act (ADA) accessibility requirements to make restaurant owners aware of the accessibility requirements. VOPA educated restaurant owners and managers using the fact sheet, and selected restaurants in Richmond and Abingdon, Virginia received the ADA accessibility fact sheet. VOPA sent sixty (60) restaurants in Richmond and Abingdon, Virginia the fact sheet.
3. VOPA surveyed twenty (20) restaurants in Richmond and Abingdon, Virginia. The results showed that all twenty (20) restaurants had some type of violation of Title III of the Americans with Disabilities Act (ADA). VOPA sent technical assistance letters to all twenty (20) restaurants notifying them of the violations. Eighteen (18) of the twenty (20) restaurants were attached to a client for case level services.
4. VOPA negotiated settlements with several restaurants which agreed to make their restaurants accessible to people with disabilities. Two restaurants that have not settled have individual client cases open to pursue further remedies. Individuals who use a mobility device may now safely park a vehicle, enter restaurants they could not access before, and use an accessible restroom.

An individual example of an outcome of this objective involves a client diagnosed with a physical impairment who utilizes adaptive equipment for ambulation. She encountered an architectural barrier at an IHOP restaurant. A tall threshold the length of the customer

pathway separated the carpeted and tiled area of the restaurant leaving the client unable to enter the seating area and created a safety hazard for many other individuals. VOPA communicated with IHOP Corporate Office in Glendale California and to the manager of the location in question and as a result of VOPA advocacy, the location removed the inaccessible threshold and replaced it with clear plastic tape for a few days and then placed a flatter, thin solid threshold in place of the old one. The client personally had a chance to ambulate over this threshold and found that it was compliant and safe and was very pleased with the resolution.

5. VOPA represents four people with disabilities who were denied access to Lottery retailers. VOPA sued the Lottery under the Americans with Disabilities Act (ADA) and the Virginians with Disabilities Act (VDA) seeking an injunction to require the Lottery to ensure that its retailers are accessible to people with disabilities. The Court granted Summary Judgment to the Lottery in 2008. The Virginia Supreme Court ruled that the trial court erred when it dismissed the case. The Court held that the Lottery is a "program" for the purposes of the VDA and ADA. The Supreme Court held that the Lottery must ensure that people with disabilities can access Lottery tickets and prizes. The case now returns to the trial court.

VOPA's intent in this case was to ensure accessibility to the vendors' stores selling the Lottery tickets, not just the ability to purchase Lottery tickets. These same stores often are a social hub of the community and offer basic groceries, telephone calling cards, money orders and so on. By enforcing the government's responsibility to enforce its own contracts, more people with disabilities have better access to basic commodities.

6. VOPA surveyed rest stops along Virginia interstate highways. Where VOPA found Americans with Disabilities Act (ADA) violations, technical assistance letters were sent to the Virginia Department of Transportation (VDOT), which agreed to ensure that all rest stops comply with the ADA. Rest stops along I-95, I-64 and I-81 are now accessible to people with disabilities. VDOT reviewed the accessibility of all of its rest stops and provided a plan to VOPA of the modifications it will perform at the rest stops that will remain open in 2010 to ensure that they are accessible to people with disabilities. VOPA is monitoring the situation to make sure VDOT makes the agreed-upon modifications.
7. VOPA surveyed numerous businesses in Roanoke, Virginia's central downtown area of several blocks for accessibility into the business. All Roanoke businesses surveyed by VOPA, except one, agreed to acquire and use ramps to make their stores accessible. VOPA filed litigation against the remaining restaurant. VOPA received a final Order permanently enjoining the restaurant to provide access.

Goal: People with Disabilities are Employed to their Maximum Potential

Focus Area: Employment Self-Advocacy Clinics

Needs/Issues/Barriers Addressed:

Individuals with disabilities are provided with information regarding the laws that apply to employment, as well as self-advocacy tactics to assist them in obtaining necessary accommodations to enter or remain in the workforce.

Indicators for Success Include the Completion of the Following Objective:

1. Inform individuals with disabilities of the employment protections of the ADA and state

law through trainings at state and private rehab centers, including Woodrow Wilson Rehabilitation Center, CILs, and community job clubs.

2. Develop curriculum in self-advocacy in employment and present to ten (10) organizations or conferences or to consumer groups at post-secondary educational institutions.
3. Represent individuals with disabilities who were victims of employment discrimination by advocating for them to receive appropriate job accommodations through mediation or the use of administrative remedies.
4. Coordinate with private counsel to represent 1 individual with a disability who was a victim of employment discriminate by advocating for them to receive appropriate job accommodation through litigation.

Collaborative Efforts

VOPA collaborated on these objectives with the Virginia Department of Rehabilitative Services, Woodrow Wilson Rehabilitation Center, Centers for Independent Living, Virginia Department of Rehabilitative Services Job Clubs, and the Virginia Transition Forum. VOPA also collaborated with the Virginia Employment Lawyers Association for the referral of individuals to private counsel. By joining with other agencies that assist people with disabilities in gaining and retaining employment VOPA reached the appropriate audiences with the appropriate message.

Number of cases handled: 6

Case summary that demonstrates the impact of the priority

1. VOPA presented numerous trainings on Employment Rights for individuals at state facilities, and community-based advocacy groups, including regularly scheduled trainings that were incorporated into the curriculum at Woodrow Wilson Rehabilitation Center, reaching approximately 280 consumers and seventeen (17) staff. Other presentations were conducted at the Mill House in Richmond, the Eastern Shore CIL in Accomack, Chester House in Chesterfield County, Fredericksburg Department of Rehabilitative Services (DRS) Job Club, and at Portsmouth Department of Rehabilitative Services. Presentations on employment rights focused on community-based consumer groups included Staunton Job Club, Rockbridge Area Workforce Network, the Virginia Transition Forum, and the Commonwealth Workforce Network meeting in Reston. We also provided training to approximately fifteen (15) supported employment employers and DRS staff at the Harrisonburg DRS Supported Employment Vendors Meeting. Outreach to college students included presentations at Germanna Community College in Fredericksburg, Piedmont Community College in Charlottesville, and Eastern Shore Community College.
2. VOPA presented more than ten trainings on self-advocacy and employment with the Virginia Department of Rehabilitative Services, Woodrow Wilson Rehabilitation Center, and other presentations and conferences. VOPA increased awareness by people with disabilities and their friends, families, service providers, and others of their rights under state and federal law, and how to advocate for themselves. Individuals with knowledge of their rights can now pursue state and legal remedies through proper agencies when faced with discrimination, or advocate for an accommodation for themselves.
3. VOPA represented individuals with disabilities relating to employment discrimination to

receive appropriate job accommodations. Among the individuals served was a 23-year-old female with macular degeneration who attended college as a nursing student. At University's recommendation, she applied for a nursing internship at an area hospital. She was accepted and then asked to perform a required physical, during which she was not allowed to use her specialized glasses to perform the vision test. The hospital then stated that because of her visual impairment she was no longer eligible for the internship. VOPA set up several meetings with hospital staff and arranged for the client to be permitted to demonstrate her ability to perform the essential functions of the job with her accommodation. She successfully demonstrated this ability and was then offered a position as nursing aide, with an extension of its duration to allow her to meet her academic requirements. Another client, a professor at a state university, contacted our office after his work schedule, which had previously been modified to allow him to make medical appointments and accommodate drowsiness from medications, had been changed. He also was denied a promotion and a classroom accommodation. VOPA initiated contact with the university, then the Attorney General's office, to request the accommodations be restored and the failure to promote be reviewed. Client was awarded the promotion and his requested schedule was granted.

4. VOPA coordinated with private counsel on several cases and provided referrals to a number of clients through participation in the Virginia Employment Lawyers Association. One client in particular contacted VOPA due to non-hire by a city school system, allegedly due to the client's wheelchair use. VOPA coordinated with private counsel, and met with the client and the other attorney to determine how best to proceed. Due to VOPA's efforts and the coordination with private counsel the client was redirected into the applicant pool for consideration for teaching positions.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Medicaid Waivers

Needs/Issues/Barriers Addressed:

Accessing Medicaid Waiver services from and using the Appeals Process with the Department of Medical Assistance Service is difficult for Medicaid recipients to navigate and benefit from. This allows VOPA to address this on a systemic basis.

Indicators for Success Include the Completion of the Following Objective:

Create a fact sheet on how to obtain services under Virginia Medicaid Waivers so that individuals can remain in the community.

Collaborative Efforts

VOPA gathered and compiled this information as it was made available from Virginia state agencies.

Number of cases handled: 0 using PAIR funding

Case summary that demonstrates the impact of the priority

VOPA created fact sheets containing information about Virginia's Home and Community Based Services as they relate to Virginia's Medicaid Waivers. Individuals can now identify which Home and Community Based Waiver would be the most appropriate for them as a result of the dissemination of this information at VOPA trainings and presentations. Most of the work done in

this area was under another funding stream.

In addition, VOPA provided short term assistance for over 40 PAIR eligible individuals whose needs could be addressed by either a simple phone call or letter on their behalf.

B. Priorities and Objectives for the Current Fiscal Year: FY10

Goal: Children with Disabilities Receive an Appropriate Education

Focus Area: Appropriate Therapy and Services for Children with Disabilities

Needs/Issues/Barriers Addressed: Based upon public comment, VOPA experience and the level of requests for services in this area, receiving appropriate therapies and services in order to participate in public education is still difficult for children with disabilities and their families.

Indicators for Success Include the Completion of the Following Objective:

1. By November 1, 2009 identify a school district, based on public comment and experience, for targeted advocacy. Develop a training program on five (5) distinct stages of the IEP development and implementation process. Present each training to at least fifteen (15) people in the targeted district.
2. Represent children in the targeted district who have been denied needed and appropriate therapy or services.
3. Prepare trend analysis to determine if there are systemic problems in the targeted school district concerning the evaluation for and provision of therapy and services. Obtain corrective action as appropriate.
4. Develop training for foster parents and advocates regarding special education rights and transition services and present to two (2) groups.
5. Increase outreach to Spanish-speaking communities by translating all VOPA special education publications into Spanish and disseminating these materials through VOPA's website and through press releases to targeted media outlets and organizations servicing Spanish-speaking communities. All current VOPA special education materials will be translated and disseminated by April 1, 2010.
6. Represent children who have been denied needed or appropriate therapy or services.

Goal: People with Disabilities have Equal Access to Government Services

Focus Area: Access To State and Federal Government Services

Needs/Issues/Barriers Addressed:

This allows VOPA to enforce Title I and Title III of the Americans with Disabilities Act on a systemic basis.

Indicators for Success Include the Completion of the Following Objective:

1. Provide five (5) trainings to the personnel of county or city transportation providers on disability awareness and the right to accessible transportation under the ADA.
2. Litigate against the Virginia Lottery to obtain compliance with state and federal law.

3. Obtain corrective action from the Virginia Department of Transportation so that the LOGO program complies with state and federal law, as well as the decision in *Winborne v. The Virginia Lottery*.
4. Obtain corrective actions at the University of Virginia regarding public buildings identified in FY2009 that do not meet the accessibility requirements of the ADA
5. Investigate compliance with the ADA's accessibility requirements at a different public college or university, focusing on public areas. Obtain corrective action as appropriate.
6. Survey five (5) public museums or places of public interest for compliance with the ADA's accessibility requirements, and advocate for posting of accessibility information on their websites or other publications. Pursue corrective action as appropriate.
7. Develop in conjunction with the US Census Bureau strategies and opportunities for people with disabilities to actively participate in FY2010 census efforts.

Goal: People with Disabilities have Equal Access to Government Services

Focus Area: Reasonable Accommodation for Individuals in public housing or receiving public assistance in housing

Needs/Issues/Barriers Addressed:

VOPA will seek systemic change striving for greater access to housing choices for people with disabilities living in the community.

Indicators for Success Include the Completion of the Following Objective:

1. Distribute VOPA's Housing Rights video to forty (40) community based organizations or advocacy groups that provide training or services to consumers regarding housing.
2. Represent five (5) individuals who reside in public housing or receive public housing assistance regarding housing discrimination due to their disability or denial of a reasonable accommodation.
3. Inform assisted living facility (ALF) residents about their housing rights through ten (10) annual visits to ALFs or other community facilities ALF residents regularly attend.

Goal: People with Disabilities Live in the Most Appropriate Integrated Environment

Focus Area: Equal Access to Public Accommodations under the ADA

Needs/Issues/Barriers Addressed:

This allows VOPA to enforce the ADA.

Indicators for Success Include the Completion of the Following Objective:

1. Develop a presentation and provide to three (3) consumer groups regarding accessibility to movie theatres under the ADA.
2. Represent clients who have been denied equal access to the film of their choice due to lack of accommodations under the ADA.
3. Investigate one (1) movie theatre chain regarding accessibility under the ADA, to include

the use of technology to make movies more accessible to people with auditory disabilities. Obtain corrective action where such accommodations are not available or are provided in a manner that significantly limits access for people with auditory disabilities.

4. Obtain corrective actions against not more than three (3) restaurants identified in FY2009 objectives who do not meet the accessibility requirements of the ADA.

Goal: People with Disabilities are Employed to their Maximum Potential

Focus Area: Employment Rights under the ADA

Needs/Issues/Barriers Addressed:

VOPA seeks to increase access to reasonable accommodations in the workplace, resulting in greater employment opportunities for people with disabilities.

Indicators for Success Include the Completion of the Following Objective:

1. Provide ten (10) trainings on employment rights to consumers and community based advocacy groups, to include consumers at state and private rehabilitation centers.
2. Represent individuals who have been denied reasonable accommodations in employment under the ADA through mediation or the use of administrative remedies.
3. Inform assisted living facility (ALF) residents about their employment rights through ten (10) annual visits to ALFs or other community facilities ALF residents regularly attend.

Goal: People with Disabilities have Equal Access to Appropriate and Necessary Health Care

Focus Area: Accessibility of medical offices and clinics under the ADA and Rehabilitation Acts

Needs/Issues/Barriers Addressed:

This allows VOPA to address the need for greater architectural access and effective communication for people with disabilities using medical facilities.

Indicators for Success Include the Completion of the Following Objective:

1. Provide training at five (5) medical offices, clinics, or healthcare organizations on ADA accessibility requirements in medical settings, including physical barriers and effective communication issues.
2. Provide training to three (3) community based advocacy or consumer groups on ADA accessibility requirements in medical settings, including physical barriers and effective communication issues.
3. Develop educational materials on ADA accessibility requirements in medical settings and distribute to health care professionals through at least three (3) private or public professional organizations or publications.
4. Represent five (5) individuals with disabilities regarding physical barriers or denial of effective communication, in violation of the ADA, that impede access to health care facilities and services provided by medical offices and clinics.

5. Coordinate with consumer advocacy or support groups to identify three (3) medical clinics and doctor's offices that have issues of non-compliance. Obtain corrective action as appropriate.

PART VI. NARRATIVE:

A. Sources of funds received and expended

Source of Funding	Amount Received	Amount Spent
Federal (section 509)	362,088	328,549
State		
Program income	1864	
Private		
All other funds - -Carryover	40,993	40,993
Total (from all sources)	404,945	369,542

B. Budget for the fiscal year covered by this report

Category	Prior Fiscal Year	Current Fiscal Year
Wages/salaries	278,773	281,971
Fringe benefits (FICA, unemployment, etc.)	103,263	98,371
Materials/supplies	2,363	2,176
Postage	1,071	128
Telephone	5,310	1,596
Organizational memberships/Subscriptions	2,758	2,490
Travel	8,536	8,561
Management Services	4,564	5,260
Equipment (rental/purchase)	913	3,667
Temporary Personnel Services	436	3,567
Indirect Costs	27,854	26,709
Miscellaneous	1,350	844

Total	437,291	435,340
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C. Description of PAIR staff (duties and person-years)

Type of Position	FTE	% of year filled	Person-years
Professional			
Full-time	22	90	20
Part-time	3	28	1
Vacant	2		
Clerical			
Full-time	8	89	7
Part-time	1	8	.1
Vacant	1		

NOTE: All figures are based on a State fiscal year (July 1, 2008-June 30, 2009)

D. Involvement with advisory boards (if any)

VOPA has two Advisory Councils known as the Disabilities Advisory Council (DAC) and the Protection and Advocacy for Individuals with Mental Illnesses (PAIMI) Advisory Council. The Councils' primary responsibility is to advise the protection and advocacy system on policies and priorities to be carried out in protecting individuals with disabilities. This function helps VOPA to identify underserved and unserved Virginians.

VOPA continues to recruit applicants for the Advisory Councils that reflect the cultural and geographical diversity of Virginia

VOPA participates in the Virginia Rehabilitation Council for the Department for the Blind & Vision Impaired (VRCBVI). The Rehabilitation Act of 1973, as amended, requires the establishment of a Statewide Rehabilitation Council to be appointed by the Governor. The amendments identify specific organizations to be represented on the Council, and also specify that a minimum of four individuals represent business, industry and labor on the Council as well as current or former applicants for or recipients of vocational rehabilitation ("VR") services. The Rehabilitation Council advises the VR program in development of the State plan and completion of the federally required needs assessment. The Council also assists with customer satisfaction surveys, training and/or employment opportunities, and completion of the required Annual Report on the status of VR services in the State. Issues of particular interest to VOPA before the Council in the past fiscal year included DRS resorting to extending the order of selection for service eligibility.

Upon nomination by the VOPA Director, a VOPA advocate was appointed by the Governor of Virginia to be a member of the Virginia State Rehabilitation Council (SRC). In accordance with federal and state law the group must include a representative of the Client Assistance Program (CAP) of the state's Protection and Advocacy entity (VOPA) The appointment is for one year and expires in September 2010. "Improving employment and quality of life for Virginians with disabilities" is an objective for this council.

E. Grievances filed under the grievance procedure 1

This grievance was related to a closed case and the individual requested additional services which were denied. The grievance process revealed the request was not within VOPA's purview.

F. Coordination with the Client Assistance Program (CAP) and the State long-term care program, if these programs are not part of the P&A agency

CAP is part of VOPA.

Internally, VOPA staff working under the PAIR grant may also work under the CAP or other protection and advocacy services grants. For example, while working a PAIR case that involves developing an appropriate IEP, the need for transition services may be identified. If the PAIR case is being worked by a VOPA staff lacking experience with CAP, the staff routinely will consult with other VOPA staff having CAP experience.

Coordination with the State Long-Term Care Ombudsman Program (through the Virginia Department of Aging) is particularly important during the legislative session. In addition, VOPA received referrals and reports of incidents from the Long Term Care Ombudsman staff and made referrals to the Ombudsman when appropriate. Please see Part V addressing specific objectives related to joint efforts with the Long-term Care Ombudsman.

The Department of Medical Assistance Services (DMAS) is the primary source of funding for the long-term care system in Virginia. VOPA coordinates with them on an as needed basis.

Colleen Miller

Signature of Agency Official

Date