

**ANNUAL CLIENT ASSISTANCE PROGRAM (CAP) REPORT****Fiscal Year 2009**

<b>DESIGNATED AGENCY IDENTIFICATION</b>	
Name: Virginia Office for Protection and Advocacy	
Address: 1910 Byrd Avenue, Suite 5 Richmond, VA 23230	
E-mail Address (if applicable):	<a href="mailto:Sherry.Confer@vopa.virginia.gov">Sherry.Confer@vopa.virginia.gov</a>
Website Address (if applicable):	<a href="http://www.vopa.state.va.us">www.vopa.state.va.us</a>
Phone: ( 804 ) 225-2042	TTY: ( 804 ) 225-2042
Toll-free Phone: ( 800 ) 552-3962	Toll-free TTY: ( 800 ) 552-3962
Fax: ( 804 ) 662-7057	
<b>OPERATING AGENCY (IF DIFERENT FROM DESIGNATED AGENCY)</b>	
Name:	
Address:	
E-mail Address (if applicable):	
Website Address (if applicable):	
Phone: ( )	TTY: ( )
Toll-free Phone: ( )	Toll-free TTY: ( )
Fax: ( )	
Name of CAP Director/Coordinator: Colleen Miller, Esq.	
Person to contact regarding report: Sherry Confer	
Contact Person's phone: ( 804 ) 225-2042	
<b>PART I. AGENCY WORKLOAD DATA</b>	
<b>A. Information and Referral Services (I&amp;R):</b> (Multiple responses are not permitted.)	
1. Information regarding the Rehabilitation Act	1502
2. Information regarding Title I of the ADA	1060
3. Other information provided	1006
4. Total I&R services provided (Lines A1+A2+A3)	3568
5. Individuals attending trainings by CAP staff (approximate)	925
<b>B. Individuals served</b> (An individual is counted only once during a fiscal year. Multiple counts are not permitted for Lines B1-B3.)	
1. Individuals who are still being served as of October 1 (carryover from prior year)	18
2. Additional individuals who were served during the year	35
3. Total individuals served (Lines B1+B2)	53
4. Individuals (from Line B3) who had multiple case files opened/closed this year. (In unusual situations, an individual may have more than one case file opened/closed during a fiscal year. This number is not added to the	16

total in Line B3 above.)	
<b>PART I. AGENCY WORKLOAD DATA (continued)</b>	
<b>C. Individual still being served as of September 30</b> (Carryover to next year) (This total may not exceed Line I.B3.)	19
<b>D. Reasons for closing individuals' case files</b> (Choose one primary reason for closing each case file. There may be more case files than the total number of individuals served to account for those unusual situations, referred to in Line I.B4, when an individual had multiple case files closed during the year.)	
1. All issues resolved in individual's favor	24
2. Some issues resolved in individual's favor (when there are multiple issues)	11
3. CAP determines VR agency position/decision was appropriate for the individual	4
4. Individual's case lacks legal merit; (inappropriate for CAP intervention)	
5. Individual chose alternative representation	
6. Individual decided not to pursue resolution	6
7. Appeals were unsuccessful	
8. CAP services not needed due to individual's death, relocation, etc.	1
9. Individual refused to cooperate with CAP	3
10. CAP unable to take case due to lack of resources	
11. Other (Please explain on separate sheet)	
<b>E. Results achieved for individuals</b> (Choose one primary outcome for each closed case file. As stated in Section D, there may be more case files than the total number of individuals served.)	
1. Controlling law/policy explained to individual	15
2. Application for services completed	1
3. Eligibility determination expedited	3
4. Individual participated in evaluation	2
5. IPE developed/implemented	5
6. Communication re-established between individual and other party	8
7. Individual assigned to new counselor/office	8
8. Alternative resources identified for individual	5
9. ADA/504/EEO/OCR complaint made	
10. Other (Please explain on separate sheet): No response	2
<b>PART II. PROGRAM DATA</b>	
<b>A. Age</b> (As of the beginning of the fiscal year.) (Multiple responses not permitted.)	
1. 21 and under	10
2. 22 – 40	9
3. 41 – 64	33
4. 65 and over	1
5. Total (Sum of Lines A1 through A4. Total must equal Line I. B3.)	53
<b>B. Gender</b> (Multiple responses not permitted.)	
1. Females	22
2. Males	31
3. Total (Lines B1+B2. Total must equal Line I.B3.)	53
<b>PART II. Program Data (continued)</b>	
<b>C. Race/ethnicity</b> (Multiple responses are permitted.)	

1. American Indian or Alaskan Native	
2. Asian	
3. Native Hawaiian or Other Pacific Islander	
4. Black or African American	14
5. Hispanic or Latino	
6. White	37
7. Race/ethnicity unknown	2
<b>D. Primary disabling condition of individuals served (Multiple responses not permitted.)</b>	
1. Blindness (both eyes)	3
2. Other visual impairments	2
3. Deafness	
4. Hard of hearing	1
5. Deaf-blind	
6. Orthopedic impairments	4
7. Absence of extremities	
8. Mental illness	20
9. Substance abuse (alcohol or drugs)	
10. Mental retardation	6
11. Specific learning disabilities (SLD)	1
12. Neurological disorders	11
13. Respiratory disorders	
14. Heart and other circulatory conditions	1
15. Digestive disorders	
16. Genitourinary conditions	
17. Speech impairments	
18. AIDS/HIV positive	
19. Traumatic brain injury (TBI)	4
20. All other disabilities	
21. Disabilities not known	
22. Total (Sum of Lines D1 through D21. Total must equal Line I. B3.)	53
<b>E. Types of individuals served (Multiple responses permitted.)</b>	
1. Applicants of VR Program	14
2. Clients of VR Program	44
3. Applicants or clients of IL Program	
4. Applicants or clients of other programs and projects funded under the Act	
<b>F. Source of individual's concern (Multiple responses permitted.)</b>	
1. VR agency only	53
2. Other Rehabilitation Act sources only	
3. Both VR agency and other Rehabilitation Act sources	1
4. Employer	
5. Other	
<b>PART II. PROGRAM DATA (continued)</b>	
<b>G. Problem areas (Multiple responses permitted.)</b>	
1. Individual requests information	
2. Communication problems between individual and counselor	5
3. Conflict about services to be provided	39
4. Related to application/eligibility process	13

5. Related to IPE development/implementation	11
6. Other Rehabilitation Act-related problems	2
7. Non-Rehabilitation Act related	
8. Related to Title I of the ADA26	
<b>H. Types of CAP services provided</b> (Choose one primary service CAP provided for each closed case file. As stated above, there may be more case files than actual individuals served.)	
1. Information/referral	7
2. Advisory/interpretational	10
3. Negotiation	24
4. Administrative/informal review	4
5. Alternative dispute resolution	
6. Formal appeal/fair hearing	3
7. Legal remedy	1
8. Transportation	
<b>PART III. NARRATIVE (Attach separate sheet(s).)</b> Refer to pages 16-19 of the instructions for guidelines on the contents of the narrative.	

Reports are to be submitted to RSA within 90 days after the end of the fiscal year covered by this report. Please be reminded that you can enter data directly into RSA's Management Information System (MIS) via the Internet. Information on transmittal of the form, including electronic transmission, is found on pages 19 and 20 of the reporting instructions.

\_\_\_\_\_  
Signature and title of designated agency official

\_\_\_\_\_  
Date

**Paperwork Burden Statement:** According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0528. The time required to complete this information collection is estimated to average 16 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-2703. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: OSERS/RSA, U.S. Department of Education, 400 Maryland Avenue S.W, Washington, DC 20202-2800.

### PART III. NARRATIVE

**a. Type of agency used to administer CAP:**

- 1) External-Protection & Advocacy

**b. Sources of funds**

Source of funding	Amount Received	Amount Spent
Federal funds	\$249,623	\$220,444
State funds	-	-
Program Income	-	-
Private	-	-
All other funds (carryover)	80,727	80,727
Total from all sources	\$330,350	\$301,171

**c. Budget for current and following fiscal years**

Category	Current Fiscal Year (FY2009)*	Next Fiscal Year (FY2010)
Wages & Salaries	184,678	185,507
Fringe Benefits (FICA, unemployment, etc.)	66,776	64,714
Materials/Supplies	1,967	1,356
Postage	357	85
Telephone/Internet	3,980	1,050
Organization memberships/Subscription	1,623	1,639
Travel	5,268	5,228
Training	606	1,444
Equipment Purchase/Repair	258	2,280
Temporary Personnel Services	194	2,205
Indirect Costs	17,582	18,900
Miscellaneous	2,199	3,542
Total Budget	285,488	287,950

**d. Number of person-years**

Type of position	Full-time equivalent	% of year position filled	Person-years
Professional			
Full-time	15	81	12
Part-time			
Vacant			
Clerical			
Full-time	7	89	7
Part-time	1		0.1
Vacant	1		

**e. Summary of presentations made:**

VOPA presented numerous trainings on Employment Rights for individuals at state-operated institutions and community-based advocacy groups. VOPA provided twenty-one (21) trainings to DRS clients at Woodrow Wilson Rehabilitation Center, reaching approximately 280 consumers and seventeen (17) staff. Additional presentations were conducted at the Mill House in Richmond, the Eastern Shore Center for Independent Living (CIL) in Accomack, Chester House in Chesterfield County, Fredericksburg Department of Rehabilitative Services (DRS) Job Club, and at Portsmouth DRS.

Presentations on employment rights focusing 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. VOPA provided training to approximately fifteen (15) supported employment employers and DRS staff at the Harrisonburg DRS Supported Employment Vendors Meeting. Our outreach to college students included presentations at Germanna Community College in Fredericksburg, Piedmont Community College in Charlottesville, and Eastern Shore Community College.

VOPA developed and provided 2 full-day trainings for foster care agencies, parents, and other advocates on state and federal programs that can help children with disabilities transition to independent adult lives. This included training on vocational rehabilitation, Ticket to Work, and special education. VOPA also developed and provided seven (7) trainings on a person's right to receive an Individualized Plan for Employment and on their other rights to vocational rehabilitation.

**f. Involvement with advisory boards**

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.

**g. Outreach to unserved/underserved populations:**

1. VOPA provided information about the CAP program on our website.
2. VOPA provided “Office Hours” at some of the local Centers for Independent Living (“CILs”).
3. VOPA continued its outreach to the Spanish-speaking community by reviewing Census Bureau data to identify areas in Virginia 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 advocacy entities such as Parent Education and Advocacy Training Center. VOPA also identified Spanish newspapers and radio stations along with contact information for these media outlets. These contacts will be used in FY2010 for further outreach. VOPA presented special education training to ten Spanish-speaking parents at an elementary school PTA and provided special education materials in Spanish to eleven (11) other PTA organizations in areas with a significant Hispanic population. VOPA also met with members of a coalition including the Bilingual Parent Liaison for the local public schools. VOPA anticipates further collaboration in FY2010 with this coalition. VOPA also met with a Boys/Girls Club staff and provided written information about VOPA and about special education, including materials in Spanish.

**h. Alternative dispute resolutions:**

VOPA staff routinely engage in alternative dispute resolutions, including negotiation and administrative or informal review. VOPA staff assist clients with self-advocacy

efforts with other entities such as the Department of Rehabilitative Services (DRS) at the lowest level of the administrative chain of command. Often, the presence of the VOPA staff encourages the “provider” to more willingly explore alternative dispute resolutions (ADR) prior to the client and VOPA resorting to more formal or legal remedies. In most cases, more clear and direct communication is the optimum resolution. In all CAP cases, we engage in ADR to the maximum extent possible. VOPA always conducts significant negotiation prior to considering litigation.

VOPA has represented four (4) clients in fair hearings against DRS. In one case, DRS refused to provide a person with mental illness a new counselor. VOPA requested mediation and DRS continued to refuse to provide a new counselor. VOPA then filed a fair hearing request for the client. Prior to hearing, DRS agreed to provide the client with a new counselor. In another case, VOPA represented the client in a fair hearing to contest DRS’ decision to close his case and its refusal to provide services pending the appeal. The Hearing Officer determined that DRS properly closed the client’s case but held that DRS violated the client’s rights by refusing to provide him with services while his appeal was pending. Through VOPA advocacy, DRS agreed to re-open the client’s case after the hearing. In another case, VOPA represented a client in a request for Fair Hearing alleging that DRS improperly closed the client’s case without providing him with appropriate services. This case was resolved in mediation.

**i. Systemic advocacy:**

VOPA continues to investigate whether DRS complies with its own policies in the way it closes cases or denies service. In several instances, VOPA has found examples of DRS failing to comply with its policies and, as a result, denying clients their rights. This objective will be carried over to FY2010 so VOPA can conduct a state-wide systemic investigation including trend analysis to determine whether DRS complies with federal law and its own policy.

VOPA provided comprehensive comments on the proposed special education administrative regulations promulgated by the Virginia Department of Education (VDOE). (This process began in FY08 and had several opportunities for public comment; VOPA commented each time.) VOPA’s comments included recommendations regarding transition services for students with disabilities who are preparing for life (especially employment) after school.

Through CAP and other funding sources, VOPA, through its Employment Self-Advocacy Clinic, spoke to approximately 200 people regarding their employment rights and self-advocacy rights at over a dozen speaking engagements at community locations throughout Virginia, and provided them with VOPA brochures and employment rights and self-advocacy handouts. Four Employment Rights Presentations were also conducted at Eastern State Hospital, Mountain House Clubhouse in Roanoke, and On Our Own in Charlottesville. (On Our Own is a consumer-run program and they requested that VOPA continue the outreach on a quarterly basis.)

In addition, by focusing on access to Woodrow Wilson Rehabilitation Center (“WWRC”) clients, VOPA did presentations for the staff and consumers at WWRC,

most of whom are DRS clients. VOPA addressed WWRC classes, job clubs, and orientations, speaking to well over an additional 300 DRS staff members and clients regarding their employment rights under the ADA, self-advocacy in employment, and VOPA brochures and handouts.

**j. Interesting cases:**

It should also be noted that VOPA plans its objectives based on the needs within the state; not by funding stream or specific disabilities. Some of the identified estimated cases may be addressed in conjunction with other funding streams, but the result will still be a positive impact on CAP eligible individuals.

In FY09, VOPA addressed over 70 requests for CAP services, serving 53 separate individuals. Please find below cases of particular interest.

VOPA represented five (5) children to ensure that they receive appropriate transition plans to prepare them for work or secondary education. In all cases, VOPA has advocated for the Department of Rehabilitative Services (DRS) to become directly involved in the child's transition services at an early stage. For example, in one case, DRS, after initially resisting, agreed to become involved and has developed an IPE for the child. In addition, DRS funded educational programs for the child and funded transportation to and from the program.

In another matter, VOPA advocated for DRS to fully fund the equipment the client needs for his business. After substantial negotiation, DRS agreed to fund almost \$5,000 in equipment. In another case, DRS demanded that a client receive mental health counseling prior to being determined eligible for services. VOPA challenged this determination and argued that DRS policy does not allow it to delay eligibility for that reason. DRS relented and found the client eligible. In another case, DRS determined that the client was too severely disabled to benefit from vocational rehabilitation services. However, DRS did not provide the client with a Trial Work Experience that was necessary before making that determination. VOPA filed a fair hearing request on behalf of the client. Prior to trial, the case was resolved as DRS agreed to find the client eligible for services. Our client is currently receiving vocational services through DRS.

**k. On-line information/outreach:**

VOPA maintains a website that posts all of our federal grants' priorities, goals, and objectives, including CAP. This website also has the notices for the Board of Directors' and VOPA's Advisory Councils meetings. Job vacancies, announcements, VOPA publications, legislative updates, and disability-related links are also available. In FY 2009, there were 20864 VOPA website hits.

During the 2009 General Assembly session, VOPA tracked dozens of bills. As noted above, VOPA posted its legislative updates on-line which highlighted approximately 14 of those bills.

VOPA uses the VOPA website to recruit volunteers to serve on our two Advisory

Councils. Meeting announcements and meeting minutes of the Advisory Councils and the Governing Board of Directors are posted on the website. Meeting announcements are also posted on disability related list-serves.

Information regarding the CAP program and VOPA's Goals and Focus areas are published on our website. The VOPA Governing Board has adopted a tri-annual schedule for reviewing our program goals and focus areas; the FY10 Goals and Focus areas are the first year of this cycle. We solicited public comment through a public survey posted on our website. This survey ran from June 1 to August 31, 2009. VOPA also distributed written requests for public comment at public meetings and presentations during this period. VOPA received 97 public comments from consumers, family members and professionals; 10% of the comments received related to CAP issues.

The VOPA Governing Board has an established policy and practice to receive public comment at each quarterly meeting of the Board and that Board Committees may receive public comment at their meetings at their discretion. Also, the Governing Board develops and implements a detailed public comment process based on the tri-annual planning cycle and staff recommendations; these decisions are reflected in the Board's meeting minutes which are also posted on the VOPA website. All VOPA Board and advisory council meetings are advertised as open to the public and include receipt of public comment as an agenda item. Any public comment received is considered in the priority planning process for the development of VOPA's goals, focus areas and objectives.

**Signature and title of CAP program director:**

---

Colleen Miller, Executive Director

---

Date