

**RSA-509 - ANNUAL PROTECTION & ADVOCACY OF INDIVIDUAL RIGHTS (PAIR)
PROGRAM PERFORMANCE REPORT**

State: Virginia

Fiscal Year: 2010

Designated Agency Identification

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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	960
2. Individuals receiving I&R <u>outside</u> of PAIR's priority areas	1067
3. Total individuals receiving I&R (lines A1+A2)	2027

B. Training Activities:

1. Number of trainings presented by PAIR staff	49
2. Number of individuals who attended these trainings (approximate)	1148

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.

In the spring of 2010, VOPA conducted an analysis of its outreach and services statewide. The Disability Advocacy Database (DAD) reporting and sorting capabilities were used to determine the localities where VOPA had provided some level of services. Using the tourism guidelines to break the state into regions, VOPA staff marked each county or city where VOPA had done work and were able to illustrate how broad reaching advocacy efforts were across the state for the first half of the year. Calculations were also made to determine the populations of each region so that a comparison could be made between populations of regions in relation to the services provided. By importing the number of individual cases and types of systemic projects into Microsoft Excel, VOPA was able to further demonstrate its efforts showing the number of case services, I&R and systemic work by grant. The overall results of the project were

presented to VOPA's Governing Board. In addition, staff used the results to target underserved areas for the last half of the fiscal year.

C. Information Disseminated to the Public:

1. Radio and TV appearances by PAIR staff	3
2. Newspaper/magazine/journal articles (CIL newsletter)	2
3. PSAs/videos aired	5
4. Hits on the PAIR/P&A website	19,169
5. Publications/booklets/brochures disseminated	651
6. Other (specify on separate sheet)	

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)	15
2. Additional individuals who were served during the year	44
3. Total individuals served (lines A1+A2)	59
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.)	5

B. Individuals still served as of September 30

Carryover to next year may not exceed total on line II.A.3 above	17
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C. Problem Areas/Complaints of Individuals Served:

1. Architectural accessibility	10
2. Employment	2
3. Program access	2
4. Housing	10
5. Government benefits/services	7
6. Transportation	3
7. Education	8
8. Assistive technology	
9. Voting	
10. Health care	20
11. Insurance	
12. Non-government services	
13. Privacy rights	
14. Access to records	
15. Abuse	1
16. Neglect	1
17. Other – specify 2 – Equal access to Recreation Programs (movies); 1 – Alternatives to Guardianship	3

D. Reasons for Closing Individual's Case Files:

1. Issues resolved partially or completely in the individual's favor	43
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2. Other representation found	
3. Individual withdrew complaint	2
4. Appeals were unsuccessful	
5. PAIR services not needed due to individual's death, relocation, etc.	1
6. PAIR withdrew from case	
7. PAIR unable to take case because of lack of resources	
8. Individual's case lacks legal merit	
9. Other (please explain on separate sheet)	

E. Intervention Strategies Used in Serving Individuals:

(List the highest level of intervention used by PAIR prior to closing each case file.)

1. Technical assistance in self-advocacy	1
2. Short-term assistance	24
3. Investigation/monitoring	2
4. Negotiation	18
5. Mediation/alternative dispute resolution	
6. Administrative hearings	
7. Litigation (including class actions)	1
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	0
2. 5 - 22	8
3. 23 - 59	30
4. 60 - 64	2
5. 65 and over	19

B. Gender of Individuals Served:

(Multiple responses not permitted)

1. Females	40
2. Males	19

C. Race/Ethnicity of Individuals Served:

(Multiple responses permitted)

1. White	43
2. Black or African American	14
3. American Indian or Alaska Native	1
4. Asian	0
5. Native Hawaiian or other Pacific Islander	0
6. Hispanic or Latino	1
7. Race/ethnicity unknown	0

D. Living Arrangements of Individuals Served:

(Multiple responses not permitted)

1. Independent	44
2. Parental or other family home	10
3. Community residential home	1
4. Foster care	
5. Nursing home	2
6. Public institutional living arrangement	
7. Private institutional living arrangement	1
8. Jail/prison/detention center	1
9. Homeless	
10. Other living arrangements (Board and Care)	
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	1
2. Deaf/hard of hearing	14
3. Deaf-blind	
4. Orthopedic impairment	12
5. Mental illness	
6. Substance abuse	
7. Mental retardation	

8. Learning disability	2
9. Neurological impairment	10
10. Respiratory impairment	3
11. Heart/other circulatory impairment	1
12. Muscular/skeletal impairment	12
13. Speech impairment	
14. AIDS/HIV	1
15. Traumatic brain injury	1
16. Other disability	2

PART IV. Systemic Activities and Litigation:

A. Systemic Activities:

1. Number of policies/practices changed as a result of non-litigation systemic activities	10
2. Number of individuals potentially impacted by policy changes	147,836

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.)

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.

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.

Clients vs. JRN, Inc.: This is a matter where we represented a number of individuals through negotiation but did not file the suit due to successful negotiations. JRN, Inc. is the corporate owner of a Kentucky Fried Chicken restaurant in Abingdon, Virginia and has assets in at least three states. The restaurant vice-president provided VOPA with detailed lists of known accessibility issues at all thirty-six of their Virginia Kentucky Fried Chicken (KFC) restaurants. JRN has taken appropriate action in the Abingdon location, and while our initial complaint addressed one small town KFC, this case led to a statewide response affecting 36 restaurants, including 10 renovations and remodels, or closings of inaccessible locations over the next three years.

B. Litigation/Class Actions:

1. Number of individuals potentially impacted by changes as a result of PAIR's litigation/class action efforts	1,165,829
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.)

Client v Virginia Department of Motor Vehicles: Client works as a clerk at the Department of Motor Vehicles, but requires an accommodation of not performing road tests due to a neck injury. She has not performed them for six years, but management has now demanded she do them, and is refusing any accommodation, including a requested mirror so she would not have to turn her head as often. When she requested the accommodations, she received notice her license would be revoked. This threat was later retracted. She is now threatened with termination if she does not perform tests, and is required to do more road tests than anyone else in the office. VOPA filed a complaint with Virginia Department of Human Resource Management Office of Equal Employment Services, and have filed a federal Equal Employment Opportunities Commission complaint as well due to retaliation, and failure to accommodate.

Winborne vs. Virginia Lottery: VOPA represents four people with disabilities who were denied access to Lottery retailers. We sued the Lottery under the ADA and 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 trial. The parties agreed to enter into mediation in an attempt to resolve the matter. The Court entered a scheduling Order requiring the parties to conclude negotiations.

Winston vs. Mr. Submarine: This case involved a client who uses a wheelchair and was unable to use an inaccessible restroom at a Richmond restaurant. There was also no accessible parking, access aisle, or appropriate ramp. The suit was filed in the US District Court on March 30, 2010 asking the court to order the restaurant to become accessible. After case was filed, the restaurant added accessible parking space, signage, access aisle, and accessible restrooms, and the suit was dropped.

PART V. PAIR'S Priorities and Objectives

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

For each of your PAIR program priorities for the fiscal year covered by this report, please:

1. Identify and describe the priority
2. Identify the need, issue or barrier addressed by this priority
3. Identify and describe indicators PAIR used to determine successful outcome of activities pursued under this priority
4. Explain whether pursuing this priority involved collaborative efforts by other entities. If so, describe this collaboration.
5. Provide the number of cases handled under the priority. Indicate how many of these, if any, were class actions.
6. Provide at least one case summary that demonstrates the impact of the priority.

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.

Collaborative Efforts

VOPA collaborated with In His Image, a private organization providing advocacy and case management services, and Children's Services of Virginia. The collaboration was around planning and providing training to parents in the Front Royal/Warren County area regarding special education, EPSDT and vocational rehabilitation.

Number of cases handled: 1 using PAIR funding

Case summary that demonstrates the impact of the priority

1. VOPA identified Warren County for targeted advocacy in special education. VOPA provided five trainings for parents, advocates and professionals regarding separate stages of the IEP process. The trainings were on eligibility for special education, the IEP process, transition planning, disciplinary procedures and procedural safeguards. VOPA trained 40-50 people.
2. Using other funding, VOPA represented one child in the Warren County school district who contacted VOPA as a result of these trainings.
3. VOPA conducted extensive outreach and 5 separate IEP trainings and encouraged parents to contact VOPA if they had complaints regarding their children's special education. Unfortunately, this did not result in enough cases to conduct any meaningful trend analysis. This project will be continued in FY 11.
4. VOPA trained foster care parents and advocates in Northern Virginia and Stafford on Special Education rights and provided fact sheets on Applied Behavioral Analysis and Foster Care and Education Transition Services to 24 attendees. Cases regarding special education services for children in foster care cases were opened under another funding stream as a result of these presentations.
5. Materials were not translated due to lack of response by solicited translator service. Staff members have explored other means to communicate information effectively, including the use of an Internet-based text translator.
6. Using PAIR funding, VOPA represented a child who has a traumatic brain injury and was not receiving appropriate therapy and supports to make adequate progress in school. VOPA opened a case on two issues: (1) advocating for the school to provide an assistive technology (AT) evaluation relating to a reading device, and (2) amend the IEP to include goals, objectives, services and/or accommodations that will assist her to read independently. The school agreed to provide an AT evaluation. In AT evaluation, the evaluator recommended: (1) mini laptop with a voice output system, (2) co-writing software program, and (3) digital recorder (Smartpen). At follow up IEP meeting, the IEP team agreed to incorporate the recommendations made in the Assistive Technology (AT) evaluation. Specifically, the IEP team agreed to provide all the above referenced AT accommodations to assist our client to read more independently. Client was very satisfied with the outcome and felt that these AT devices will help her read more independently and progress in her reading abilities.

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 II 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.

Collaborative Efforts

1. VOPA coordinated trainings with the Community Assisted Ride Enterprise Services; Greater Richmond Transit Authority; Valley Metro in Roanoke Virginia; Petersburg Area Transit; and JAUNT Transportation Services, of Charlottesville, Virginia
2. VOPA attempted to negotiate settlement with the Virginia Lottery.
3. Collaboration with DOT to discuss and require accessibility at rest stops and LOGO program participants; negotiations with the Virginia Secretary of Transportation
4. Correspondence and meetings with UVA legal department, Student Services, Disability Services, Office of the Architect, Office of Historic Preservation, and the Garden Club of Virginia
5. Correspondence and meetings with Virginia Tech Office of the University Architect, Services for Students with Disabilities, and Office of Student Affairs
6. Negotiated resolutions with the Virginia Museum of Fine Arts, the Children's Museum of Richmond, the Poe Museum, the Science Museum of Virginia, the Holocaust Museum, and the Cape Charles Museum.
7. Initiated collaborative efforts for outreach with the US Census Bureau

Number of cases handled: 1

Case summary that demonstrates the impact of the priority

1. VOPA gave presentations on disability awareness for transit employees at Valley Metro in Roanoke, Petersburg Area Transit (two times), GRTC/CARES in Richmond, and JAUNT Transportation Services in Charlottesville, Virginia.

2. VOPA's lawsuit against the Virginia Lottery continues. The Court entered a scheduling Order directing the parties to either present a settlement agreement or recommence litigation. The parties are currently in settlement negotiations. The parties agreed to engage in mediation in an attempt to resolve the matter. In September 2010, the parties engaged in mediation. The parties reached a tentative agreement resolving several issues of the case. The parties agreed to meet again in an attempt to resolve all remaining issues
3. VOPA asked for the Department of Transportation's (DOT) procedures for ensuring that Logo program participants are accessible to people with disabilities and their complaint procedure. VOPA informed the Secretary that, pursuant to *Winborne v. Virginia Lottery*, it must ensure that the benefits of the Logo Program are equally accessible to all Virginians. VOPA sent a separate letter to the Secretary asking if the Commonwealth would be reopening its closed rest-stops. If so, VOPA asked for DOT's plans to ensure that the rest stops comply with the ADA. A previous survey done by VOPA, and confirmed by DOT, showed that several do not comply. The Secretary responded detailing the work that had been done to make rest stops accessible to people with disabilities. Subsequent surveys confirmed that extensive work had been done on accessibility features at rest stops. Work on Logo program issues will continue, with a new strategy, in FY2011.
4. VOPA successfully closed its project regarding accessibility of five common areas at the University of Virginia. The Chapel has been resurfaced to eliminate the need for any ramp; the Garden Club of Virginia is working on accessibility plans for gardens; Poe Alley has been repaved with wheelchair accessible surface to give greater access to the central Lawn area.; the Jeffersonian Precinct (Lawn and adjacent building) is under review for phased implementation of accessibility features; and the Rotunda elevator plans are under review.
5. VOPA conducted a survey at the Virginia Tech campus and identified numerous issues related to terrain and path of travel throughout the campus; a lack of accessible route maps; inaccessible building entrances; a lack of access to upper floors at the bookstore, cafeteria, and a large auditorium in one classroom building; and improper location of accessible parking spaces. Virginia Tech has incorporated VOPA's recommendations into its campus plan and staff will be trained on accessible route maps, with electronic versions more visible on their web site. The university will work to minimize blockage of accessible routes during construction projects and to ensure accessible parking spaces are near an accessible entrance. Tech will develop a Campus Way-Finding Master Plan to address lack of clear marking of accessible routes and entrances to buildings, and a new ADA Executive Committee was formed to address long-term accessibility goals and concerns.
6. VOPA completed its survey of the newly reopened Virginia Museum of Fine Arts (VMFA). VMFA incorporated all of VOPA's recommendations, to include new accessibility features on their website and include on-line requests for accommodation; signage to locate accessible parking; the addition of "touch tours"; and architectural modifications regarding bathrooms, thresholds; and emergency exits. VOPA conducted accessibility surveys at the Children's Museum of Richmond, The Poe Museum, The Science Museum of Virginia, the Holocaust Museum, and the Cape Charles Museum. The Director or Curator of each museum was notified of any issues identified. The Science Museum has made modifications to include ramp railings, door handles,

bathroom accessibility issues, and the development of Braille materials. The Poe Museum agreed to reverse the direction of a bathroom door to increase accessibility, add an accessible parking sign, and acquire a guest wheelchair from VATS. The Cape Charles Museum was notified of minor issues with a restroom area and a ramp.

7. Initial collaboration with the US Census Bureau to fund outreach by VOPA had been hopeful. However, with the new federal fiscal year budget concerns, the Census Bureau funding for VOPA was not available. Instead, VOPA distributed information at its trainings and presentations that encouraged individuals to participate in the census.

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.

Collaborative Efforts

VOPA collaborated with community clubhouses to distribute housing rights materials, clubhouses and Centers for Independent Living to assist VOPA in identifying clients, and worked with ten assisted living facilities to coordinate access to residents

Number of cases handled: 2 using PAIR funding

Case summary that demonstrates the impact of the priority

1. The Fair Housing video was sent out to 66 organizations including community clubhouses and the Recovery Education and Creative Healing program. VOPA's Fair Housing video is posted on the SAMHSA website and is noted to be a "great resource."
2. VOPA assisted a client who is unable to access a common activity room with his motorized wheelchair. The property manager had refused to comply, and VOPA conducted a survey of the facility. The common room was rearranged and is now accessible, and the client is very happy with the outcome.
3. VOPA staff participated in an interview for a local Public Radio station on Fair Housing rights and individuals with disabilities. VOPA completed presentations on Fair Housing rights for ALFs located in Lynchburg, Chesterfield, Springfield, Reston, and Northern Virginia.

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.

Collaborative Efforts

VOPA arranged presentations with community organizations, centers for independent living, and consumer support groups. VOPA negotiated with Regal Cinemas regarding open captioning. VOPA also negotiated a settlement with a statewide restaurant chain for accessibility of all locations owned by the parent corporation instead of limiting remedy to one location.

Number of cases handled: 6

Case summary that demonstrates the impact of the priority

1. VOPA gave presentations on movie theatre accessibility at the Williamsburg Chapter for the Deaf and Hard of Hearing, the West Hampton Deaf Ministry, the Richmond Center for Independent Living, and a Norfolk and Virginia Beach Deaf and Hard of Hearing consumer support group. This has provided VOPA with numerous individuals with disabilities who have stated they wish greater access to movies.
2. VOPA represents two individuals who seek greater access to accommodations at movie theaters. VOPA hopes to find a resolution to this issue that increases access using existing technology to diminish the defense by theaters that captioned films cause reduced revenues and are cost prohibitive.
3. VOPA has researched and negotiated with Regal Cinemas and other Virginia theater locations. Based on a 9th Circuit court decision favorable to captions, and a settlement by three theater chains in Massachusetts, along with proposed Department of Justice regulation, as well as digital implementation by theater chains that will increase access in 2012, VOPA is attempting to coordinate between multiple theater chains a resolution that will increase theater access at a greater number of geographic locations. Based on research VOPA believes access can be increased on a regional basis, and a per-theater

basis, and is engaged in encouraging negotiations on this issue.

4. A complaint regarding a KFC restaurant in Abingdon, Virginia led to a state-wide agreement regarding JRN-operated Virginia locations. JRN has completed renovations at the Abingdon KFC regarding parking, access aisles, and accessible entrance. A settlement agreement provides that out of 36 Virginia locations, 24 are compliant, 9 are scheduled for renovation, one will be closed, and two will be subject to a further survey. VOPA also filed a lawsuit against a Richmond, Virginia restaurant which, after the suit was filed, installed accessible parking, and two new accessible restrooms.

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.

Collaborative Efforts

VOPA coordinated presentations with numerous state, local government, community support groups, centers for independent living and assisted living facilities.

Number of cases handled: 2

Case summary that demonstrates the impact of the priority

1. Utilizing PAIR and additional funding streams, VOPA held presentations on Employment Rights at Partners in Policymaking; the Virginia Rehabilitation Center for the Blind and Visually Impaired; the Crohns and Colitis Support Group in Richmond, the Disabilities Services Board Symposium; and the City of Waynesboro - Disability Rights Office. Three presentations were also given at assisted living facilities in Lynchburg, Chesterfield, and in Northern Virginia. VOPA completed six presentations on Employment Rights at the Woodrow Wilson Rehabilitation Center, and two at the Norfolk and Portsmouth Department of Rehabilitative Services Job Clubs. VOPA staff participated in an interview for Public Radio on Employment rights and individuals with disabilities.
2. VOPA represented a client who has been refused accommodations by a state agency employer. We have filed a State Human Resources Equal Employment Office Discrimination Complaint, and an EEOC Complaint alleging denial of accommodations and retaliation. VOPA assisted another client in obtaining appropriate parking adjacent to the building to accommodate her disability. VOPA also provided technical assistance to numerous callers regarding their rights in employment, and as this objective

progressed it became apparent that VOPA had designated some cases as information and referral when in actuality case level services had been provided, and a number of individuals were provided services under this objective under alternate funding streams. VOPA has modified its intake process to ensure this data is accurately captured.

3. Residents of ten assisted living facilities were advised of their employment rights under the Americans with Disabilities Act and Virginia law. VOPA staff also participated in an interview for a local Public Radio station on employment rights and individuals with disabilities.

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.

Collaborative Efforts

VOPA coordinated with health care facilities and community-based advocacy groups.

Number of cases handled: 9

Case summary that demonstrates the impact of the priority

1. VOPA provided training to five medical offices and healthcare organizations in Roanoke and in Northern Virginia. Staff members were trained on Americans with Disabilities Act (ADA) medical setting access requirements, thus increasing their knowledge of the ADA requirements and improving the likely accessibility of the setting to persons with

disabilities.

2. VOPA provided training to community based advocacy and consumer groups in Roanoke on ADA accessibility requirements in medical settings, including physical barriers and effective communication issues. The training increased the knowledge of group members about ADA medical setting access requirements, thus increasing their ability to advocate and increase the accessibility of medical settings for persons with disabilities.
3. Materials have been researched and collected. A detailed outline and draft sections of the educational material have been prepared. Organizations have been contacted regarding electronic publication. The project is on-going and will be completed in 2010-11 fiscal year.
4. A client faced three barriers at her outpatient Behavioral Health Program. They included functionality of an exterior automatic door opener, an inadequate number of accessible parking spaces and interior door weight. VOPA negotiated with the property manager and the medical care provider to resolve the issues. After negotiation, the property manager installed 2 van accessible spaces and identified the problem and re-trained staff on operation of the exterior automatic door opener. Negotiation with the provider led to compliance with interior door weight as they removed all tension from the door closers thus eliminating any resistance when opening. All issues were resolved.
5. VOPA has resolved three cases regarding access to medical facilities. A cancer center in Lynchburg agreed to increase the number of spaces in a more accessible parking area. A medical office in Reston altered their parking lot by removing barriers and adding additional parking for persons with disabilities. A third site in Roanoke was identified through an advocacy group of persons with hearing disabilities and resolved with educational efforts related to the right to interpreters.

B. Priorities and Objectives for the Current Fiscal Year:

Please include a statement of priorities and objectives for the current fiscal year (the fiscal year succeeding that covered by this report), which should contain the following information:

1. a statement of each priority
2. the need addressed by each priority; and;
3. a description of the activities to be carried out under each priority.

Goal: Children with disabilities receive and appropriate education

Focus Area: Appropriate therapy and services for children with disabilities

Needs/Issues/Barriers Addressed:

Based on 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 December 1, 2010, identify a region of the Commonwealth, based on public input and experience, for targeted advocacy. Train at least fifteen (15) people in the targeted

region on five (5) distinct stages of the Individualized Education Plan (IEP) development and implementation. In choosing the region, preference will be given to previously underserved areas.

2. Represent children in the targeted district who have been denied needed and appropriate therapy or services.
3. Review whether there are systemic issues identified in the targeted region and notify relevant policymakers.
4. Train two (2) groups of foster parents and advocates regarding special education rights and transition services.
5. Train two (2) groups of advocates and parents from Spanish-speaking families regarding special education rights and transition services.
6. Represent children who have been denied needed or appropriate therapy or services.
7. Provide Technical Assistance to individuals denied special education services due to inadequate evaluations or assessments, or denied appropriate accommodations or services under their IEP or 504 Plan.
8. Develop a fact sheet for parents on the rights of children in special education to receive a full school day and distribute to all current and former clients who are eligible for special education services.
9. Develop training information on the rights of children in special education to receive a full school day and present in all IEP trainings.
10. Provide technical assistance to parents on filing VADOE complaints alleging that children have been denied a full school day by posting a model complaint on selected internet forums and websites, including VOPA's.
11. Represent children who have been denied a full school day. Preference will be given to children in previously underserved areas.
12. Train three (3) groups of teachers, school staff, or parent advocates regarding FBAs and BIPs, and addressing seclusion and restraint practices and methodologies in schools.

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 II of the Americans with Disabilities Act (ADA) on a systemic basis

Indicators for Success Include the Completion of the Following Objective:

1. Provide trainings to county or city transportation providers on disability awareness and the right to accessible fixed-route transportation under the ADA.

2. Train three (3) community advocacy groups regarding the right to accessible fixed-route public transportation under the ADA.
3. Litigate against the Virginia Lottery to obtain compliance with state and federal law.
4. Represent three (3) individuals denied access to a government building or services due to architectural barriers, lack of accommodations for a hearing or visual impairment, or denial of the use of a service animal.
5. Survey five (5) publicly operated recreational facilities listed on the Virginia Tourism website (www.virginia.org) in a selected region for compliance with ADA accessibility requirements, and advocate for posting of accessibility information on their websites or other publications. Pursue corrective action as appropriate.
6. Complete investigation into compliance with the ADA's accessibility requirements at Virginia Tech, focusing on public areas. Obtain corrective action as appropriate.
7. Advocate or litigate to ensure that forty (40) private businesses that provide services and who are under a contract with a state agency are accessible to people with disabilities in compliance with state and federal law. Obtain "prevailing party" attorneys fees where appropriate.
8. For each private business addressed under the above objective, inform the state agency with which it contracts regarding the business' violation of state and federal law. Seek corrective action from the state agency.

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. 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.
2. Inform seniors with disabilities of their housing rights through ten (10) visits to Senior Community Centers or services provided through Community Action Programs.

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. Train five (5) groups of consumers and community based advocacy groups on employment rights.
2. Provide technical assistance to fifteen (15) individuals regarding employment rights or discrimination based on disability under Title I of the ADA or the Virginians with Disabilities Act.
3. Represent five (5) individuals who have been denied reasonable accommodations in employment under the ADA in mediation or administrative proceedings before the Equal Employment Opportunity Commission or Virginia Human Rights Council.
4. Inform individuals with disabilities about their employment rights through presentations at five (5) government and private non-profit employment center training programs.

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. Distribute educational materials on ADA accessibility requirements in medical settings to health care professionals through at least three (3) professional organizations or publications.
2. Train five (5) community based advocacy or consumer groups on ADA accessibility requirements in medical settings, including physical barriers and effective communication issues.
3. Develop a new brochure on the rights of people who are deaf and hard of hearing to receive alternative aids and services from their health care providers to ensure effective communication.
4. By December 1, 2010, identify a region of the Commonwealth for outreach and training regarding the rights of deaf and hard of hearing patients to receive alternative aids and services from their health care providers to ensure effective communication. Provide three (3) trainings on these rights to three (3) groups of at least fifteen (15) people.
5. Represent five (5) people who are deaf or hard of hearing to ensure that they receive

alternative aids and services from their health care providers to ensure effective communication. Obtain “prevailing party” attorneys fees where appropriate.

6. Represent five (5) individuals with disabilities regarding physical barriers in violation of the ADA, that impede access to health care facilities and services provided by medical offices and clinics.
7. 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.

Goal: People with disabilities have equal access to appropriate and necessary health care

Focus Area: Denial of needed and appropriate Medicaid services

Needs/Issues/Barriers Addressed:

An essential element of the rehabilitation process, life sustenance, and quality of life is to be able to access appropriate and necessary healthcare. In particular, people who receive Medicaid Waiver services need those services to avoid institutionalization. VOPA’s efforts, therefore, will help people live in the most integrated setting appropriate to their needs. VOPA’s experience with service requests in this area demonstrates that this need continues to grow throughout the state.

Indicators for Success Include the Completion of the Following Objective:

1. Train three (3) groups of at least fifteen (15) people on the right to receive Medicaid services under a Waiver Program or Early Periodic Screening, Diagnosis, and Treatment (EPSDT).
2. Inform all waiver case managers about the rights of children in waiver programs to receive services under EPSDT.
3. Represent five (5) individuals denied needed and appropriate Medicaid services under a waiver program. Priority will be given to people denied assistive technology or environmental modifications.
4. Represent five (5) children denied needed and appropriate Medicaid services under the EPSDT program.
5. Represent up to five (5) people with disabilities who have complaints regarding transportation by the Department of Medical Assistance Services and its contractor, Logisticare. Submit complaints to DMAS and advocate for appropriate corrective action.
6. Inform the Department of Medical Assistance Services (DMAS) of VOPA’s findings from its investigation of complaints concerning the DMAS contractor, Logisticare, regarding transportation to recipients with disabilities through a public report.

PART VI. Narrative:

At a minimum, you must include all the information requested. You may include any other information, not otherwise collected on this reporting form that would be helpful in describing the extent of PAIR activities during the prior fiscal year. Please limit the narrative portion of this report, including attachments, to 20 pages or less.

The narrative should contain the following information. The instructions for this form outline the information that should be contained in each section.

- A. Sources of funds received and expended
- B. Budget for the fiscal year covered by this report
- C. Description of PAIR staff (duties and person-years)
- D. Involvement with advisory boards (if any)
- E. Grievances filed under the grievance procedure
- 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

A. Sources of funds received and expended		
Source of Funding	Amount Received	Amount Spent
Federal (section 509)	383,012	320,991
State	-	-
Program income	3,728	3,728
Private	-	-
All other funds - -Carryover	8,752	8,752
Total (from all sources)	395,492	333,471

B. Budget for the fiscal year covered by this report		
Category	Prior Fiscal Year	Current Fiscal Year
Wages/salaries	296,472	263,301
Fringe benefits (FICA, unemployment, etc.)	102,879	85,259
Materials/supplies	2,195	2,053
Postage	1,071	128
Telephone	5,310	-
Organizational memberships/Subscriptions	2,758	2,491
Travel	8,288	8,138
Management Services	3,283	3,285
Equipment (rental/purchase)	913	332

Temporary Personnel Services	59	-
Indirect Costs	27,954	25,460
Miscellaneous	6026	5045
Total	457,208	395,492

C. Description of PAIR staff (duties and person-years)

Type of Position	FTE	% of year filled	Person-years
Professional			
Full-time	19	94	17.8
Part-time	2	25	.5
Vacant			
Clerical			
Full-time	7	100	7
Part-time			
Vacant			

NOTE: All figures are based on a State fiscal year (July 1, 2009-June 30, 2010)

D. Involvement with advisory boards (if any)

VOPA participates on the Virginia Rehabilitation Council for the Department for the Blind & Vision Impaired (DBVI). 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 or employment opportunities, and completion of the required Annual Report on the status of VR services in the State. VOPA was an active participant and voting member of the council. We debated and voted on agency priorities and workplan. VOPA was a vocal and frequent advocate for maximum inclusion, participation and employment of people with disabilities and advocated for policies that would give people with disabilities the opportunity to be employed to their maximum potential.

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). The appointment is for one year and expired in September 2010. VOPA has nominated a new staff for the SRC position. “Improving employment and quality of life for Virginians with disabilities” is an objective for this council. This is another avenue for PAIR related advocacy.

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.

E. Grievances filed under the grievance procedure 0

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.

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.

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 18 and 19 of the reporting instructions.

Signature of 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 1820-0627. 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.