

**DISABILITIES ADVISORY COUNCIL (DAC)
MEETING
FINAL MINUTES
June 4, 2008**

Members Present	Dave Wilber, Van Johnson, Jesse Chapman, Larry Friedrichsen, Shirley McInnis, Linda VanAken, Monica Wiley
Members Absent	Betty Friedrichsen, Julie Palmer, Melanie Paul, Mary Jane Sufficool, Edward Ziegler
Guests Present	Pat Meyer (Governing Board Member)
VOPA Staff Present	Sherry Confer, Colleen Miller, Tracy Manley For portions: Robert Gray, Clyde Mathews
Call to Order/ Welcome/Introductions:	Dave Wilber, Council Chair, called the meeting to order at 10:00 am.
Public Comment:	None offered
Review of March 2008 Meeting Minutes	Mr. Wilber asked the Council if there are any changes to be made to the March 2008 minutes. There were no suggestions to amend the minutes. Van Johnson made a MOTION to accept the minutes Larry Friedrichsen SECONDED the MOTION. The motion carried unanimously.
Assistive Technology	Robert Gray, Disability Rights Advocate, presented to the DAC on Assistive Technology. He also demonstrated some items.
Executive Director Update	Progress on Objectives Report Colleen Miller, Executive Director, spoke to the DAC on the 2 nd quarter Progress on Objectives and Litigation reports. Mr. Wilber stated that he was interested in the centralized reporting of incidents work with Department of Medical Services (DMAS) Systems' Transformation Grant. Sherry Confer attends the monthly meetings to develop a centralized electronic tracking system of cases of abuse and neglect in the State. There are representatives for other State Agencies and each State Agency has different reporting requirements and therefore defines abuse and neglect differently. With the different definitions, each agency

reports different things on the same types of incidents and therefore difficult to compare cases. Ms. Miller stated that incident reporting is only a small part of a system to protect people from harm. Identifying is the first part and then you have to do something with that report, such as looking for trends, identify weaknesses, etcetera. For example, Ms. Confer stated that State employee licensed social workers do not have to report to external entities if they work at a State facility and report to the facility. Ms. Miller continued by saying that the Department of Social Services (DSS) tried to introduce legislation to have employees working at state facilities mandated to report to an external agency.

Linda VanAken asked about access to State government buildings, in particular schools. Ms. Miller said that due to budget constraints, VOPA has to prioritize goals and this year is focusing on courthouses and maybe next year focus on schools if that what the Governing Board decides to do. Ms. Miller continued by discussing a current non-VOPA lawsuit with the Richmond city schools concerning physical access. VOPA was involved in a case this fiscal year concerning a child with a service animal, where the child was still learning to use a service animal with help of the child's parents in school. VOPA resolved the case as far as State law requires, however, the parents were not satisfied and took the case to the legislature and got an extension for the use of service animals. As of July 1 this year, there will be greater access for schools to allow service animals. This was a significant change to State law to having service animals as a public accommodation. The 3-unit service animal team (service animal, child and service animal trainer) are all to be covered by the law while the animal is being trained. This is unique to Virginia.

Ms. Miller turned the conversation to discuss work concerning access to voting. Polling stations are often surveyed weeks or months in advance to see if they are ADA compliant. However, on Election Day there are registration tables, polling machines, large crowds and long lines. With all these obstacles, the polling stations may no longer ADA compliant. Jesse Chapman stated that polling stations are disabling even for people who do not have a disability. Polling stations can be intimidating and often attendants are not well informed or biased. Ms. Miller said she would talk to the State Board of Elections about recruiting poll workers with disabilities and maybe mutually developing a training

tool to train poll workers about accommodating people with disabilities.

Litigation Report

Ms. Miller directed the DAC's attention to the Fairfax Public Schools case in which a child was suspended due to behaviors. VOPA brought the case to the State District Court and argued that the school did not conduct the Manifestation Determination Review properly and therefore could not suspend the child. The judge ruled in favor of the school stating that the school in fact did not follow the procedure as prescribed but still had the right to suspend the child. The child will soon be graduating from school and the parents decided not to pursue the case further with appeals.

VOPA also was involved with an on-going case about adaptive technology covered under the EPSDT program. The outcome was favorable with covering adaptive technology under EPSDT for everyone that requires it.

Mr. Wilber wanted to know what happened to the Lottery Case. Ms. Miller said the outcome was related to the Richmond City Schools case where the parents sued Richmond City and the Richmond City School Board. The case resulted in a settlement for the School Board and required that Richmond City to carry out the action required. Richmond City appealed and judge ruled in favor of the City stating that the City is not a party of the settlement and therefore does not have to follow through with the settlement. The judge in the Lottery case with VOPA stated that the Lottery Commission does not have the ability to control the location of its vendors and therefore does not have an obligation to require access. VOPA will now appeal the State Supreme Court; however there is a risk as the case does not have to be heard.

Board of Director's Report

Pat Meyer briefed the DAC about the major events from the last Board Meeting and Retreat on April 25 and 26.

- Definition of emergency was voted and passes unanimous: *"A sudden unexpected happening that reasonably could not have been anticipated, as decided by the Chair."*
- Recognition of outgoing Board Member, Raymond Burmester, whose term ended at the end of May 2008. Mr. Burmester was presented with a plaque.
- Resolution to honor Dink Shackelford who passed away

during his tenure on the Board.

- Nomination of chair and vice-chair. Susan Kalanges was elected as Chair of the Governing Board. The position of vice-chair was contested and there was a secret ballot to elect the vice-chair. Pat Meyer was voted as vice-chair; however, Chris Harrison asked if secret ballots are allowed under the provisions of FOIA. At the time the election stood, however, upon further research by Mr. Harrison, secret ballots are not allowed under FOIA. Therefore, a new election will be held at the next meeting.
- Evaluation of the Executive Director was conducted in closed session and the Board approved a 3% raise.
- The retreat covered topics as how to improve communications between the staff and Board and the Board and the Advisory Council.
- Next meeting will be July 22.

Lunch

Ms. Miller presented plaques of appreciation for the outgoing DAC members: Dave Wilber, Jesse Chapman, and Van Johnson. Council members recognized the work the outgoing members accomplished on behalf of people with disabilities.

FY08-09 Objectives Work Session

Clyde Mathews, Managing Attorney for Resource Advocacy Unit, moderated the work session for the FY 09 Objectives. Mr. Mathews asked the DAC to think about what kind of work they believe VOPA should and should not be doing.

Goal: People with disabilities have equal access to government services.

With the upcoming presidential elections, many of the DAC members wanted VOPA to ensure that people with disabilities have an opportunity to participate in many venues including working/volunteering as poll workers as well as accessibility of the polling stations.

Ideas include:

- Partnering with “Rock the Vote” to ensure young people with disabilities are involved
- Educating people with guardians that they still retain the right to vote

DAC Members expressed concern about services and supports available to allow people with disabilities to move into the community. Accessible and affordable housing is a major concern. Also, dealing with housing providers such as

an example where people with scooters or wheelchairs are not allowed in the dining room where prospective clients can see them.

- What is VOPA doing about Olmstead?

Goal: People with disabilities live in the most appropriate integrated environment

- Increase awareness of developers before building is completed, possibly educational outreach with Architectural Board
- VOPA should continue work with consumer driven Alternatives to Guardianship

Goal: People with disabilities are employed to their maximum potential

DAC members discussed different barriers to gainful employment. Ms. Confer discussed the work VOPA does with the PABSS grant such as work incentives. Virginia Access obtains money from Social Security to work on benefits planning.

Ideas include:

- VOPA may informally partner with Virginia Access to assist people with disabilities before they plan to work. People may be more willing to seek employment and take the risk if they know the challenges ahead of time.
- Increase emphasis on one-on-one cases overpayment on Impairment Related Work Expenses (IRWE)
- VOPA should educate Mental Health Clubhouses and Traumatic Brain Injury (TBI) Clubhouses about WorkWorld (computer software program developed by VCU to provide decision support with work incentives associated with Federal and State disability support programs).
- Explore developing a relationship with NISH in order to foster employment opportunities for people with severe disabilities
- VOPA should continue working on vocational training for training center residents

Goal: Children with disabilities receive an appropriate education

Ms. Confer told the Council that VOPA receives the largest number of calls concerning children with disabilities in school and special education classes. Based on resources, VOPA can only serve a subsection of cases. Ms. Confer also mentioned VOPA's comments on the proposed special

education regulations.

- VOPA should focus on systemic work as case-by-case scenarios can be very labor-intensive. VOPA should look at patterns of complaints to the local school district
- VOPA should partner with other advocacy entities and see how to get data collected into the rights hands to make an impact
- VOPA should continue its work with transition from school to work for children with disabilities

VOPA should ensure that schools come up with more than a paper plan (ie. Individualize Education Plan, Behavioral Intervention Plan, 504plan that specifies modifications and accommodations that will be needed for these students to have an opportunity perform at the same level as their peers)

Other Business

Elections of Officers

Ms. Confer noted that there are a lot of new members on the Council and many of the senior members are rotating off the Council. Therefore, Ms. Confer suggested of having an acting/interim chair for a few months and then have a formal election on a later date. Mr. Friedrichsen volunteers to be the acting vice-chair.

Adjournment

Mr. Wilber asked the Council if there was a motion to adjourn the meeting. Mr. Johnson made a MOTION to adjourn the meeting at 3:15. Shirley McInnis SECONDED the MOTION. The motion carried unanimously.

Final minutes

June 20, 2008

**Virginia Office for Protection and Advocacy
Mission Statement**

Through zealous and effective advocacy and legal representation, to: protect and advance legal, human, and civil rights of persons with disabilities; combat and prevent abuse, neglect, and discrimination; and promote independence, choice, and self determination by persons with disabilities