



ADVOCACY PLAN 2013-2017

With 2016-2017 One Year Objectives

**Advancing Dignity, Equality, Independence
and Freedom of Californians with Disabilities**

**Disability Rights California
California's Protection & Advocacy System
www.disabilityrightsca.org
(800) 776-5746**

**Adopted by Disability Rights California's Board of Directors
September 2016**

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Disability Rights California Does Not Have the Resources to Help With the Following Types of Legal Issues:

- Direct representation in criminal law, family law, or bankruptcy courts or worker’s compensation proceedings
- Personal injury lawsuits
- Filling out Social Security application forms
- Obtaining guardianships or conservatorships
- Issues that are unrelated to an individual’s disability
- Issues outside of our Advocacy Plan Goals and Objectives

Whom We Help

Disability Rights California provides advocacy help for Californians with disabilities. You could be eligible for DRC services on a disability related issue if:

- You have an intellectual and developmental disability
- You are a regional center consumer
- You have a mental health disability
- You are a resident of a state psychiatric hospital
- You have a physical, learning, or sensory disability
- You have a traumatic brain injury

- You need access to technology that you believe may help you live a fuller, more independent life
- You receive SSI or SSDI and need help with employment issues or keeping your benefits when you return to work
- You have questions about your right to vote

In deciding whether Disability Rights California can represent you directly, DRC will consider:

- The merits of your claim
- Your ability to advocate for yourself
- Other advocacy sources you could use
- Whether your problem falls within one of DRC's priority areas
- Availability of DRC's resources

If we decide that we cannot help you and you disagree, you can file a grievance.

If you want additional information about your eligibility for services or a grievance you may call (800) 776-5746 or contact us by email at grievance@disabilityrightsca.org.

Voting

Vision: Voters will have full and equal access to polling places with accessible voting systems and assistive technology. Written material, including ballots and election related information, will be available in alternative formats and written in easy-to-understand language. Voters will be free from interference or coercion when registering to vote and casting a ballot.

Goals

- 1. Make sure voting systems and election processes are accessible and barrier-free and increase the numbers of people with disabilities who vote.**

2016-2017 Objectives

- a. Work with the Secretary of State, legislators, election officials, county Voter Accessibility Advisory Committees, and voting rights advocates and stakeholders to maximize input from and encourage voting and civic engagement by people with disabilities, and address systemic issues such as:
 - i. polling place access;
 - ii. accessibility of official voting guide content, ballots, and election-related websites;
 - iii. preserving the right to vote for people under conservatorships by implementing SB 589 related to voting by mail; and
 - iv. mandated voter registration agencies' compliance with requirements in the National Voter Registration Act (NVRA), including adding new NVRA entities.

For example, we will:

- continue to serve on the Secretary of State's Voter Accessibility Advisory Committee and local Voter Accessibility Advisory Committees;
- outreach to nursing homes and other facilities;
- advocate for accessible vote-by-mail ballots;

- develop a strategy in collaboration with selected independent living centers to help people with disabilities make connections between voting and their lives; and
 - conduct training for poll workers in preparation for the 2016 election. (PAVA)
- b. Host an election hotline, for the November 8, 2016 general election, to foster communication and report problems faced by voters and get our phone number and website address in as many county sample ballots and on as many websites before Election Day as possible. (PAVA)

Work Incentives

Vision: We envision a world where people with disabilities have the opportunity to engage in integrated employment with competitive wages and benefits. People with disabilities will receive the supports and reasonable accommodations they need to enable them to enter and remain in the workforce.

Goals

1. Increase access to integrated competitive employment.

2016-2017 Objectives

- a. Through direct representation and/or systemic advocacy, advocate for the rights of people with intellectual and developmental disabilities to engage in integrated competitive employment. For example, this work includes monitoring implementation of the California Competitive Integrated Employment Blueprint and advocating to ensure its successful implementation, once the Blueprint has been finalized. (PADD, PABSS, CAP)
- b. Monitor the Department of Rehabilitation (DOR)'s compliance with Workforce Innovation and Opportunity Act (WIOA) provisions and other appropriate authority regarding sheltered workshops and provide direct representation to people seeking to transition out of sheltered workshops. (PADD, PABSS)

2. Advocate for the rights of individuals seeking and receiving Rehabilitation Act funded services.

2016-2017 Objectives

- a. Directly represent individuals in enforcing their rights to receive services from the Department of Rehabilitation and other Rehabilitation Act funded organizations. For example, we will advocate for clients to obtain employment services based on their informed choice of employment outcome and advocate for

the rights of people with mental health disabilities to receive supported employment services. (CAP,)

- b. Work with the Department of Rehabilitation and other Rehabilitation Act funded service providers to increase access to benefits of clients participating in those programs. For example, we will ensure that DOR considers and provides reasonable accommodations during the application and evaluation processes, and before closing a client's case; enforcing the due process rights of applicants and clients including the right to have their applications accepted and processed timely. (CAP,)

3. Advocate for the successful employment and removal of barriers to employment for people receiving Social Security Benefits.

2016-2017 Objectives

- a. Directly represent Social Security beneficiaries on issues such as work incentives, barriers to employment and problems with representative payees, including in negotiations, mediations, or administrative proceedings. For example, we will advocate for appropriate reasonable accommodations for community college students who receive Social Security benefits to enable them to become employed. (PABSS)
- b. Through direct representation, ensure that people with disabilities who receive Social Security benefits or Cash Assistance Program for Immigrants benefits maintain access to those benefits. For example, advocate to enforce the requirement that representative payees report claimants' earnings to the Social Security Administration (SSA) and for SSA to communicate timely with claimants regarding notices to ensure their appeal rights. (PADD, PAIR)

4. Ensure that schools, regional centers and the Department of Rehabilitation provide adequate, outcome-driven transition services to youth and young adults with disabilities.

2016-2017 Objectives

- a. Through direct representation and/or systemic advocacy, advocate for school districts, regional centers and DOR to provide appropriate transition planning and services in the least restrictive environment and improve outcomes. For example, advocate to ensure that an individual's right to competitive integrated employment is addressed at Individual Education Program (IEP) and Individual Program Plan (IPP) meetings . (CAP/PABSS)
- b. Through direct representation and/or systemic advocacy advocate that institutions of higher education provide DOR clients with reasonable accommodations and supports. (PABSS)
- c. Through direct representation and/or systemic advocacy ensure that the DOR provides pre-employment transition services in accordance with Workforce Innovation and Opportunity Act. (CAP/PABSS)

5. Provide counseling and support to people with disabilities who are beneficiaries of the Social Security and Supplemental Security Income programs.

2016-2017 Objective

- a. Support beneficiaries of the Social Security and Supplemental Security Income programs who want to return to work to make a successful and profitable transition to the workforce by: 1) helping them take advantage of Social Security work incentives programs, which may delay or reduce the effect of work on monetary benefits and health insurance and 2) providing information about other work incentives, benefits counseling services, and other resources that may help beneficiaries succeed in their work attempts, or may help beneficiaries to improve financial stability as they return to work. (WIPA)

Youth

Vision: We envision a world in which children and young adults with disabilities have equal access to education and related services and receive the coordinated community based care and supports they need to allow them to successfully transition to employment, higher education, or other meaningful, community options.

Goals

- 1. Ensure that schools, mental health agencies and regional centers provide care coordination and connect students with community based and other resources for which they are eligible, including integrated mental health services.**

2016-2017 Objectives

- Through direct representation and/or systemic advocacy, advocate for services, including, but not limited to, school-based behavior and mental health services and peer support services, in the most integrated settings and least restrictive environment to prevent placement in institutions. (PADD, PAIMI, EA, Trust Fund)
 - Through direct representation and/or systemic advocacy advocate on behalf of students with disabilities who are in out of home placements to access educational supports and services. (PADD/EA)
 - Through direct representation and/or systemic advocacy advocate for youth who are involved in dependency and delinquency systems, including children who are in foster care or reside in institutions, to access mental health services at school and in the community. (PAIMI/EA)
- 2. Ensure that criminalization, segregation, “push-out,” and punitive measures are not used as a substitute for meeting children’s needs for positive behavior intervention, academic and related services, mental health services and social skills training.**

2016-2017 Objectives

- a. Through direct representation and/or systemic advocacy advocate for behavior assessments and behavior intervention plans, and advocate against inappropriate behavior interventions, seclusion, and restraint to prevent the institutionalization of youth with disabilities. (PAIMI, PADD, EA)
 - b. Through direct representation and/or systemic advocacy advocate against the use of Student Attendance Review Board referrals as a means to address disability-related truancy. (PADD/EA)
- 3. Ensure that students with disabilities have equal access to education and related services.**

2016-2017 Objectives

- a. Through direct representation and/or systemic advocacy, ensure that students with disabilities have access to education and related services in the least restrictive environment and have equal access to charter schools, transportation, and due process protections to prevent placement in facilities, including continuing to monitor/litigate *Chanda Smith v LAUSD*. (PADD, PAIMI, EA, Unrestricted)
- b. Through direct representation and/or systemic advocacy, oppose segregated public school sites, including continuing to litigate the *Doe v. Pasadena Unified School District* class action lawsuit regarding the school district's practice of placing youth with certain disabilities in a segregated setting and to advocate for integrated placements in the Mt. Diablo Unified School District. (PADD, PAIMI, EA)
- c. Through direct representation and/or systemic advocacy ensure that the California Department of Education is adequately exercising supervisory authority over local education agencies that systemically deny students with disabilities access to special education and related services, including continuing to litigate *Valenzuela v. Torlakson* regarding the Oakland Unified School District's compliance with Special Education Law, including placing students with mental health disabilities in segregated settings. (PADD, PAIMI)

Peer and Self-Advocacy

Vision: We envision a world where people with disabilities have the skills and knowledge to advocate and speak for themselves. The world will recognize that people with disabilities have a wealth of experience and knowledge and are capable of sharing this knowledge with each other so that all people with disabilities become effective self advocates.

Goals

- 1. Improve the self-advocacy skills of people with disabilities, primarily in facilities, so they can advocate for themselves and have independent, productive, quality lives of their choosing in the community.**

2016-2017 Objectives

- a. Train people with mental health disabilities on topics of their choice through ongoing self-advocacy groups, the majority of which will occur in facilities. (PAIMI)
 - b. Ensure that people with mental health disabilities and other relevant groups have the information they need to self-advocate to receive services and avoid institutionalization through workshops/trainings, material development, and outreach, for example, by developing and/or revising publications and/or sets of training materials and conducting outreaches and workshops to language and ethnic distinct and LGBTQ communities. (PAIMI)
- 2. Work to transform systems and eliminate barriers, so people with disabilities are heard, respected and valued.**

2016-2017 Objectives

- a. Tell people about their rights and give effective, client-centered, and culturally competent services to help people in institutions move into the community and to effectuate changes to systems, for example, by helping with a legal clinic at Napa State Hospital. (PAIMI)

- b. Work with local groups so the California Memorial Project is an independent and ongoing community effort so that people who live in facilities are respected and honored. (PAIMI)

Information, Training, Outreach and Publications

Vision: We envision a world in which people with disabilities are fully informed about their rights and available resources. They will have access to training and informative materials in a variety of formats and languages.

Goals

- 1. Counsel and Advice:** Regional office staff will provide counsel and advice to people with disabilities as well as their advocates, family members, and/or other relevant groups of people on disability related legal issues.

2016-2017 Objective

- Provide counsel and advice on at least 4,000 service requests. (PADD, PAIMI, PAIR, PABSS, PATBI, PAVA, PAAT, CAP, EA, Trust Fund)
- 2. Publications:** Disability Rights California will develop, or revise, and distribute publications and/or training materials to people with disabilities, their family members, advocates, service providers, and/or other relevant groups of people. Examples include the following:

2016-2017 Objectives

Nondiscrimination

- Updating selected publications and links on ~~and~~ DRC's public web page related to Nondiscrimination issues. (PADD, PAIMI, PAIR)
- Develop two new publications on topics- such as on effective communications, fair housing, ADA Title II Access, and/or ADA Title III Access.
- Complete at least 2 publications on physical accessibility in subsidized housing.

Community Integration: Lanterman

- a. Develop fact sheets on changes to the law for people with developmental disabilities. (PADD)
- b. Develop a short, consumer-friendly fact sheet regarding federal Home and Community-Based Services (HCBS) regulations (PADD, EA)
- c. Develop a publication and template “4731 complaint” on the right of regional center clients to receive information, including timely notices, in their native languages. (PADD, EA)
- d. Develop a publication and update the template letter that consumers and families can use to request IPPs in their native language. (PADD, EA)

Community Integration: Health Care/Long-Term Services and Supports

- a. Develop publications on using share of costs to pay for additional services. (PADD, PAIR, PAAT, EA)
- b. Develop a publication on medical exemption requests. (PADD, PAIR, PAAT, EA)
- c. Develop a fact sheet on Medi-Cal Fee for Service. (PADD, PAIR, PAAT, EA)
- d. Develop a publication regarding IHSS issues such as parent provider rules or proration. (PADD, PAIR, PAAT, EA)

Mental Health

- a. Review and update, as necessary, all DRC publications related to Mental Health, including the following publications: Getting Medi-Cal Outpatient Specialty Mental Health Services, Medi-Cal Mental Health Entitlement!!! Individual Mental Health Rehabilitation Services, Home & Community-Based Services for Individuals Subject to Temporary LPS Conservatorship - An Unfulfilled Promise? A Tale of Two Settings: Institutional and Community-Based Mental Health Service in California Since Realignment in 1991, Voluntary Services as Alternative to Involuntary Detention under LPS Act, and Your Right to

Receive Mental Health Services in the Language You Understand. (PAIMI/EA)

Work Incentives

- a. Develop a publication on Achieving a Better Life Experience (ABLE) Act of 2014 (CAP/PABSS/OCRA)
- b. Develop a best practices guide on advocating for transition-age youth to receive services from DOR, school districts, and regional centers. (CAP/PABSS/OCRA)

Youth

- a. Update the information contained in “Special Education Rights and Responsibilities Manual.” (PADD, PAIMI, EA, Trust Fund)
- 3. Outreach and Training:** Disability Rights California will provide training and/or outreach to people with disabilities, their family members, advocates, service providers, and/or other relevant groups of people on disability related legal issues. Examples include the following:

2016-2017 Objectives

Nondiscrimination

- a. Conduct at least three presentations or trainings regarding physical accessibility needs, obligations, and opportunities related to housing;
- b. Conduct trainings regarding disability discrimination against people who are experiencing homelessness;
- c. Conduct trainings to people who are deaf or hard of hearing about their rights to effective communication; and
- d. Conduct trainings to people who use the public transportation system about their rights to accessible transit.

Community Integration: Lanterman

- a. Provide trainings to people with intellectual and developmental disabilities about their right to live independently and/or to obtain competitive, integrated employment. (PADD)
- b. Provide trainings to people with intellectual and developmental disabilities about their rights to receive Individualized Program Plans (IPPs) and other information in their native languages and to receive Independent Living Skills (ILS) in the family home. (PADD, EA)
- c. Provide trainings to people with intellectual and developmental disabilities about their rights under the federal Home and Community Based Waiver regulations (PADD, EA)
- d. Provide trainings to people with intellectual and developmental disabilities who reside in facilities about their rights in the facilities and to community living options. (PADD, EA)
- e. Provide trainings to people with intellectual and developmental disabilities about their rights to independent living and supported living services. (PADD)
- f. Provide trainings to people with intellectual and developmental disabilities about their right to self-determination services and other new service models. (PADD)

Community Integration: Health Care/Long-Term Services and Supports

- a. Provide trainings to groups about their right to access health care. (PADD, PAIMI, PAIR, PAAT, EA)

Mental Health

- a. Conduct trainings to residents of state hospitals on their right to receive fair wages for their work.
- b. Conduct a law clerk project at Napa State Hospital to ensure effective and client centered services that will help with transition into the community.
- c. Conduct prisoners' rights and patients' rights trainings to patients' rights advocates

Work Incentives

- a. Provide training to consumers, Social Security recipients, families, independent living service providers, supported living providers, transition teachers, and regional center staff about work incentives, the Ticket to Work Program, reporting wages, and Achieving a Better Life Experience (ABLE) Act of 2014. (PABSS, EA)
- b. Provide trainings to clients and potential clients of Rehabilitation Act funded agencies, community partners, and the public on the right to competitive integrated employment and informed choice in receiving vocational rehabilitation services. (PABSS, CAP, EA)
- c. Provide trainings to transition-age youth and their families on the impact of parental deeming on eligibility for Supplemental Security Income (SSI). (CAP/OCRA)
- d. Provide targeted trainings to underserved communities including Asian Pacific Islanders, African Americans, Latinos, and mono-lingual communities on vocational rehabilitation services. (CAP, PABSS, EA)

Youth

- a. Conduct trainings to parent groups, public defenders, and court-appointed special advocates to explain how to advocate for students who are disciplined for disability-related absences.

Patients' Rights Advocacy

People with psychiatric disabilities are vulnerable to abuse and neglect. Their rights may be unreasonably and unlawfully denied. A patients' rights advocacy system that is independent of the service providers will help eliminate abuse, neglect and denial of rights and expand access to timely, appropriate and culturally competent treatment and services.

Goals

1. Protect and enforce the rights of people in state hospitals.
2. Provide access to an effective patients' rights complaint process by investigating and taking action to resolve state hospital residents' complaints. Also take action to resolve abuse, unreasonable denial of rights and punitive withholding of rights that cannot be resolved by the county patients' rights advocates. Make sure the patients' rights advocacy system is accessible to patients.
3. Support county patients' rights advocates by providing information, training and reviews of their programs.

Clients' Rights Advocacy

People with intellectual and developmental disabilities served by the 21 regional centers are vulnerable to abuse and neglect and their rights are often not observed or protected. A clients' rights advocacy system that is independent of the service providers will help eliminate abuse, neglect and denial of rights and expand access to the services and supports people with intellectual and developmental disabilities need to live independent and productive lives.

Goals

1. Protect the rights of regional center consumers and help people with intellectual and developmental disabilities pursue administrative and legal remedies.
2. Investigate and resolve complaints of abuse, unreasonable denial of rights and punitive withholding of rights guaranteed by the Lanterman Act to residents with disabilities in licensed health and community care facilities.
3. Provide information, referrals and training for regional center consumers and their families.

APPENDIX A

Disability Rights California receives funds from federal and state agencies, the State Bar of California, foundations and private donations.

Here is information to help you understand the titles of the federal grants and state funds identified in the Goals and Objectives:

FEDERAL FUNDING

PADD: In 1978, Disability Rights California became the agency in California responsible for protecting and advocating for the rights of people with intellectual and developmental disabilities under the federal Developmentally Disabled Assistance and Bill of Rights Act of 1978 (PADD).

PAIMI: The Protection and Advocacy for Individuals with Mental Illness Act of 1986 (PAIMI) extended Disability Rights California's mandate to people with psychiatric disabilities.

PAIR: The Protection and Advocacy of Individual Rights Act of 1992 (PAIR) extended Disability Rights California's mandate to people with physical, learning and sensory disabilities.

PAAT: Beginning in 1998, Disability Rights California received limited funds under the Protection and Advocacy for Assistive Technology (PAAT) Act to increase access to assistive devices and equipment.

PABSS: Under the Protection and Advocacy for Beneficiaries of Social Security (PABSS) Act, Disability Rights California provides advocacy assistance to Beneficiaries of Social Security Disability or Supplemental Security Income (SSI) and to people who are working and are beneficiaries of Medicare, Medi-Cal or In-Home Supportive Services (IHSS) about securing or requiring employment. These funds also support specific advocacy work targeted at problems people have with their representative payees.

PATBI: Protection & Advocacy for Individuals with Traumatic Brain Injury (PATBI) assures that people with traumatic brain injury receive appropriate services and supports within their own communities. Disability Rights

California promotes the rights of people with Traumatic Brain Injury (TBI) through advocacy assistance, education and outreach to build TBI community awareness and support for inclusion. This program was established by federal grants from the Department of Health and Human Services.

PAVA: Part of the Help America Vote Act of 2002 (HAVA) was the Protection and Advocacy for Voting Access (PAVA) program. PAVA expanded Disability Rights California's ability to work for full participation in the electoral process for people with disabilities, including registering to vote, casting a vote and accessing polling places.

Equal Access (EA): Disability Rights California receives funds from the State Bar under the Equal Access to Justice Project to provide services to indigent Californians with disabilities.

IOLTA: We receive support from the State Bar of California's Interest on Lawyers Trust Account (IOLTA) program, which funds legal services for low-income people around California.

CAP: Disability Rights California receives funds under a contract with the State Department of Rehabilitation to provide services under the Client Assistance Program (CAP), a federal program that provides information and assistance to individuals seeking or receiving services under the Rehabilitation Act, including assistance in pursuing administrative, legal and other appropriate remedies to ensure the protection of their rights.

CalMHSA: Disability Rights California receives funds from the California Mental Health Services Authority (CalMHSA) for a stigma and discrimination reducing project.

Sonoma County: Disability Rights California's Peer and Self-Advocacy program receives Mental Health Services Act funding from the County of Sonoma to provide peer and self-advocacy services in that County.

WIPA: Disability Rights California receives funding from the Social Security Administration to assist recipients of Social Security Benefits to plan their benefits to enable them to successfully return to work.

STATE CONTRACTS

Disability Rights California also provides services under contracts with the Department of State Hospitals (California Office of Patients' Rights, "COPR") and with the Department of Developmental Services (Office of Clients' Rights Advocacy, "OCRA"). COPR's and OCRA's work is not covered in the priorities discussed in this document.