

**DISABILITIES LAW PROGRAM
DEVELOPMENTAL DISABILITIES PRIORITIES
AND CASE ACCEPTANCE STANDARDS FOR
FY 2021**

INTRODUCTION

The Disabilities Law Program ("DLP") of Community Legal Aid Society, Inc. ("CLASI") provides services to individuals consistent with the Developmental Disabilities Act (codified at 42 U.S.C. 15001 et seq.) and its implementing regulations (80 Fed Reg. 44796 (July 27, 2015)]. This document identifies the goals, priorities, and case acceptance standards of the DLP's Protection and Advocacy for individuals with Developmental Disabilities (PADD) advocacy program. Completion of targets may be impacted by the coronavirus pandemic and restrictions placed on operations of CLASI, service providers in the DD community and the state legislature and regulatory agencies.

Eligibility for DD services is limited to persons who meet the federal definition of developmental disability, or those acting on behalf of persons with developmental disabilities. Information and referral services, which do not require assessment for eligibility as a DD client, are also provided.

I. GOVERNMENT BENEFITS & SERVICES

GOAL: Effective and non-discriminatory access to publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services will be assured.

PRIORITIES

- 0100 A. Protect rights through individual advocacy in at least forty (40) select cases involving barriers to access to publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services.

- 0101 B. Consistent with state council requests, prepare or proposed revisions to at least two (2) bills affecting publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services that potentially impact individuals with ID/DD.

- 0102 C. Prepare written analyses of at least 20 proposed State bills, regulations, and policies with significant impact on publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services referred by state councils.

- 0103 D. Provide advocacy and educational assistance resulting in successful, client- oriented administration of the Division of Developmental

Disabilities Services (DDDS) Lifespan Medicaid Waiver offering a wide array of supports, including addressing issues related to due process.

II. PUBLIC ACCOMMODATIONS

GOAL: Effective and non-discriminatory access to places of public accommodation will be assured.

PRIORITIES

- 0200 A. Protect rights through individual advocacy in at least seven (7) select cases to individuals prevented from accessing important public accommodations because of discriminatory policies or barriers proscribed by federal or state law.
- 0201 B. Prepare written analyses of at least 5 proposed State bills, regulations, and policies with significant impact on access to public accommodations referred by state councils.

III. EDUCATION

GOAL: Students will be provided non-discriminatory, high-quality, individualized educational programs resulting in attainment of objectively favorable outcomes commensurate with their potential.

PRIORITIES

- 0300 A. Evaluate and provide referral, technical assistance or direct advocacy services in at least fifteen (15) cases when systemic issues are presented, there is actual or proposed expulsion or long-term suspension without alternative education, lack of services poses a significant threat to health or safety, or there is actual or proposed total exclusion from needed direct or related services. Expansion to other cases as case load and time permits.
- 0301 B. In concert with State councils, deter pending State systemic initiatives which would discourage and suppress the availability of legal assistance and Administrative remedies for special education students.
- 0302 C. Prepare written analyses of at least 20 proposed State bills, regulations, and policies with significant impact on special education referred by state councils.

IV. RESIDENTIAL SETTINGS & HOUSING

GOAL: Safe, non-discriminatory, and integrated residential settings with desired support services will be readily available.

PRIORITIES

- 0400 A. Protect rights through individual advocacy in at least seven (7) select cases involving residential settings including juvenile detention facilities, including enforcement of laws promoting fair housing and integrated housing, diversion from restrictive settings, access to support services including educational services in some contexts, and freedom from abuse/neglect
- 0401 B. Protect rights of DDDS residential clients through participation in Human Rights and Mortality Review Committees resulting in review and selected revision of at least one hundred (100) individual plans, practices, or policies.
- 0402 C. Provide technical assistance and advocacy promoting full implementation of Delaware's Medicaid HCBS Statewide Transition Plan resulting in significantly enhanced integration in residential and related settings, as well as implementation of the DDDS Lifespan Waiver, integration of DD population into Medicaid Managed Care and implementation of new DDDS policy requiring enrollment in Lifespan Waiver in order to access services.
- 0403 D. Prepare written analyses of 10 proposed State bills, regulations, and policies with significant impact on the availability, integration, linked support services, and safety of residential settings referred by state councils.

GENERAL STANDARDS AFFECTING LEVEL AND TYPE OF SERVICES OFFERED

Recognizing that the demand for assistance has historically outstripped available resources, the following factors will be considered in determining the level and type of services which will be offered to a group or individual:

- (1) potential impact on client;
- (2) merits of case (both factually and legally);
- (3) realistic alternate sources for referral and assistance [e.g. State agencies; other advocacy groups; Delaware Volunteer Legal Services ("DVLS"); private bar];
- (4) applicant's ability to self-advocate; and
- (5) potential impact on other constituents or systems.

All five of the above factors should be considered for each case being evaluated for services.