DISABILITY RIGHTS DELAWARE
PROPOSED FOCUS AREAS AND CASE ACCEPTANCE STANDARDS
PROTECTION AND ADVOCACY FOR:
INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES
ASSISTIVE TECHNOLOGY
INDIVIDUALS WITH TRAUMATIC BRAIN INJURY
FY 2027 (10/1/2026-9/30/2027)

*****Priorities are based on FY2026 funding levels; outcome targets will be proportionately scaled based on any changes in the funding level*****

INTRODUCTION

The Disability Rights Delaware of the Community Legal Aid Society, Inc. ("CLASI") serves as the Protection and Advocacy ("P&A") system in Delaware as designated by the Governor. The P&A systems are federally mandated in each state and territory to provide protection and advocacy for the rights of persons with disabilities through legally- based advocacy. The P&A systems are made up of different federally enabled programs, including but not limited to those discussed in this document:

- Protection and Advocacy for Individuals with Developmental Disabilities (**PADD**), see 42 U.S.C. § 15041, et seq. and accompanying regulations at 45 C.F.R. § 1326.19 et seq.;
- Protection and Advocacy for Assistive Technology (**PAAT**), 29 U.S.C. 3004 et seq.;
- Protection and Advocacy for Individuals with Traumatic Brain Injuries (**PATBI**), see 42 U.S.C. § 300d-53.

The role of the P&A includes monitoring, investigation of suspected abuse/neglect, training, community outreach, educating policymakers, advocacy, and traditional legal practice (including individual and systemic litigation and administrative complaints). **Because the demand and need for our services outstrips our resources, we develop annual goals, focus areas (formerly called priorities), and objectives to guide our work and how we focus our limited staff resources. Note: not all cases that fit into the descriptions below will be accepted for representation.**

GOALS, FOCUS AREAS, AND OBJECTIVES

I. FOCUS AREA: THE DRD WILL ENSURE THAT PEOPLE WITH DISABILTIES ARE NOT SUBJECT TO UNLAWFUL DISCRIMINATION AND, FOR THOSE WHO WANT IT, ARE FULLY AFFORDED THEIR RIGHTS TO COMMUNITY LIFE WITH BOTH THOSE WITH AND WITHOUT DISABILITIES

A. Government benefits and services; public accommodations

PADD GOAL: The PADD will assure effective and accessible publicly funded or regulated benefits or programs that relate to disability: health – including Medicaid and other publicly funded health programs, disability/family support services, transportation, and vocational

benefits and services. The PADD will also ensure access to places of public accommodation and their services will be assured.

PADD PRIORITIES AND OBJECTIVES:

IA1 Protect rights through individual advocacy in at least twenty-six (26) select PADD cases involving barriers to access to publicly funded or regulated health, transportation, disability/family support, and vocational benefits and services (including supported employment), or access to or services from places of public accommodation.
The PADD will prioritize the following for case acceptance: involuntary discharge from a facility/home regulated by the Division of Health Care Quality, eligibility denials or terminations of Medicaid waiver services (Long Term Supports and Services, Lifespan, Promise), matters that pose significant health/safety concerns, and significant reductions in coverage for home care services. The PADD will also provide technical assistance and self-advocacy support to ensure access to places of public accommodation and their services will be assured; instances of accessibility barriers by local and state governmental entities[1] may be accepted on a case-by-case basis.

IA2 Consistent with state council requests, prepare written analyses, or prepare/propose revisions, of at least ten (10) proposed State bills, regulations, and policies with significant impact on publicly funded or regulated health, financial, transportation, family support, vocational benefits and services, or State bills, regulations or policies with significant impact on access to public accommodations, that potentially impact individuals with intellectual or developmental disabilities ("I/DD").

PAAT GOAL: The PAAT will secure improved access to Assistive Technology (AT) through Medicaid or other publicly funded healthcare, and other sources of payment and coverage, such as other state agencies; the PAAT will also ensure accessibility for individuals using AT at places of public accommodation.

PAAT PRIORITIES AND OBJECTIVES:
IA1 Protect rights through individual advocacy in at least four (4) select PAAT cases involving barriers to access to AT via publicly funded or regulated health (including Medicaid or other publicly funded healthcare), transportation, disability/family support, and vocational benefits and services (including supported employment), or accessibility barriers at places of public accommodation.

IA2 Collaborate with the Center for Disabilities Studies ("CDS") and State councils to provide analytical assessment of proposed legislative, regulatory, policy, and funding initiatives which facilitate access to or use of appropriate AT. At the request of councils, a minimum of four (4) non-Federal laws, regulations, policies, and funding initiatives affecting access to AT will be analyzed, with recommendations as appropriate.

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[1] Including correctional settings. However, correctional issues DRD does **not** assist with issues related to the underlying criminal prosecution, medical malpractice, or other personal injury suits. DRD may assist with accessibility issues on a case by case-basis.

PATBI GOAL: The PATBI will advocate for enhanced access to "safety-net" health and financial benefits for persons with traumatic brain injuries (TBI) and promote access to government programs and services, as well as access to public accommodations.

PATBI PRIORITIES AND OBJECTIVES:

IA1 Provide advocacy services to at least four (4) individuals with TBI facing: program eligibility or significant service denials/terminations in "safety-net" health and public benefits contexts (e.g., Medicaid; Food Supplement Program; Veterans' Benefits and Services), or if obstacles to accessing important governmental programs based on systemic policy or barrier(s) contrary to Federal or State law, or barriers to access to places of public accommodation. The PATBI may also assist with issues related to supported employment to promote autonomy.

IA2 Collaborate with the State Council for Persons with Disabilities (SCPD) Brain Injury and Policy & Law Committees in analyzing eight (8) State legislation, regulations, Medicaid initiatives, and selected policies with significant effect on access to "safety-net" health and financial benefits and reduce statutory, regulatory, and policy barriers and promote effective constituent access to governmental programs, as well as those that increase accessibility at places of public accommodation.

B. Housing, community living, independent living supports, and autonomy

PADD GOAL: The PADD will ensure safe, accessible, community-based settings, with individuals with and without disabilities, with desired support services, which promote autonomy and self-direction and are free from unlawful discrimination.

PADD PRIORITIES AND OBJECTIVES

IB1- Protect rights through individual advocacy in at least five (5) select cases involving enforcement of laws promoting fair housing and accessible and affordable housing in settings with both people with and without disabilities; prevention of diversion to overly restrictive settings; need for appropriate discharge planning and/or moving to community-based settings from other settings, access to care or support services including educational services and assistive technology in some contexts, other independent living supports. The PADD will also assist individuals who need decision-making documents (including supported decision-making agreements (SDMs), Advance HealthCare Directives (AHCDs), and Powers of Attorney (POAs)) when needed to promote autonomy, self-direction and to prevent unnecessary guardianship, for existing clients or others due to urgent circumstances. The PADD will prioritize matters assisting individuals to transition to or remain in community-based settings and those involving housing with built-in disability supports.

IB2: Prepare written analyses of five (5) proposed State bills, regulations, and policies, referred by state councils, with significant impact on: the availability of support services and living options populated by both people with and without disabilities; the fair housing rights of people with disabilities, individuals with developmental disabilities living in more restrictive settings than what they want or is appropriate, and diversion of such individuals to appropriate

community- based housing options, and on the provision of other appropriate supports that promote autonomy.

PATBI GOAL: The PATBI will deter inappropriately restrictive settings or services for persons with TBI and promote the availability of appropriate community-based housing options and other supports for those who wish for them.

PATBI FOCUS AREAS AND OBJECTIVES:

IB1 The PATBI will provide direct advocacy services to at least two (2) individuals with TBI who have experienced unlawful housing discrimination in violation of fair housing laws or who are struggling to access safe, affordable housing options, in collaboration with CLASI's fair housing program; who need access to other independent living supports, including developing decision-making documents (including SDMs, AHCDs and POAs) when needed to promote autonomy, self-direction and prevent unnecessary guardianship; or to facilitate appropriate discharge planning and/or moving to community-based settings, access to care or support services including educational services and assistive technology in some contexts.

IB2 The PATBI will collaborate with the SCPD Brain Injury and Policy & Law Committees in analyzing at least two (2) State legislation, regulations, and selected policies with significant effect on the fair housing rights of people with disabilities, inappropriately restrictive settings or services for individuals with TBI, diversion of persons with TBI to appropriate community-based housing options for those who want those options, and the provision of appropriate supports that promote autonomy.

PAAT GOAL: The PAAT will provide direct advocacy services to at least two (2) individuals with TBI who have experienced unlawful housing discrimination in violation of fair housing laws or who are struggling to access safe, affordable housing options in the community, or who need access to other independent living supports, and developing decision-making documents (including supported decision-making agreements, AHCDs and Powers of Attorney) when needed to promote autonomy, self-direction and to promote alternatives to guardianship.

PAAT FOCUS AREAS AND OBJECTIVES:

IB1 In collaboration with CLASI's fair housing program, the PAAT will provide direct advocacy services to at least two (2) individuals with AT who have experienced unlawful housing discrimination in violation of fair housing laws or who are struggling to access safe, affordable housing options, or who need access to other independent living supports, and developing decision-making documents (including supported decision-making agreements, AHCDs and Powers of Attorney) when needed to promote autonomy, self-direction and to promote alternatives to guardianship.

II. FREEDOM FROM ABUSE, NEGLECT AND RIGHTS VIOLATIONS

PADD GOAL: The PADD will ensure that individuals with developmental disabilities in community or residential settings will be free from abuse and neglect and live in healthier, safer, or otherwise improved environments.

PADD PRIORITIES AND OBJECTIVES

II-3: Protect rights of Division of Developmental Disabilities Services (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.

II-4: DRD will conduct at least two (2) of the following: 1) monitor facilities[2] to ensure that individuals with developmental disabilities are free from abuse, neglect and disability rights violations through monitoring activities, 2) encouraging appropriate intervention by state licensing agencies, and 3) screening and investigating on a case-by-case basis, any reported or discovered incidents of neglect, injury, or unexpected death of an individual with a developmental disability, which occurred while receiving services in a facility, and 4) access to facility grievance processes.

PATBI GOAL: Individuals with traumatic brain injury receiving services from facilities, including schools, will be free from abuse and neglect and live in healthier, safer, or otherwise improved environments.

PATBI PRIORITIES AND OBJECTIVES:
II-4 DRD will conduct at least one (1) of the following: 1) monitor facilities providing services to ensure that individuals with traumatic brain injury are free from abuse, neglect and disability rights violations through monitoring activities, 2) encouraging appropriate intervention by state licensing agencies, 3) screening and investigating on a case-by-case basis, any reported or discovered incidents of neglect, injury, or unexpected death of an individual with a traumatic brain injury, which occurred while receiving services from a facility; 4) provide community education around the rights of individuals with TBI to be free from abuse or neglect and/or DRD's investigation and monitoring authority; or 5) access to facility grievance processes.

III. EDUCATION

PADD GOAL: The PADD will assure that students with developmental disabilities will be provided high-quality, individualized educational programs, free from unlawful discrimination, resulting in attainment of objectively favorable outcomes commensurate with their potential.

PADD PRIORITIES AND OBJECTIVES
III-1: Evaluate and provide referral, technical assistance, or direct advocacy services in at least ten (10) cases when: there is actual or proposed expulsion or long- term suspension (more than 10 days) without alternative, appropriate school-based education; the lack of services or

[2] Facilities when used throughout these combined priorities includes but is not limited to psychiatric hospitals, adult corrections/youth rehabilitative facilities, assistive living and nursing homes, neighborhood homes ("group homes"), schools and other facilities that serve people with disabilities.

accommodations poses a significant threat to health or safety; or there is actual or proposed total exclusion from needed direct or related services.

III-2: Prepare written analyses of at least twelve (12) proposed State bills, regulations, and policies referred by state councils with significant impact on the education of students with disabilities.

PAAT GOAL: The PAAT will secure timely access to appropriate AT for students with disabilities.

PAAT PRIORITIES AND OBJECTIVES:
III-1: Provide legal assistance in two (2) matters involving students experiencing barriers to access (to appropriate, important AT devices and services at the preschool, primary, secondary, or post-secondary education levels), or engage with school districts, charter schools or the Delaware Department of Education on policy matters impacting the use of or access to AT.

III-2: Collaborate with CDS and State councils to provide analytical assessment, with recommendations as appropriate, of one (1) proposed legislative, regulatory, and policy initiatives which facilitate access to appropriate AT by students with disabilities enrolled in public and private schools, including access to alternative format materials.

PATBI GOAL: The PATBI will advocate for access to appropriate special education services for students with TBI.

PATBI PRIORITIES AND OBJECTIVES:
III-1 Provide legal assistance in two (2) matters involving students securing special education identification or access to FAPE or essential services, or engage with school districts, charter schools or the Delaware Department of Education on policy matters impacting students with traumatic brain injuries. Matters involving discipline and total exclusion from special education or related services will be prioritized.

III-3 Through participation in councils and committees, the PATBI will positively influence the development of - or analysis of – proposed State policies, regulations, or bills related to the educational services for students with TBI, or State policies, regulations or bills that promote the prevention of TBI amongst school aged youth.

IV. FOCUS AREA: COMMUNITY EDUCATION, TRAINING AND SELF-ADVOCACY

PADD GOAL: The DRD will offer community education, training, and technical assistance for self-advocacy to individuals and groups to promote access to community life, services and supports, accessibility, autonomy, knowledge of rights, appropriate primary through higher education, understanding of service and support options, and self-direction. The DRD will provide information, referrals, and brief technical assistance on disability related topics to soliciting individuals and agencies.

PADD PRIORITIES AND OBJECTIVES:

IV-1: The PADD will provide information, referral, and brief technical assistance to a minimum of twenty (20) soliciting individuals and agencies to promote community life, services and supports, accessibility, autonomy, and self-direction.

IV-5: The PADD will offer training on disability-related topics to one thousand (1,000) persons, through seminars; training events (including LIFE conference); website information; web-based materials; articles; and other educational activities.

PAAT GOAL: The DRD will offer community education, training, and technical assistance for self-advocacy to individuals and groups to promote community life, services and supports, accessibility, autonomy, knowledge of rights, understanding of service and support options, and self-direction. The DRD will provide information, referral, and brief technical assistance on disability related topics to soliciting individuals and agencies.

IV-1: The PAAT will provide information, referral, and brief technical assistance to a minimum of five (5) soliciting individuals and agencies to facilitate access to AT.

IV-5: The PAAT will offer training on AT-related topics (such as digital accessibility) to one thousand (1,000) persons, through seminars; training events (including LIFE conference); website information; web-based materials; articles; and other educational activities.

PATBI GOALS:
The PATBI will educate persons with TBI, their families, and professionals to understand the service needs, civil rights protections, and sources of supports for persons with TBI, as well as promote TBI prevention and resource options.

PATBI PRIORITIES AND OBJECTIVES:

IV-1 The PATBI will provide technical assistance and/or information/referral to at least eight (8) persons with TBI, their families, and professionals in response to inquiries concerning service needs, civil rights protections, and sources of support for persons with TBI.

IV-2 PATBI will collaborate with the SCPD Brain Injury and Policy & Law Committees in development and/or analysis of at least one (1) piece of State legislation, regulations, or selected policies with significant effect on TBI prevention and resource options.

IV-5 The PATBI will co-sponsor or support at least two (2) training events which provide information on the service needs, civil rights protections, and sources of supports for persons with TBI.

GENERAL STANDARDS AFFECTING LEVEL AND TYPE OF SERVICES OFFERED

Recognizing that the demand for DRD's assistance has outstripped our 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 the client (the individual with a disability).
(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) client's ability to self-advocate, or the ability of their parent/guardian/agent to advocate on their behalf;
(5) whether the case will promote the independence, autonomy, and self-determination of the client, in the least restrictive setting; and
(6) potential impact on other constituents or systems.

All the above factors should be considered for each case being evaluated for services, with the last factor receiving additional weight in DRD's deliberations. All case acceptance is subject to limitation due to available staff resources at the time a request for services is made.