



NEVADA'S PROTECTION & ADVOCACY SYSTEM FOR INDIVIDUALS WITH DISABILITIES

**2010 CASE SELECTION CRITERIA & SERVICE PRIORITIES**

**NDALC CASE SELECTION CRITERIA**

- The applicant must meet the program eligibility guidelines and the legal problems must fall within an objective or priority for services.
- Services will be provided only to persons whose legal problems are related to their status as an individual with a disability, whose legal problems are susceptible to resolution by NDALC staff, and whose claims have legal merit.
- Services will generally only be provided to individuals whose problems cannot be solved through self-advocacy or by other individuals, agencies, attorneys or organizations.
- While NDALC will provide direct legal representation to individual clients, legal issues that are systemic in nature will receive priority.
- The demand for NDALC services exceeds the available resources, and the agency must plan its activities in a strategic manner to effectively utilize its limited resources. Therefore, NDALC may decline to provide direct advocacy assistance even in situations where a case may be within the priorities and meet case acceptance criteria.
- NDALC resolves disputes whenever possible through non-adversarial means such as negotiation, mediation, conciliation, and exhaustion of administrative remedies, where appropriate, prior to initiating legal action in a Federal or State court.

**2010 NDALC SERVICE PRIORITIES**

**ABUSE & NEGLECT**

**Priority: People with disabilities will live free from abuse and neglect.**

Objective 1: Reduce/eliminate the amount of time people with disabilities are held in restraints and/or seclusion in public and private facilities, including schools.

Objective 2: Affect changes in policy by investigating instances of serious injury and/or death at facilities.

Objective 3: Investigate cases of alleged serious abuse or neglect in public and private facilities, including schools.

Objective 4: Track, review and/or investigate cases of alleged serious abuse or neglect in hospital emergency rooms in Southern Nevada.

Objective 5: Investigate all reported deaths in public and private facilities.

### ALTERNATIVES TO GUARDIANSHIP

**Priority: People with disabilities will be free from unnecessary guardianships or abusive guardians.**

Objective 1: Assist people with disabilities under guardianship or under threat of guardianship to limit an unnecessary guardianship, remove an abusive guardian, or terminate a guardianship.

Objective 2: Provide information and training to wards and potential wards to increase knowledge of their rights.

### COMMUNITY INTEGRATION

**Priority 1: People with disabilities will live in the community of their choice with the supports they need for successful integration.**

Objective 1: Assist people with disabilities to remain in the least restrictive environment possible.

Objective 2: Assist people with disabilities to move from an institutional placement to living in the community.

**Priority 2: Infants and toddlers will receive appropriate and timely early intervention and transition services.**

Objective 1: Provide technical assistance, short-term assistance and direct legal representation in obtaining appropriate and timely early intervention services.

Objective 2: Accept cases of individual families and children placed on waiting lists for early intervention services and/or facing denials of compensatory services or reimbursement.

### DISABILITY DISCRIMINATION

**Priority 1: Public entities and places of public accommodation will not discriminate on the basis of disability in violation of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.**

Objective 1: Identify and address instances of alleged illegal discrimination by a place of public accommodation.

Objective 2: Identify and address instances of alleged illegal discrimination by a state or local government entity.

**Priority 2: Public and private housing entities and owners will not discriminate on the basis of disability in violation of the Fair Housing Act (FHA).**

Objective 1: Identify and address violations of the FHA based on disability.

### EDUCATION

**Priority 1: Students with disabilities in Nevada will receive appropriate education services.**

Objective 1: Accept cases of students with disabilities from underserved populations.

Objective 2: Accept cases of students with disabilities regarding disputes over the behavioral plans, inappropriate removal from the educational environment, inappropriate or insufficient related or supplementary aides and services, or other issues resulting in a denial of a free and appropriate public education in the least restrictive environment.

**Priority 2: Students with disabilities in Nevada will receive appropriate assistive technology devices and services from school districts.**

Objective 1: Accept cases of students with disabilities in need of assistive technology devices and services.

**EMPLOYMENT**

**Priority 1: Social Security beneficiaries will obtain or retain employment.**

Objective 1: Reduce barriers to employment for beneficiaries of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI).

Objective 2: Provide individual and systemic advocacy to ensure eligible transition age students with disabilities have access to vocational rehabilitation services and employment supports.

**Priority 2: Social Security beneficiaries will be free from exploitation by employers who are acting as representative payees.**

Objective 1: Conduct periodic site visits of Nevada employers who are acting as Social Security representative payees.

**INDIVIDUAL RIGHTS**

**Priority 1: People with mental illness will have their rights protected.**

Objective 1: Accept cases of alleged denial of rights by care and treatment service providers.

Objective 2: Provide self advocacy training and resource materials about personal rights.

**Priority 2: People with developmental disabilities will have their rights protected.**

Objective 1: Accept cases of alleged denial of rights by care and treatment service providers.

Objective 2: Provide self advocacy training and resource materials about personal rights.

**Priority 3: Facilities and service providers will have policies and procedures that comply with federal and state law.**

Objective 1: Conduct site visits of select facilities, group homes and supervised living arrangements.

Objective 2: Obtain and analyze policies and procedures of select facilities, group homes and supervised living arrangement to ensure compliance with federal and state law.

**MEDICAID**

**Priority: Persons with disabilities will have increased access to Medicaid Services.**

Objective 1: Address systemic issues in Medicaid program that decrease access to services.

Objective 2: Accept technical assistance cases, short-term assistance cases, or representation at hearings when a Medicaid recipient with a disability has been wrongfully denied services.

**NDALC ACCESS**

**Priority 1: NDALC will have access to residents and records in care and treatment facilities.**

Objective 1: Enforce NDALC access pursuant to federal law and regulations to individuals and records.

## OUTREACH

### **Priority 1: People with disabilities will have increased access to and knowledge of NDALC services and their rights under federal and state law.**

Objective 1: Conduct outreach activities of selected facilities, group homes, and supported living arrangements.

Objective 2: Conduct outreach activities in the community to increase awareness of NDALC services and the rights of individuals with disabilities.

Objective 3: Conduct outreach activities in underserved communities, such as Native American communities and persons with visual impairments, to increase awareness of NDALC services and the rights of individuals with disabilities.

Objective 4: Conduct outreach activities to SSI/SSDI beneficiaries to inform them about PABSS services and obtaining and retaining employment.

### **Priority 2: Increase efforts to reduce the stigma to mental illness in Nevada.**

Objective 1: Conduct a state-wide outreach and education campaign to combat the stigma of mental illness.

### **Priority 3: People with disabilities will be educated about their voting rights and the voting process.**

Objective 1: Provide education and training to individuals with disabilities about their right to vote and the voting process.

## PUBLIC POLICY

### **Priority 1: Individuals with disabilities in the juvenile justice system will receive appropriate treatment and services.**

Objective 1: Collaborate with stakeholders in the juvenile justice systems that promote JDAI standards.

Objective 2: Develop and implement strategies to combat the “school to prison pipeline” for children in special education.

### **Priority 2: Nevada will provide access to adequate community-based treatment and services for people with disabilities.**

Objective 1: Educate policymakers to improve the quality of and increase access to community based services.

Objective 2: Enforce Nevada’s Olmstead implementation activities to ensure that individuals with disabilities have quality community based services.

### **Priority 3: Individuals with mental illness in rural Nevada will have access to mental health services.**

Objective 1: Educate and inform policymakers about the need for increased mental health services in rural areas of Nevada.

Objective 2: Participate in public policy activities to increase mental health service options for rural Nevadans.

### **Priority 4: Educational rights of students with disabilities will be protected.**

Objective 1: Participate in state and local educational public policy planning activities.

Objective 2: Monitor and advocate for the appropriate utilization of 1:1 assistants and paraprofessionals in special and regular education environments.

Objective 3: Participate in public policy activities to reduce and/or eliminate the use of restraint and seclusion in schools.

Objective 4: Research and review restraint and seclusion policies and procedures in Nevada's school districts, and advocate for revision as appropriate, as part of nationwide initiative to reduce restraint and seclusion in schools.

**Priority 5: Individuals with disabilities will have access to adequate Medicaid services.**

Objective 1: Address systemic public policy issues in the Nevada Medicaid program.

**Priority 6: Infants and toddlers will have adequate and timely early intervention services.**

Objective 1: Participate in systemic activities to ensure adequate and timely early intervention services.

Objective 2: Monitor and advocate for the delivery of timely early intervention services, the provision of compensatory services and reimbursement, the sufficiency of early intervention services, and the provision of procedural safeguards for all eligible children and families through the Class Administrative Complaint filed July of 2008.

**Priority 7: Individuals with disabilities will have access to services and supports to obtain and retain employment in community settings.**

Objective 1: Participate in systemic public policy activities to improve community services and supports to allow individuals with disabilities to work in the community.

**Priority 8: Individuals with mental illness will have access to a comprehensive and dynamic program of support and opportunity.**

Objective 1: Support the establishment of Club House(s) in Nevada that focus on restorative activities and not the disability.

**Priority 9: Individuals with alleged mental illness detained in Southern Nevada hospital emergency rooms will receive appropriate and timely treatment.**

Objective 1: Participate in systemic public policy activities to ensure individuals with alleged mental illness detained in Southern Nevada hospital emergency rooms will receive appropriate and timely treatment.

**VOTING**

**Priority: People with disabilities will have increased access to the voting process.**

Objective 1: Collaborate with other advocacy organizations to ensure access to the voting process.

Objective 2: Address barriers to the voting process for individuals with disabilities.

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The Nevada Disability Advocacy & Law Center (NDALC) sets annual service priorities based on input from individuals with disabilities. This document lists the service priorities for fiscal year 2010.

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