



VOICES & VISIONS

A VOICE FOR PEOPLE WITH DISABILITIES ❖ A PROMISING VISION FOR TOMORROW

YLF Alumni Advocate for Disability History Awareness

Matthew Shapiro, Delegate, VBPD 2007 Youth Leadership Forum

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

When Thomas Jefferson composed this passage in the Declaration of Independence, equal rights for all were far from a reality, especially for persons with disabilities. More than two centuries later, in the Americans with Disabilities Act of 1990 (ADA), the U.S. Congress found that "historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem." The ADA further established that "the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals..." Today, despite the efforts of the disability rights movement that led to the Virginians and Americans with Disabilities Acts and additional progress since their enactment, individuals with disabilities still have a harder time fitting into society, making friends, living independently, and pursuing careers than their peers without disabilities.

Early in 2008, inspired by successful advocacy efforts in other states, Daniel Milner, a Delegate to the Board's 2006 Youth Leadership Forum, convinced the Charlottesville School Board to designate October as Disability History Awareness Month. Milner and Jefferson's hometown joined a growing number of communities officially recognizing the need to expand the public's—especially school children's—knowledge, awareness, and understanding of disabilities and the disability rights movement.

(continued on page 5)

Ensuring Voting Rights for People with Disabilities

Katherine Lawson, Community Outreach & Program Manager

Well before November's election and its strong voter turnout, the State Board of Elections (SBE) began a process for improving Virginians with disabilities' ability to cast their votes. Although local registrars are permitted to offer alternative services to assist individuals with disabilities, the Board of Elections was still concerned that steps were needed to improve accessibility and ensure that citizens with disabilities' votes could be cast as privately and independently as possible.



Caroline County poll-workers, Phyllis Carpenter & Mildred Murphy, check-in voter Herbert Posner for the December 2007 Congressional special election.

Key efforts began in 2004 when the Board of Elections received Election Assistance for Individuals with Disabilities (EAID) funding from the Department of Health and Human Services. Responding to needs determined

through a survey of 134 state municipalities, localities were assisted in acquiring additional accessible parking for polling places and appropriate assistive technology such as audio components, text magnifiers, and tables with adjustable heights for wheelchair users. A "disability etiquette" curriculum for poll workers was also developed. Over 250 local election officials who completed "train the trainer" programs can now instruct additional colleagues to expand and sustain disability sensitivity statewide.

The Board of Elections will now determine whether recent improvements were effective and take additional steps as indicated. As noted by Susan R. Lee, SBE

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Letter from the Executive Director: Moving Forward

Heidi Lawyer



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As we enter 2009, the Commonwealth faces incredible challenges. During the General Assembly session, advocates working to expand services and fill program gaps will have to redouble their efforts to ensure that current levels of service are maintained, especially for the most vulnerable. More than ever, we must be prudent stewards of taxpayer funds and work together to ensure that they are used to the best advantage for all.

Last fall, Virginia's Developmental Disabilities Network agencies – the Board, Partnership for People with Disabilities, and Virginia Office for Protection and Advocacy – joined with The Arc of Virginia to create the Virginia Alliance for Community. Alliance members began working together in May 2008, hoping to take advantage of an opportunity for Virginia to reform its historical bias toward large state institutions and realize full community integration of persons with disabilities. Now, over 100 national, state, and local organizations support the Alliance's proposal that \$43 million in capital outlay bond funds budgeted for renovation or rebuilding of Central Virginia Training Center (CVTC) be used instead to build, renovate, or acquire state-operated, community based housing for CVTC residents comprised of Medicaid waiver and small ICF-MR homes.

The Alliance spent many months meeting with members of the Administration and the General Assembly and we were pleased by the Governor's redirection of \$18.5 million of the \$43 million in the capitol outlay funds designated for CVTC rebuilding to develop community housing. The Alliance and its supporting organizations will continue to advocate for the full \$43 million for the benefit of current residents and as the most judicious use of scarce resources for the benefit of future generations.

The Alliance has also expressed its support for the Governor's proposal to close the Southeastern Virginia Training Center. While Virginia's expressed policy has long been to help individuals remain with their families or in other community environments receiving appropriate supports, the reality of its practices have been at odds with that philosophy. The unintended results have been vastly increased state costs, a lesser quality of life for many individuals with disabilities residing in large institutions, and an unacceptable growth of community support waiting lists.

Details of a comprehensive plan for SEVTC closure continue to be worked out. That said, as one of only ten states that have not closed any institutions, the proposed closure itself represents a pivotal moment in Virginia's history and the Alliance commends the Governor for this significant shift in the commonwealth's policy direction. The Alliance stands ready to work with the Administration, the General Assembly and families to ensure that when the closure takes place, it is successful and all of the residents at SEVTC are transitioned based on a plan that is best for them and that ensures a high quality of life.

During the 2009 legislative session, there will be ongoing discussions regarding the Alliance proposal as well as proposals from the Governor and the General Assembly. The Alliance understands that there are varying perspectives regarding the need for large training centers. Our now more than 100 strong organizational coalition is very sensitive to expressed concerns but confident that we can demonstrate that all levels of care, including for individuals with significant medical or behavioral challenges, can – and are already – provided in community settings with greater opportunities for self-determination and cost-effectiveness.

Virginia is not the first state to navigate these waters. Many others have risen successfully to the challenge. Those states' leaders and the individuals they have helped transition from training (or developmental) centers to the community overwhelmingly report that they do not want to turn back. It is time for Virginia to heed their message and chart a similar course. ♡♡

VIRGINIA ALLIANCE FOR COMMUNITY

To learn more, visit

www.vaboard.org/vapolicy.htm

or www.thearcofva.org.

Looking Back: Ten Years Since the *Olmstead* Decision

Colleen Miller, Executive Director, Virginia Office for Protection and Advocacy

On June 22, 1999, the U.S. Supreme Court issued a decision that promised to have a profound impact on the lives of people with severe disabilities. Yet, in the ten years since *Olmstead v. L. C.*, Virginians with disabilities have seen little of the promised benefits.

In the *Olmstead* decision, as it came to be called, the Supreme Court interpreted an important regulation promulgated under the Americans with Disabilities Act (ADA). The regulation, known as the "integration mandate," requires public entities, like state governments, to offer their programs in "the most integrated setting appropriate to the needs of the individual." The ADA, the Court noted, recognized that segregation of people with disabilities into large institutions could be a violation of federal law. Isolation and segregation of individuals with disabilities is a serious and pervasive form of discrimination, and the high court found it to be specifically banned by the ADA. But the decision also recognized some hard facts. The Court realized that states could not move everyone currently in institutions from those segregated settings into community alternatives all at once. It created an option: "If, for example, the State were to demonstrate that it had a comprehensive, effectively working plan for placing qualified persons with mental disabilities in less restrictive settings, and a waiting list that moved at a reasonable pace not controlled by the state's endeavors to keep its institutions fully populated," the ADA's requirements would be satisfied.

The plan that the Court described became known in many states as an "*Olmstead* plan." To comply with the Court's description, the plan must be comprehensive, must work effectively, and must not be motivated by any desire to keep institutions full. Most importantly, an *Olmstead* plan must move people out of institutions and into less restrictive settings at a reasonable pace.

In the years since the *Olmstead* decision, how has Virginia done? Sadly, not well. Virginia continues to operate the same number of institutions for people with intellectual disabilities (mental retardation) as it did when the decision was rendered. In recent years, Virginia has seen almost no movement of individuals from segregated settings. In 2000, 1,625

people lived in the state's "training centers." By January 2009, the number dropped by only 20 percent to 1,289 individuals. That small decrease in population over a 9 year period is even more discouraging with the realization that a significant number of deaths, not movements to community settings, contribute to the decrease in numbers.

The *Olmstead* decision recognized another harsh reality: a small number of people with mental illness or other disabilities may need institutional settings for a short period of time. The Court explained, "we emphasize that nothing in the ADA or its implementing regulations condones the termination of institutional settings for persons unable to handle or benefit from community settings." Here too, in large part due to stigma, fear, and a general concern about preserving jobs, Virginia has made little progress with respect to ensuring annual individualized evaluations are conducted. These required evaluations would determine for each individual residing in a training center, whether that individual is able to handle or benefit from a community setting.

While the Court did recognize that an institutional setting may be needed "from time to time" for a small number of people who cannot benefit from living in the community, nothing in the Court's opinion creates a "right" to an institution. Instead, the court concludes that a state may operate a "range of facilities," as long as doing so is part of a comprehensive plan to move people to the least restrictive setting possible. With Virginia's heavy reliance on institutions, 48th in the nation for funding small community placements, it is clear that the court's direction has not been met.

Hopefully, the second decade of *Olmstead's* promise of integration will mean greater opportunities for all Virginians with developmental disabilities. ♡



For the full text of *Olmstead v. L. C.*,
go to
[http://straylight.law.cornell.edu/
supct/html/98-536.ZS.html](http://straylight.law.cornell.edu/supct/html/98-536.ZS.html).

Partners in Policymaking Seeks Class of 2010

Erin Hickey, Sponsored Programs Assistant



Are you an adult with a developmental disability or the parent of a young child with disabilities? Do you want to be a more knowledgeable and effective advocate for your own or your child's rights? Do you want to join a statewide corps of

Virginians who have chosen to be active participants in the public discussion of policies and practices that affect the lives of people with disabilities? If so, the Board is currently recruiting for individuals to participate in 2009-2010 Partners in Policymaking trainings.

Partners attend eight two-day sessions in Richmond between September and May led by state and national experts who prepare them to use the power of advocacy to change the way that they, their families, and others with disabilities are understood, supported, taught, live, work, and play in their communities. Training sessions cover the history of the disability rights movement, self-

advocacy, independent living, supported employment, building inclusive communities, natural supports, legislative advocacy, assistive technology, communications, and team building.

All expenses for training, lodging, meals, and travel are covered by the Board, which also works with participating self-advocates to arrange personal care support services and with parents to arrange respite care. In return, participants must agree to complete all homework and class assignments as well as one major project designed to demonstrate their new competencies.

Each year's Partners class features a diverse group of highly motivated individuals representing a wide range of backgrounds and abilities from all across Virginia. Information and applications can be obtained at

www.vaboard.org/policy-making.htm, by e-mailing Erin.Hickey@vbpd.virginia.gov or Teri.Barker@vbpd.virginia.gov, or by calling 1-800-846-4464 (toll free, voice & TTY). ♾

Training Advocates for Disability Rights
Check out Bobby Silverstein's
Top Ten Tips for Disability Policy Change Agents at
<http://209.190.209.4/NetCommunity/Document.Doc?&id=246>.

Ensuring Voting Rights for People with Disabilities (continued from page 1)

Manager of Election Uniformity, "Improvements such as acquisition of equipment may have occurred, but are staff in fact able to operate it effectively?" Beginning in 2009, onsite audits will be completed during actual elections in collaboration with the Virginia Association of Centers for Independent Living (VACIL), with a goal of visiting half of the 2,500 polling places statewide. VACIL has also been encouraged to provide additional input on voting accessibility. Based on these audits, Lee added that additional training modules may be provided, perhaps through the Commonwealth's online Knowledge Center or similar technology that will enable election employees and volunteers access from their home computers or at public libraries.

In response to the growing population of individuals with disabilities, especially as people live and remain active longer, Board of Elections' planning recognizes that it will need to further expand and strengthen relationships with state and local disability services agencies, Area Agencies on Aging, public libraries, assisted living facilities, nursing homes, and others. As an example, Wilhelmenia Morgan, SBE Election Uniformity Specialist, reports that "We tested some of our voting machines at DBVI (Department for the Blind & Vision Impaired) and found their feedback most pertinent. It is essential to include individuals who are impacted by the changes we are making. We wanted to receive appropriate feedback from those who may be using the new adaptive equipment."

With guidance from the disability community, greater disability awareness by election officials, poll workers, and voters themselves, and expanded use of assistive and information technologies, the Board of Elections looks forward to continued election improvements, providing better service at lower costs, and ensuring that all Virginians with and without disabilities are able to exercise their civic right and responsibility to vote.

For its constituents' convenience, the Virginia Board for People with Disabilities has recently added a direct link on www.vaboard.org to the Board of Elections' list of **Frequently Asked Questions from Voters with Special Needs**. Voters are also encouraged to visit the Board of Elections website at www.sbe.virginia.gov for additional resources. ♾

Youth Leadership Forum: Wanted! Young Leaders

Kara White, Sponsored Programs Assistant

It's that time of year again! Recruitment of another great class of student Delegates for this summer's Youth Leadership Forum has begun. The 2009 YLF will take place July 13-17, 2009, at Christopher Newport University in Newport News. Invited Delegates will formulate career and life goals, develop leadership abilities, enhance social skills, make new friends, and gain a wealth of knowledge and experience from peers and guest speakers.



Class of 2008 with First Lady Anne Holton

Selection to participate in YLF is an honor and privilege. Delegates must be motivated, accept and have an interest in diversity, want to develop their leadership skills and plan for their futures, and desire to share their thoughts and opinions.

If you are a student with a disability as defined by the Americans with Disabilities Act who resides in Virginia, is a rising junior or senior or enrolled in a non-graded program and returning to high school for

a least one more year after the 2008-2009 term, and has demonstrated leadership in your school and community, **it is time to apply!**

If you are a parent, teacher, administrator, counselor, or anyone else who works with young people, the Board needs your help to make sure that all qualified students have the opportunity to learn about this fantastic opportunity and decide if they would like to apply. Share this information. Post it on a bulletin board or website. Reprint it in a newsletter. **Spread the word!**

To be considered, completed applications and all other required information must be received by no later than 5pm, March 29, 2009. For applications, instructions, and additional information visit www.vaboard.org/ylf.htm, e-mail Kara.White@vbpd.virginia.gov, or call 1-800-846-4464 (toll-free, voice & TTY). Electronic submission of applications is strongly encouraged. ♡♡



Check out the YOUTH LEADERSHIP FORUM on YouTube!

<http://www.youtube.com/watch?v=nXwkRUrtFYw>

YLF Alumni Advocate for Disability History Awareness *(continued from page 1)*

On December 2, 2008, YLF alumni appeared before the Virginia Disability Commission seeking their support for a Disability History Awareness Month statewide. This designation would encourage efforts by schools to increase public awareness of and respect for people with disabilities, approximately one-fifth of Virginia's population, and to teach future generations about their rich history, that disability is a natural part of life, and that all people have a right to be treated as individuals first and not discriminated against or segregated because of their disabilities. To incorporate disability rights and history into the general school curriculum, schools could provide supplements for existing classroom lesson plans, host disability-focused assemblies and film festivals, or organize other special activities involving local role models with disabilities and knowledgeable guest speakers from the larger disability community.

Following the Disability Commission meeting, Senator Toddy Puller from Northern Virginia and Delegate Lionell Spruill from Hampton Roads agreed to sponsor 2009 General Assembly resolutions establishing Virginia Disability History Awareness Month. Delegate David Toscano from Charlottesville has also expressed public support for the statewide initiative. All Virginians are encouraged to strongly endorse their efforts.

Seven states—West Virginia, Florida, Iowa, North Carolina, Idaho, Rhode Island, and Washington—currently observe an official disability history awareness month or week. Advocates are actively pursuing similar designations in New York, Pennsylvania, Connecticut, Illinois, Kentucky, Maryland, Michigan, and Montana. To learn more about other state's initiatives, visit www.disabilityhistoryweek.org. To join the Board's YLF alumni's advocacy efforts, go to Disabilities Awareness Month-VA at www.FaceBook.com. ♡♡

Disability Commission Addresses Housing Needs

Teri Barker-Morgan, Sponsored Programs Manager

Time and again, the challenges facing Virginians with disabilities come back to what many consider to be the most significant and persistent barrier, lack of accessible and affordable housing. Addressing the complex and overlapping issues, policies, laws, and regulations affecting the many diverse constituencies involved in housing is a principal responsibility for the Virginia Disability Commission. The Code of Virginia charges the Lieutenant Governor (ex officio), Senators, Delegates, and citizen members of the Commission "to identify and recommend legislative priorities and policies for adoption or examination by the General Assembly in order to provide ongoing support in developing and reviewing services and funding related to Virginians with physical and sensory disabilities."

Budget Proposals Impact Disability Services

News reports have spotlighted major impacts on disability services by the Governor's proposed budget revisions, such as closing Southeastern Virginia Training Center and redirection of some capitol outlay funds for Central Virginia Training Center to development of community housing alternatives. Other changes will affect Virginia's Medicaid waivers, personal care and other reimbursement rates, long-term and respite care, rehabilitation and employment services, autism supports, and numerous other disability related programs.

For the full text of the **Governor's budget presentation** to the General Assembly last December, go to www.governor.virginia.gov/MediaRelations/NewsReleases/viewRelease.cfm?id=838. A link at the end of the Governor's remarks, www.dpb.virginia.gov/budget/buddoc09/index.cfm, leads to details of the **Governor's plan**. To view proposed budget changes agency-by-agency, page down to Part D that lists both initial changes proposed in October and additional changes proposed in December.

The General Assembly will make significant changes of its own before submitting a final budget bill to the Governor for his signature at the close of its 2009 session on February 28. ▼▼

For more information about the Disability Commission and its Housing Workgroup, which includes a Board staff participant, visit <http://dls.state.va.us/disability.htm>.

At the Commission's December 2008 meeting, its Housing Workgroup, chaired by Ed Turner, the Governor's Special Advisor on Disability and Employment in the Workforce, identified three key barriers blocking progress on housing: lack of funding and subsidies; insufficient accessibility and universal design; and poor alignment of the state and localities on housing issues, policies, capacity, and planning. In response, the Commission adopted an agenda of legislative and other actions to address these barriers.

As financial incentives, the Commission will call for the 2009 General Assembly to change the per unit cap for the Livable Homes Tax Credit from \$500 to \$1000 and express its support for portability of the Auxiliary Grant. The Commission will also write to U.S. Senators Webb and Warner, requesting that they vote in favor of the Frank Melville Supportive Housing Investment Act of 2008 passed by the House of Representatives.

To improve planning, the Commission endorses requiring that a local government post its Comprehensive Plan, once approved, to its regional Planning District Commission's website. Better public access to these plans will promote regional collaboration and citizen participation, as will a request that the Virginia Association of Counties support and encourage use of the Transportation and Housing Alliance (THA) Toolkit, produced through a Board grant, in the development of local Comprehensive Plans.

Concerned about the Statute of Limitations in the design and construction section of state and federal Fair Housing Laws and the lack of a "continuing violation" provision, the Commission will encourage the Virginia Office of Fair Housing and Department of Housing and Community Development to collaboratively use U.S. Housing and Urban Development funds to develop and disseminate a "field manual" educating builders and building officials about related standards established by the American National Standards Institute. ▼▼

I-CAN! Accessibility Project

Linda Redmond, Research & Evaluation Program Manager

An initiative is well underway to help individuals with disabilities take action to protect themselves from domestic violence and sexual abuse. Begun in January 2007, the I-CAN! Accessibility Project has recently completed accessibility improvements to the Interactive Community Assistance Network online system for completing Family Abuse and Protection Orders to be filed with local Juvenile and Domestic Relations Courts. The project has also begun creating a community support network.

Project partners, Virginia Commonwealth University's School of Social Work and Partnership for People with Disabilities (PPD), received funding from the Virginia Department of Criminal Justice Services' Domestic and Sexual Violence Victim Fund. Their collaborators included the Supreme Court of Virginia, the Department of Judicial Services' Office of the Executive Secretary, the YWCA of Richmond, and Resources for Independent Living (RIL).

Assisting this team, a committee of six individuals with disabilities evaluated the I-CAN! computer module, developed in California and recently acquired by

Virginia, to determine where accessibility improvements were needed. They also worked with the Richmond Juvenile and Domestic Relations Court to better understand the protective order filing process. A computer technician further tested I-CAN! for accessibility obstacles, and compliance concerns with Section 508 standards of the U.S. Rehabilitation Act were corrected.

In addition to I-CAN! technical improvements, RIL staff were trained to assist individuals in obtaining protective orders and to provide them with support and resources in cases of abuse. Their curriculum focused on the dynamics of domestic abuse, how to use or assist others with I-CAN!, mandated abuse and neglect reporting laws, and the role of Adult Protective Services. "Understanding Family Abuse Protective Orders in Richmond, Virginia," a booklet written to be user-friendly for people with mild intellectual disabilities or mild traumatic brain injury, was distributed in English, Spanish, and Braille.

Over the next two years, Criminal Justice Services will provide the I-CAN! Accessibility Project with continuation funding to further train RIL staff on intervention and sexual violence and to develop a training module on sexual assault and domestic violence identification and intervention for distribution to all Virginia Centers for Independent Living.

The I-CAN! system is available through the Virginia Judicial System's website, www.courts.state.va.us, or more directly through a link on the RIL homepage at www.ril-va.org. The RIL site also links to a helpful information flyer. The I-CAN! booklet can be downloaded at www.vcu.edu/partnership/publications. For more information, contact Shari Johnston, Project Coordinator, at 804-356-3344. ♡

You're Invited!

Virginia Guardianship & Elder Rights Conference, April 27-28, 2009, in Richmond

For the fifth year, the Board is excited to sponsor an educational track at the annual joint conference of the Virginia Guardianship Association and Virginia Elder Rights Coalition. Conference activities of special interest to individuals with disabilities and their family members, caregivers, service providers, advocates, and decision-makers have grown each year. This year, the sponsored track features a plenary session on the responsibilities of physicians as patient advocates and workshops on intellectual disabilities and mental health, coalition building, special needs trusts, planning for the needs of adult children with autism, supporting positive behaviors of care recipients and providers, understanding brain function and brain injuries, and courtroom accessibility and design.

Limited scholarships are available for individuals with disabilities to attend. For more information, including "early bird" discounts on registration fees and accommodations, visit www.vgavirginia.org/conferences.asp, e-mail Joy.Duke@msn.com, or call 804-261-4046. ♡

New Voice & Vision at the Board

Welcome to Kelly Bolden, the Board's new Program Support Technician and Receptionist, replacing Henry Street who has taken on new responsibilities with the Department of Rehabilitative Services. In addition to greeting callers and visitors, Kelly will manage the front desk and process accounts payable. She looks forward to applying her experience and skills to maintaining excellent customer service and supporting the Board's mission on behalf of Virginians with disabilities. ♡



Don't Let This Be Your LAST Issue of *Voices & Visions*!

Future Board publications, such as *Voices & Visions*, will be only available via e-mail distribution or website posting. Documents in alternate formats that are needed as a reasonable accommodation for people with disabilities will continue to be provided.

To continue to receive *Voices & Visions*, readers have several options:

➤ **If you already RECEIVE an e-mail notice** that a new issue of *Voices & Visions* is available on the Board's website, **you do not need to do anything.** We will continue to let you know when each new issue is published in late January, April, July, and October.

➤ **If you currently DO NOT RECEIVE the e-mail notice** but have e-mail access, **send your e-mail address to INFO@VBPD.virginia.gov**, and we will add you to our e-mail distribution for *Voices & Visions*. This will also give you the opportunity to receive NEWS@VBPD bulletins and other important announcements.

➤ **If you HAVE internet access** and do not need or want the e-mail notice, just **visit our website at www.vaboard.org/publications.htm** to read, download, or print *Voices & Visions*.

➤ **If you DO NOT HAVE internet access, please contact us** at 804-786-0016 (Voice & TTY), 800-846-4464 (Toll-Free Voice & TTY), or 804-786-1118 (Fax) to confirm your mailing address and that you still wish to receive a photocopy of *Voices & Visions*.

The Virginia Board for People with Disabilities greatly appreciates your understanding as we all work through these difficult economic times. **THANK YOU** for your continued support of the Board's mission on behalf of Virginians with disabilities.

Meetings & Events of Interest are not included in this issue due to the above special announcement. For this information, please visit the Board's website calendar at www.vaboard.org/meetings.htm.

Next Board Meeting
March 11, 2009
Wyndham Richmond Airport Hotel
4700 S. Laburnum Ave., Richmond, VA

Contact Information

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PEOPLE WITH DISABILITIES

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