

OFFICE OF POLICY AND MANAGEMENT
REQUEST FOR INFORMATION
FOR CONNECTICUT'S
PROTECTION AND ADVOCACY SYSTEM
FOR
PERSONS WITH DISABILITIES

State of Connecticut
Office of Policy and Management
PROTECTION AND ADVOCACY SYSTEM FOR
PERSONS WITH DISABILITIES

A. INTRODUCTION

The Office of Policy and Management (OPM) is issuing this Request for Information (RFI) for the Protection and Advocacy (P&A) System for Individuals with Disabilities. **The deadline for responses is no later than 3:00 p.m. on November 1, 2016.**

Public Act 16-66 requires the Governor, no later than July 1, 2017, to designate a nonprofit entity to serve as the Connecticut protection and advocacy system. The designated nonprofit entity shall perform most of the functions currently performed by the Office of Protection and Advocacy for Persons with Disabilities (OPA) which, through Public Act 16-66, shall be abolished effective July 1, 2017.

This RFI is being issued to solicit information regarding the abilities of nonprofit entities to serve as Connecticut's protection and advocacy system which would require the provision of advocacy services, including, but not limited to, a client assistance program for people with disabilities. The protection and advocacy system shall be in compliance with all federal laws setting forth protection and advocacy system requirements, including, but not limited to, 42 USC 15041 to 15045, inclusive, and all federal laws setting forth a client assistance program requirements, including, but not limited to, 29 USC 732. For a full listing of all applicable federal laws please refer to Section B of this RFI.

B. BACKGROUND

Currently, OPA is the designated entity to serve as Connecticut's protection and advocacy system. The federal government allows public or private entities to be designated as a state's protection and advocacy system and 50 out of 57 states and territories currently utilize a private nonprofit entity as their protection and advocacy system. Being designated as a state's protection and advocacy system enables such entity to be eligible for federal funding to support the system.

Based on concerns of the federal government regarding the structure of Connecticut's protection and advocacy system, it was determined by the Governor and General Assembly that Connecticut was at risk of losing its federal funding for its protection and advocacy system if the system continued to be operated through a state government agency. To address this issue, the General Assembly passed, and the Governor signed, Public Act 16-6.

Public Act 16-6 requires the Governor, no later than July 1, 2017, to designate a nonprofit entity to serve as Connecticut's protection and advocacy system. All of the functions currently performed by OPA, with the exception of the review of 1) exemption requests from the accessibility provisions of the State Building Code; 2) requests for approval to install wheelchair lifts in most types of building; and 3) requests for exemptions from polling place accessibility.

Protection and Advocacy (P&A) systems work to empower, protect and advocate on behalf of individuals with disabilities and their families. The P&A pursues legal, administrative, and other appropriate remedies for individuals with disabilities.

P&As:

- Protect the person and civil rights of individuals with disabilities;
- Protect individuals with disabilities from abuse and neglect;
- Provide legal support to traditionally unserved and underserved populations;
- Ensure that individuals with disabilities have the ability to exercise their rights to make choices, contribute to society, and live independently;
- Provide information and referrals;
- Provide training and technical assistance; and
- Raise public awareness of legal and social issues affecting individuals with disabilities and their families.

In addition to the P&A system, federal law provides for a Client Assistance Program (CAP) to:

- Advise and inform clients and client applicants of all services and benefits available to them through programs authorized under the Rehabilitation Act of 1973 (Act), as amended;
- Assist and advocate for clients and client applicants in their relationships with projects, programs, and community rehabilitation programs providing services under the Act; and
- Inform individuals with disabilities in the state, especially individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs, of the services and benefits available to them under the Act and Title 1 of the Americans with Disabilities Act of 1990 (ADA), 42 USC 12101-12213.

The specific requirements of the federal P&A/CAP system may be found in federal statutes and regulations as follows:

- Protection and Advocacy for Persons with Development Disabilities, 42 USC 15041, *et seq.*, 45 CFR 1386.1 *et seq.*;
- Protection and Advocacy for Individuals with Mental Illness, 42 USC 10801 *et seq.*, 42 CFR 51.1 *et seq.*;
- Protection and Advocacy for Individual Rights, 29 USC 794e, 34 CFR 381.1 *et seq.*,
- Protection and Advocacy for Assistive Technology, 29 USC 3004;
- Protection and Advocacy for Beneficiaries of Social Security, 42 USC 1320b-21;
- Protection and Advocacy for Individuals with Traumatic Brain Injury, 42 USC 300d-53;
- Protection and Advocacy for Voting Accessibility, 42 USC 15461; and
- Client Assistance Program, 29 USC 732, 34 CFR 370.1 *et seq.*

For the Federal Fiscal Year 2017 (10/1/2016 – 9/30/17) it is estimated that there will be approximately \$1.4 million available for Connecticut's Protection and Advocacy system through eight federal grant programs.

C. PURPOSE

This RFI is being issued, as required by Public Act 16-6, to solicit information regarding the abilities of nonprofit entities to serve as Connecticut's protection and advocacy system to provide advocacy services, including, but not limited to, a client assistance program for people with disabilities. The protection and advocacy system shall be in compliance with all federal laws setting forth protection and advocacy system requirements, including, but not limited to, 42 USC 15041 to 15045, inclusive, and all federal laws setting forth a client assistance program requirements, including, but not limited to, 29 USC 732. For a full listing of all applicable federal laws please refer to Section B of this RFI.

D. DISPOSITION OF SUBMISSIONS

OPM is issuing this RFI for information purposes only and will not be obligated in any way to use any of the information received. Entities responding to this RFI will not be compensated in any way. Nothing in this RFI obligates the Governor to designate a respondent as the State's protection and advocacy system. Responses to this RFI will not result in a contract award.

E. ELIGIBLE RESPONDENTS

Eligible respondents must be a qualified 501(c)(3) nonprofit organization.

F. RFI ADMINISTRATION

Below is the timeline for the administration of this RFI:

September 1, 2016	Issuance of Request for Information
September 15, 2016	Deadline for Submitting Written Questions
September 29, 2016	Responses to Questions Released
November 1, 2016 at 3:00 PM EST	Deadline for Response

G. INFORMATION SOLICITED

In order for the State to adequately assess the capacity of a nonprofit to serve as the state protection and advocacy system, the State is looking to receive the following information in response to this RFI. Respondents are asked to provide detailed responses to each of the following questions.

1. Organizational Structure and Capacity:

- a) Include proof of 501(c)(3) nonprofit status.
- b) Include an Organizational Chart, including a list of job titles and job descriptions.
- c) How will the organization's staffing structure be sufficient to carry out the responsibilities of the protection and advocacy system, specifically noting: (1) how many attorneys and advocates will be employed full-time and what sort of expertise, such as litigation, will these attorneys and advocates have; (2) will the legal advocacy system be supervised by an attorney in good standing with the Connecticut Bar; and (3) will attorneys and advocates receive training on working respectfully with individuals with a diverse range of disabilities and, if so, how often the training will be provided?
- d) How will the organization have the capacity to pursue the full range of legal, administrative and other systems advocacy strategies on behalf of the organization's clients and/or potential clients? What will be the organization's systems advocacy strategies, as allowed for under the Developmental Disabilities (DD) Act and all applicable federal laws as referenced in Section B of this RFI? What organizational barriers might exist to conducting systems advocacy?
- e) What is the organization's experience in providing protection and advocacy services to Connecticut residents, as well as residents of other states, if applicable? Please describe a case where the organization took a lead role in litigating and/or advocating on behalf of its clients.
- f) What is the organization's experience representing clients in matters regarding education and employment opportunities, as well as clients' legal rights to entitlements, health care and housing?
- g) What is the organization's experience working with state and federal government offices involved with matters related to protection and advocacy for individuals with disabilities? What is the organization's experience working with state and federal statutes and regulations that pertain to protection and advocacy for individuals and disabilities?

- h) What is the organization's relationship to the disability community, including advocates for individuals with disabilities? What is the organization's experience working with individuals with cross-disabilities? Please describe how the organization will network with the diverse array of disability organizations.
- i) How is the organization independent of any organization that provides treatment, services or habilitation to individuals with disabilities?
- j) How will the organization work to empower, protect, and advocate on behalf of individuals with disabilities, including how will it:
 - i. protect individuals with disabilities from abuse and neglect;
 - ii. protect the personal and civil rights of individuals with disabilities;
 - iii. provide legal support to traditionally unserved or underserved populations;
 - iv. ensure that individuals with disabilities have the ability to exercise their rights to make choices, contribute to society, and live independently;
 - v. provide information and referrals;
 - vi. provide training and assistance;
 - vii. raise public awareness of legal and social issues affecting individuals with disabilities and their families;
 - viii. provide client assistance services; and
 - ix. provide services statewide?

2. Contracting of Services:

- a) What process will be in place for the contracting of services, if necessary, to another entity to represent a client, including: (1) what oversight and monitoring procedures will be in place to ensure that all subcontractors will be able to meet all applicable terms, conditions and obligations required through the P&A federal grants, including, but not limited to, the ability to pursue all forms of litigation under the DD Act; (2) what oversight will be in place to ensure the contracting organization meets all applicable responsibilities and standards which apply to P&As, including, but not limited to, the confidentiality provisions in the DD Act and PAIMI Act and regulations, ethical responsibilities, program accountability and quality controls; (3) what support and training will be provided to subcontractors; and (4) what procedures will be in place to ensure and monitor that all subcontractors meet the organization's official policies, including that the subcontractor carry adequate malpractice insurance?

3. Individual Legal Advocacy:

- a) How will the organization provide individuals with developmental disabilities with the information, skills, opportunities, and support to make informed decisions about their lives?

4. Systems Advocacy:

- a) What will be the organization's process for annually adopting goals and objectives for systemic change that are consistent with its overall annual goals and objectives?
- b) Will the selection of systems advocacy goals and objectives be based on the organization's: (1) knowledge and experience in representing individual clients; (2) expertise and awareness of systems issues needing to be addressed; and (3) public input received as part of the priority-setting process?
- c) How will the organization take a leadership role in Connecticut on the systems issue(s) of its choice, and be a presence or resource in the public policy arena on systemic issues identified in its annual goals and priorities and/or strategic planning?
- d) What policy or procedure will be in place regarding cases in which the organization itself is a named plaintiff in systems reform litigation, which addresses issues such as who authorizes such litigation on behalf of the organization and who makes decisions for the organization in its role as the legal client?
- e) Will there be a process in place whereby a newly identified systemic issue that is not part of the organization's annual goals and objectives may be considered for action? Please describe such process.

5. Access, Presence, Outreach and Training:

- a) What methods will the organization put in place to promote and facilitate public awareness, visibility, and access to the P&A program? What methods will the organization put in place to indicate to the public that it is the designated protection and advocacy system for Connecticut?

- b) What multiple strategies will the organization use to expand public awareness of the P&A program and its services, such as media appearances, distribution of brochures or materials, displays at public events, social media or other methods?
 - c) How will the organization establish a presence in targeted facilities and settings where persons with disabilities live, work, or receive services?
 - d) What method will the program use to resolve challenges to its access authority as they arise, or proactively address access in advance?
 - e) How often will the organization schedule visits to facilities and how will residents be informed of those dates?
 - f) How will the organization's physical office(s), telephone system and its website be accessible to persons with disabilities, and how will the organization provide an opportunity for persons to leave messages who do not or cannot call during working hours? How will the organization make its website on the internet easy to locate? How will the organization make its physical office(s) easy to find and to get to using local public transportation, if available?
 - g) What activities will the organization undertake to reach out to potential clients, including unserved and underserved communities, and will the organization collaborate with organizations that represent and/or provide services to unserved or underserved populations?
 - h) What type of community education and self-advocacy training for individuals with disabilities and family members of persons with disabilities will the organization conduct? How often will these trainings occur? How will the organization assure that the trainings are convenient and accessible to individuals with disabilities?
6. Information, Referral and Intake:
- a) What process will be in place for intakes?
 - b) What process will be in place for individuals to receive referral and rights information?
 - c) How will the organization employ a variety of mechanisms for contacting the organization for information or assistance so that its services are accessible to persons with diverse disabilities and communication requirements?

- d) What policies and procedures will be in place for information and referral (I&R) services, including: (1) written timelines for initial call-back, actual response to I&R requests and completion of an I&R; (2) a quality assurance mechanism for meeting the timelines; (3) a written policy of what constitutes a reasonable effort to return an I&R request; (4) qualifications of I&R staff; (5) a policy and procedure for I&R staff who are not attorneys to disclose this information to callers when circumstances dictate that it is necessary and appropriate; (6) a procedure that allows for supervision of all intake work by a licensed attorney; (7) standard intake questions to solicit information needed to guide the intake process; (8) description of a back-up system for times when primary I&R staff are not available; (9) a policy that addresses the process staff follow to address individuals who are threatening or suicidal; and j) written procedures for responding to emergency situations?
- e) What formal mechanism will be in place to ensure that informational and educational materials are updated and these updates are made consistently throughout the organization? What mechanism will be in place to evaluate the I&R materials? How will the organization ensure that the materials supplement and are not a substitute for direct person-to-person I&R assistance?
- f) What standard will be used for documenting I&R calls that is used consistently throughout the agency and ensures the collection of all necessary information to fulfill federal reporting requirements and takes into account confidentiality requirements and the need for a written record of all I&R activities?
- g) What procedure will be in place to clearly identify the accounting code or funding category of the I&R call and should the call become a case how will the organization re-confirm the accuracy of the funding code? What mechanism will be in place to record information about emerging trends?
- h) What written procedure will be in place for how service requests are received and reviewed, including: (1) the regular review of I&R calls for potential case selection; (2) attorney oversight of the process; and (3) confirmation that the case fits into the organization's priorities and/or case selection criteria?
- i) How will cases will be assigned?
- j) What procedure will be in place to ensure that, if a request for assistance is accepted for advocacy or legal representation, the case is assigned on a timely basis to an appropriate staff person or contractor?

7. Investigations of Alleged Abuse and Neglect:

- a) What will be the capacity of the organization to conduct investigations of alleged abuse and neglect? What policies and procedures will be in place for such investigations? What policy will be in place with regard to individual advocacy in relation to investigations?
- b) What policy will the organization have on when and how to report abuse and neglect to law enforcement, protection services and/or other enforcement or oversight agencies consistent with and balancing of confidentiality and attorney/client privilege with any applicable legal requirements?

8. Monitoring:

- a) What policy or procedure will be in place to determine how to triage complaints, surveys, referrals and other information in order to determine which settings should be monitored, including unannounced visits?
- b) What written protocols will be in place for conducting the organization's monitoring activities?
- c) What policy or procedure will be in place to address how information acquired through monitoring activities will be used?

9. Board of Directors:

- a) How will the organization ensure that its Board of Directors meets federal requirements and will be comprised of a majority of members who are individuals with disabilities and other varying disabilities, including individuals with development disabilities, who are eligible for services, or have received or are receiving services or parents, family members, guardians, advocates and other authorized representatives of individuals with disabilities? What will the organization do to ensure the Board is inclusive of the diverse cultural, ethnic, racial, socio-economic and disability diversity in the state? What will the organization do to ensure that Board members are knowledgeable about the disability community and have experience exercising fiduciary responsibilities inherent in board membership?
- b) What conflict of interest policies or procedures will be in place for the Board of Directors to effectively ensure the organization's independence?

- c) What is the organization's plan to develop a Protection and Advocacy for Persons with Mental Illness (PAIMI) Advisory Council that meets all the federal requirements found in the PAIMI Act?

10. Planning and Evaluation:

- a) How will the organization collect input for its Statement of Goals and Priorities (SGP) from, or on behalf of, (1) a broad population of people with disabilities in the state; (2) a variety of sources; and (3) across the state? What methods for collecting input for the SGP will be utilized, including accommodations for people with developmental disabilities or people facing geographic, language, or cultural barriers so they are able to provide input?
- b) What process will be in place that will enable the organization to meet federal reporting requirements, including the annual setting of goals and priorities?
- c) What plans does the organization have to submit periodic independent, external evaluations?

11. Program Performance:

- a) What data collection system will the organization utilize for managing data used for meeting the federal government's reporting requirements?
- b) What process will the organization put in place to periodically evaluate its progress and accomplishments?
- c) What process will be in place to develop a strategic plan? How will the Board of Directors be involved in the development of the strategic plan?

12. Self-Advocacy:

- a) How will the organization incorporate self-advocacy into its individual and systemic work?

13. Organizational Policies and Procedures:

- a) What policy will the organization have to assure there is no unreasonable interference with the attorney or advocate's carrying out his/her professional responsibilities on behalf of each client?

- b) What policy will the organization have with regard to the attorney(s) who supervises the legal program to assure that the program's employees do not engage in the unauthorized practice of law?
- c) What policy will the organization have regarding representation of minors or individuals with a guardian?
- d) What policies and procedures will be in place to guide representation where a decision or meaningful choice cannot be or is not expressed by a client, or where consent is not available or provided by the clients?
- e) What policies and procedures will be in place to address the criteria that will be used by the attorney or advocate to assure the intervention of services is consistent with the client's rights?
- f) What rules will be in place for professional conduct, including rules regarding ethics? What requirements will be in place for continuing education regarding professional conduct and ethics?
- g) What policy will be in place regarding attorney-client confidentiality?
- h) What will be the written client grievance policy and how will it be provided in an accessible (language, disability) format?
- i) What policies, in line with state and federal laws, will be in place to protect the confidentiality of clients, including their files, but not limited to electronic records, and other individuals who contact the organization?
- j) What written policies will be in place regarding conflicts of interest as pertaining to Board of Directors members, PAIMI Advisory Council members, staff, volunteers, contract workers and management?
- k) What personnel policies will be in place? Please submit a written Personnel Policy Manual, if available.

14. Transition:

- a) What is the organization's plan to ensure a smooth transition of the applicable duties and responsibilities from the Office of Protection and Advocacy for Persons with Disabilities (OPA) to the organization? What is the organization's plan to ensure there is continuous, uninterrupted services for OPA clients?

- b) What is the organization's plan to ensure that case records and other data are transferred seamlessly from OPA?

15. Budget:

- a) Include a detailed budget for the first year of operations to carry out the responsibilities of a protection and advocacy system, including the identification of all funding sources, federal and non-federal, and how those funds will be utilized.
- b) Include the organization's most recent audited financial statement, if applicable.
- c) What is the organization's experience working with grants from the federal government?
- d) What fiscal systems will the organization employ that will allow it to be compliant with all state and federal requirements?

16. References:

For each reference (minimum of 2 and a maximum of 4), include the:

- a) Reference organization's name; and
- b) Contact person name, address, telephone number and e-mail address.

17. Additional Information:

- a) Please include any additional information you feel is necessary to describe your organization's capacity to be Connecticut's P&A system.

H. SUBMISSION INSTRUCTIONS AND RESPONSE FORMAT

The deadline for responses is no later than **3:00 p.m. on November 1, 2016**. Responses must be **received** by the Official Contact on or before the due date and time.

Respondents must submit one (1) original paper application; five (5) conforming bound paper copies of the original response; and one (1) conforming electronic copy of the original response to the **Official State Contact Person**. The electronic copy must be submitted on a flash drive.

The original paper response must carry original signatures and be clearly marked on the cover as "Original." Unsigned responses will not be accepted. The original response and each conforming paper copy of the response must be complete, properly formatted and outlined. For the electronic copy, any attachments may be scanned and submitted in Portable Document Format (PDF) or similar file format.

Responses should be written in MS Word format, double-spaced using 12 point Times Roman font.

Faxed or e-mailed applications will not be reviewed or evaluated.

I. OFFICIAL STATE P&A SYSTEM RFI RESPONSE CONTACT PERSON (i.e. Official State Contact Person) and INQUIRY PROCEDURES

The Official P&A System RFI Response Contact Person is:

Pamela Trotman
Office of Policy and Management
450 Capitol Avenue
MS#52CPD
Hartford, CT 06106
Telephone: (860) 418-6359
e-mail: pamela.trotman@ct.gov

The Official State Contact Person is available to answer questions or provide information regarding the P&A RFI process. **Written questions must be received by the Official Contact not later than 3:00 p.m. on September 15, 2016.** These questions and the related answers will be posted on OPM's website and DAS's website **not later than 3:00 p.m. on September 29, 2016.** The Office of Policy and Management reserves the right to change the date when answers will be posted, if necessary.

Please Note: For those planning to respond to this RFI and following the submittal of any response, all questions or contacts related to the response should be directed solely to the Official State Contact Person.

J. FREEDOM OF INFORMATION ACT

Responses submitted are the sole property of the State. Respondents are encouraged NOT to include in their responses any information that is proprietary. Respondents are advised that all materials associated with a response are subject to the terms of the Freedom of Information Act (FOIA), the Privacy Act, and all rules, regulations, and interpretations resulting from them. The FOIA generally requires the disclosure of documents in the possession of the State upon request of any citizen, unless the content falls within certain categories of exemption.

If the information is not readily available to the public from other sources and the respondent submitting the information requests confidentiality, then the information is generally considered to be "given in confidence." If the respondent indicates that certain documentation is submitted in confidence, by specifically and clearly marking said documentation as CONFIDENTIAL, OPM will endeavor to keep said information confidential to the extent permitted by law. OPM, however, has no obligation to initiate, prosecute, or defend any legal proceeding or to seek a protective order or other similar relief to prevent disclosure of any information pursuant to a FOIA request. The respondent has the burden of establishing the availability of any FOIA exemption in any proceeding where it is an issue. In no event shall OPM or any of its staff have any liability for disclosure of documents or information in the possession of OPM which OPM or such staff believes to be required pursuant to the FOIA or other requirements of law.