



STATE OF NEW JERSEY

DEPARTMENT OF HUMAN SERVICES (DHS)

COMMISSION FOR THE BLIND & VISUALLY IMPAIRED (CBVI)

STATE REHABILITATION COUNCIL (SRC)

MEETING MINUTES

DECEMBER 1, 2023 - HYBRID MEETING

130 LIVINGSTON AVE | NEW BRUNSWICK, NJ 08901

Voting Members Present: Ronda Williams Banks, Donald Campbell, Vito DeSantis, Alice Eaddy, Clarke King, John O'Connell, Kathleen Spata, Wanda Williford

Members Awaiting Appointment Present: James Good, Jeanne McMahon, Gwen Orlowski, Gary Robinson

Absent: Tina Fiorentino, Sioban Leahy, Steven McCoy, Linda Melendez, Dr. Amanda Philp, Lauren Weishaar

Ex Officio Present: Dr. Bernice Davis, Katie Donnellon, Pat McKenna, John Tkacz

CBVI Staff: Selina Gooden, William Hanily, Esther Lavarin, Bryan McClain

Members of Public Present: Haley Carney, Elisa Cohen, Susan Head, Gregory Makely, Roula Mashal, Janna Sheiman

Vito DeSantis, SRC Chairperson, welcomed everyone, calling the meeting to order at 9:35 a.m. Vito announced that the meeting was being held in compliance with Section 105 of the Federal Rehabilitation Act 1973 as amended; and in compliance with the New Jersey Open Public Meeting Act, NJSA 10:4-6.

After introductions and roll call, a quorum was noted. A reminder was made for those participating on Zoom to keep themselves muted until speaking and for all those participating to announce themselves prior to speaking. Vito reminded members of the public that they are welcome to be at the meeting and if they have questions they can send those via email for a response to Charles Pat McKenna {Charles.McKenna@dhs.nj.gov} and Vito DeSantis {VJDeSantis@optonline.net}.

Approval of Meeting Minutes

The minutes of the October 6, 2023 meeting were acknowledged as received and reviewed. A motion to accept the minutes was made by Wanda Williford and seconded by Kathleen Spata. All were in favor, none opposed. These minutes will be put into the permanent record of the SRC.

Next Meeting Date:

February 2, 2024 (hybrid)

New Business

Letter to Governor's Office

Included with the invitation to the Council for this meeting a draft letter was sent. Vito asked if the draft letter had been read and if there were any thoughts or suggestions for the letter. Gwen acknowledged the letter, had no corrections to suggest, but also expressed the urgency of sending the letter to the Governor's Office to express their collective concern. She also thanked Vito for writing the letter. John O'Connell agrees with the comments made by Gwen, feels that the letter is appropriate and expressed his appreciation for Vito drafting it.

Pat McKenna asked Vito to share why this letter is being considered and why it is urgent.

Vito explained that persons have been leaving the Council and others have been nominated but their nominations are just sitting in the Governor's office. There are term limits for this appointment and if the appointment comes when there is only 1 month left to the term, then they can only be a member for that 1 month.

The members who are not appointed cannot participate in making motions or voting on issues brought before the Council. There are many duties and requirements of the SRC as required by the Federal Act, the bylaws, and other Federal regulations but this cannot be done if there is no quorum. A lot of persons have been waiting 2 years for their appointment and then they will soon after have to be reappointed.

Jim Good made mention of a radio show that Governor Murphy attends monthly on WNYC called "Ask The Governor". Jim has been calling in for the last two shows to ask about these appointments. Jim will bring it up in public if he is able to get through on the radio show.

Vito encouraged the Council that if they want to bring it up with others as individuals they may certainly do so, and also reminded the Council that it isn't Governor Murphy that is causing the delay but it would be whatever Office is in charge of appointments and commissions.

Gwen then inquired if those attending the meeting knows who the person is in the Governor's Office that facilitates the appointments?

- Dr. Davis says she does not know the current name of the person in the Governor’s Office and that it has changed multiple times in the recent years. Adam Neary is the point person / liaison for DHS but the person he coordinates with in the Governor’s Office was not known.
- Gwen stated that she has received a phone call when her appointment to a different commission came through and she saved the voicemail. She decided to step out to retrieve the name and phone number of the person who called her.
- Dr. Davis asked CBVI Staff member Bryan McClain to confirm with Adam Neary and inquire of the contact person in the Governor’s Office that he coordinates with.
- Gwen advised the council that it was Sam Parker that called her and left a voicemail. She introduced herself as the Director of Appointments for Governor Murphy.
 - Contact Phone Number: (732) 456-2451

SRC Vacancies and Nominations / Status of Appointments

Vito asked Pat McKenna to read off the vacancies and seats waiting for appointments.

- Nominees Pending Initial Appointment:
 - Gwen Orłowski, DRNJ – Client Assistance Program (CAP)
 - Steven McCoy - Business and Industry
 - James Good - Business and Industry
 - Sioban Leahy – Community Rehabilitation Program Representative
 - Gary Robinson - Business and Industry
 - Linda Melendez - Advocacy Group
 - Tina Fiorentino – Representative of an Individual who is Blind
 - Jeanne McMahon - Parent Training & Information Center
 - Dr. Amanda Philp - State Education Agency
- Members Pending Reappointment:
 - Ronda Williams Banks - Business & Industry (term expired 3/2023)
 - Alice Eaddy - Current/Former Consumer (term expired 12/2022)
 - Vito DeSantis - Representing Individuals with Significant Disabilities (term expired 3/2023)
 - Don Campbell - State Independent Living Council (term expired 3/2023)
 - Wanda Wilford - Advocacy Group (term expired 9/2023)

- Seats Requiring Nomination:
 - State Workforce Development Board Representative – pending from SETC

Vito asked Dr. Davis and Pat if there were any updates for the pending nomination from the Workforce system? Pat answered there are no updates.

Vito voiced his concern, his feeling that in many ways this SRC is not in compliance with how a fully functional SRC should be. It is his hope that the letter to be sent by the Council would spur some action from the Governor's Office.

Discuss Core Standing Committees:

Alice was initially unavailable at the start of this discussion. CBVI staff member Selina Gooden was asked to read the adjusted language in the bylaws listing the Core Standing Committees of the SRC and their purpose. They are listed as follows:

- a. Policy & Procedures
- b. Comprehensive Statewide Needs Assessment (CSNA)
- c. Annual Report
- d. Business Engagement

Committee Membership was the final section of the update, listing the requirement and brief duties of committee membership and the creation of ad hoc committees. It indicated that committee membership will be from appointed members or nominees waiting for appointment.

Vito opened for questions and a discussion.

- John O'Connell asked if the only adjustment made was of creating one new committee, the Business Engagement committee?
- Vito explained that previously there was no language in the bylaws listing the standing committees, but that Policy & Procedures, CSNA, and Annual Report committees have always been a part of the SRC.
- A few comments received from the SRC members were statements of agreement regarding the language and the standing committees listed.

Clarification on allowing members of the public to serve on committees was given. Vito mentioned that any committee would be able to bring in an expert at any time. It was noted that the SRC of the DVRS allows members of the public to serve on committees. Vito mentioned that he reached out to several parties across the nation about it, and the consensus was that

appointed members and nominees for appointment should serve with options of allowing an “expert” to be brought in, as the committee is consulting to complete its tasks.

Vote To Amend Bylaws:

A motion to accept the updated language of the bylaws as proposed by the committee was made by Wanda and seconded by Donald. All were in favor, none opposed. The approved proposed language will be sent to CBVI to be included in the SRC bylaws.

Dr. Bernice Davis – Executive Director’s Report

Prior to Dr. Davis’ Executive Director’s Report, Vito asked if she could introduce the agency’s new VR Coordinator.

Dr. Davis introduced Esther Lavarin as the new VR Coordinator, who is working very closely with Pat McKenna to ensure that the VR Program is in compliance with the Federal regulations. Esther has years of supervisory experience and was instrumental in the agency’s Northern Regional Office to help build the Independent Living program and assisted the Regional Manager there. So, she was able to cover aspects of the Independent Living and offered support for the VR Program.

Esther expressed that she is happy to be in this role and appreciates the support given, and although her background is not filled with VR experience, she is eager to learn.

Vito offered the support and expertise of the Council as an open resource for her new role.

Dr. Davis then opened her report with Federal news, as she has recently attended conferences organized by CSAVR and NCSAB. At the Fall conference there was quite a bit of focus from the Federal Government who was also in attendance. {CSAVR focuses on the general VR agencies, who serve individuals with disabilities other than blindness. NCSAB focuses on VR agencies that serve individuals who are blind, visually impaired, and deafblind.}

The Assistant Secretary of Special Education and Rehabilitation Services, Secretary Gallo was in attendance. She addressed some of the concerns coming from general and blind VR agencies. Many agencies are asking for flexibility around spending VR monies received from the Government due to the difficulties they have in spending funds within current guidelines. It was very positive in that Secretary Gallo is willing to listen and see about loosening up the regulations around spending.

There was also a heavy focus on recruitment strategies. CBVI has been very fortunate in this area. The HR department at DHS has been very good at recruiting. However, an area of need is for Orientation and Mobility (O&M) Specialists. Other agencies are struggling with finding Assistive

Technology (AT) Specialists, but CBVI has been very fortunate there, staffing an entire unit of AT Specialists.

There was also a focus on the vision needs of seniors. CBVI has the Independent Living Older Blind (ILOB) program which is going very well. It was also noted that an increase has been seen recently in topics around seniors at these conferences.

Another highlight from a federal perspective was about how to use data and research within the VR program to better serve consumers. And finally, the conference encouraged a collaborative approach across states, for states to network and collaborate closer in order to connect with employers. Instead of each state trying to do its own thing, a national hub is being sought. This can allow all states to work closer together in getting a foot in the door for apprenticeships, or full-time competitive employment.

On the state side, CBVI is focused on end of the year reports for Randolph Sheppard, SRC, and VR 722 reports. Also, the budget process has started with a budget listening session taking place earlier this week. There is nothing being requested from a consumer standpoint from CBVI. Last budget year CBVI asked for monies for Braille books, recruitment efforts for Teachers of the Visually Impaired (TVI), and to increase Low Vision reimbursement fees. All of those requests have been granted, and CBVI is now up to 54 TVIs, at least 5 have been the result of the recruitment efforts and campaigns.

Transportation is a continued issue for consumers being served. There is a lot more research and information from the Governor's Office regarding transportation and how it can be made better for individuals with disabilities. CBVI is also engaged with a transportation research platform.

Dr. Davis then opened for questions.

- Vito referenced the RSA TAC 24-01 and found it remarkable, because in his 40 years of VR experience, he has not seen anything so focused on the consumer than this Technical Assistance Circular (TAC). It really speaks to the needs of the consumer, creating pathways to employment, emphasizing more of the growth of the individuals so they can be competitively employed. Vito wanted to know if this was spoken of during the conferences.
 - Dr. Davis replied yes, and that RSA is listening and she is very happy with the receptivity and the shift to the consumer. When speaking about using data and research to better serve VR consumers, this is part of that initiative.
- Vito asked out of the 54 TVIs how many are specific to transition students?
 - Dr. Davis explained that TVIs are assigned students at different levels and so there are no TVIs dedicated to only transition aged students.
- John O'Connell inquired about transportation, if that challenge is being looked at on the state level or federal level? The reason for his question is because recently a blind veteran contacted him about employment and there was a job at McGuire Airforce Base for a

visually impaired person but it did not come together, the sole reason was because of transportation.

- Dr. Davis replied that there is a segment of the Federal Government that is involved because NJ Transit is looking to take a portion of a Federal Grant that is being distributed to help improve transportation for persons with disabilities. There seems to be a wider movement about transportation for individuals with disabilities and not just focused on improving transportation for employment purposes.
- Ronda Williams Banks offered to get in touch with John O'Connell to assist the veteran with transportation, with Access Link. Any questions or concerns or needs with transportation, Ronda would like to be notified so that she can assist.

Pat McKenna, Assistant Division Director - Vocational Rehabilitation (VR) Update:

Pat McKenna made mention that this is the time of year for Federal Reporting, such as the 70B, 722, RSA-15, etc. Pat thanks his team and Esther Lavarin who has been helpful in filing reports. Another highly time sensitive report is our own SRC Annual Report, which is almost completed. The best part of going over the SRC Annual Report is the success stories. Pat expressed appreciation for Katie Donnellon and Wanda Williford who worked on reviewing, editing, and compiling the success stories featuring the accomplishments of consumers for the report. Each year there is a more dominant common theme, and this year that theme is in O&M success. This puts an exclamation point on the O&M need that CBVI has. Yet, despite this need there are still a tremendous volume of O&M success.

Comprehensive Statewide Needs Assessment (CSNA) Report:

Two days after the last SRC meeting, Pat received the CSNA Report in its final form. A few areas of great interest surrounded O&M, and Adaptive Technology.

A lot of the feedback was very positive and constructive. The most positive and heartwarming feedback received from the focus groups were from the young people. As an example, one said: "I love my 'Commission' person. She has been my transition counselor for 3 years and I hope I get to work with her for many more years ahead."

Joseph Kohn Training Center (JKTC) Updates:

Things are going well at the center. A total of 13 consumers are currently attending. JKTC has the O&M staffing need as well, but are doing very well with providing O&M lessons with the available O&M staff. The progressive employment model approach is continuing to be used, which is for the last 4 weeks of the course at the center.

Business Enterprise of New Jersey (BENJ) Updates:

BENJ continues to develop and explore the number of and type of locations that the BENJ Managers operate out of. Progress is being made towards having BENJ locations in Community and County Colleges.

Transition Statewide Unit:

Looking for opportunities to build new transition programs in addition to the ones CBVI has or to expand existing Pre-Employment Transition Services (Pre-ETS) programs that are currently running. Pat is working on a Request for Quote (RFQ) for a new program concept, a transition Pre-ETS program for 2024.

Community Based Programs:

There have been a number of successful community-based programs recently:

On November 18, a Diabetes Awareness Month event was held at JKTC. Also in November, CBVI held a week-long Senior Hands-On Retreat Experience (SHORE) Program, an IL program for older individuals, conducted in Long Branch, NJ.

CBVI will host the upcoming Braille Challenge event in March 2024, which is ran in collaboration with the National Federation of the Blind (NFB) and Vistas Education. This is a Braille based competition for students who are aged 6 through high school.

Agency Needs:

CBVI is interested in resumes for potential O&M staff. There is also a need for a new ophthalmology consultant. The agency previously worked with an ophthalmology consultant who assists CBVI in answering questions pertaining to eligibility; as an example, questions with a consumer's eye condition or the medical equipment being received. The consultant has since stepped down from his role. Pat is interested in receiving any letters of interest from a potential ophthalmologist interested in working with CBVI in that role and mentioned that the SRC can send him an email if anyone knows of candidates.

Pat then opened for questions:

- Vito asked if the JKTC still has a low vision office/exam room?
 - The answer was no; Dr. Davis clarified that this stopped when Dr. Kasner stopped working at the JKTC.

- Clarke King asked regarding the CSNA, if there were consistent themes where consumers felt that the Agency needs to do better?
 - Pat answered that the 2 items he mentioned earlier were items of great interest by consumers. But an item that did come up as a consistent barrier was transportation, an item not controlled by CBVI. There were a few areas mentioned for CBVI to improve on, such as more programs for high school and college students, and delays in receipt of the AT, but these were not mentioned often and was not overwhelming as with the concern about transportation, which was mentioned in every focus group.
- Vito asked when would the CSNA Report and the Annual Report be available for the SRC.
 - Pat replied that the Annual Report would be submitted at the end of this month and would be made available shortly thereafter. Regarding the CSNA Report, Pat will confer with Dr. Davis to see when this report could be made available.

Old Business:

Discuss and Determine Goals for 2024

The purpose of SRC Goals is to look at the upcoming year and see how the SRC can facilitate the VR process of the Agency in partnership with the Agency, to overview the Agency, looking at issues concerning, for example, career pathways, competitive integrated employment, processes that could create a barrier to employment, and other items.

The 2023 SRC Goals were read off by Selina Gooden.

Vito would like the 2023 goal regarding competitive integrated employment to be kept and adjusted to be listed at the top of the 2024 SRC Goals. He would also like to have a statement added to that goal regarding the mention of rapid engagement and consumer involvement under informed choice as listed in the RSA-TAC 24-01

Vito also suggested a goal of Career Pathways – either added to this goal or made as a separate goal, which he understands as working with a consumer from the time they come into the agency and are found eligible, to put steps together and working at those steps until competitive integrated employment is achieved.

John O’Connell agreed that Career Pathways should be added as a goal.

Gwen asked if she and the Council can receive a copy of the 2023 Goals and a draft of the 2024 Goals, along with a deadline for when the council can confirm the 2024 goals.

It was decided that feedback will be solicited from the council on the 2024 SRC Goals draft and then a finalized version will be sent for a vote by voting members of the SRC.

Vito asked if there are any other goals that the council would like to add?

John O'Connell suggested a goal be added regarding transportation. Gwen agreed with that suggesting highlighting that the transportation issue was mentioned as often brought up during the focus groups for the CSNA by Pat McKenna.

John Tkacz made mention of seeing an increase in vendors using Uber & Lyft for consumers in Pre-ETS contracts with DVRS, and this has been helping a lot with meeting the transportation needs.

- To that Vito asked: What is the VR role, during the VR process, where VR could pay for an Uber at least initially until employment has been obtained?
- Wanda asked if there has ever been a role at CBVI for a transportation coach or counselor, because sometimes just getting from point A to point B is so daunting, that guidance on the best methods for a specific route can be helpful to a client for example, whether they should use paratransit, rideshare, public transportation, etc?
- Dr. Davis responded that when appropriate CBVI does provide transportation to help consumers reach VR goals. Also, O&M specialists are the ones that help consumers with safe travel but there has not been an individual specific to a role of transportation counselor.
- Vito added that historically at the agency, the O&M Instructor did provide that type of information and assist persons to join programs such as Access Link.

Vito concluded that it seems clear that transportation should be a goal of the SRC.

Discuss SRC Training:

Vito inquired of the Council if all were able to complete the training?

James Good acknowledged that he has one more module, Gwen still has it on her to do list, Ronda also stated that it is still on her to do list.

Vito asked if there was a need to setup a separate meeting to do the training for the new nominees and those that did not yet complete it?

Ronda made a motion to setup an additional meeting for members to do the training. John O'Connell seconded the motion. All were in favor. None opposed.

Dr. Davis, Pat McKenna, and Vito DeSantis will follow up to discuss the logistics of this meeting for SRC Training.

Review Presumption of Eligibility:

Vito opened with wanting to continue the discussion that was started at the October SRC meeting regarding eligibility of individuals already approved for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

Katie Donnellon briefly discussed the meaning of Presumption of Eligibility and its application. It simply means that a person has been determined disabled by Social Security and are either getting SSI or SSDI.

Katie further explained that CBVI does require an eye report for determining eligibility for all consumers. This still applies for SSI or SSDI individuals because a person can be eligible for these Social Security programs without having a visual impairment. CBVI requires an eye report because to be eligible for services a person must be 20/70 or worse in their better eye. It is also a requirement to see the award letter the client received from Social Security.

Vito noted that around the country, VR agencies have been holding persons back before starting their services with the VR agency, waiting for a medical report, or an eye report as in the case of CBVI. This goes contrary to the Rapid Engagement policy.

There should be a presumption of eligibility if a person is contacting CBVI and has been determined eligible for SSI or SSDI. The question is, does CBVI delay the start of the process and thus create a barrier to the services sought after by the client?

- If they are not a person with a visual impairment then they would contact a different VR agency. The eye report should still be received and determine what types of services they should receive.
- Katie had an example of an individual who was referred to CBVI from DVRS because the client stated that she was visually impaired. She was an SSI recipient, however, her eye report showed that she did not have a visual impairment to the required level for CBVI services and her eligibility was ended.
- It was then noted, that the presumption of eligibility should be made, and the eye report should then clarify the type of services the individual receives or qualifies for.

Client Assistance Program (CAP) Report by Disability Rights New Jersey (DRNJ):

The CAP Report was presented by Janna Sheiman, the CAP Coordinator of Disability Rights New Jersey (DRNJ).

It was mentioned that much of the report is the same but there were a few points that would be highlighted, which are systemic issues that the CAP program is seeing with individuals who are working with CBVI that DRNJ wanted to bring to the SRC's attention.

1. Graduate Fee Schedule is unreasonably low under WIOA and risks depriving applicants access to graduate school programs.
 - a. This fee schedule is still based off of the per credit tuition rate of Jersey City University (JCU), which is the lowest cost public university in the state. But JCU is currently going through a financial crisis and has recently needed to reduce its programs by 26, most of them graduate programs during 2022-2023 year.
 - b. This means the amount being used as the hourly rate of CBVI is too low as to effectively deny access to graduate school programs for individuals who are blind or visually impaired and decreases their ability to pursue their chosen career goal.
2. The way SSI and SSDI beneficiaries are not being properly identified and their status is not being honored.
 - a. RSA in 2022 issued a guidance that beneficiaries are not to have any cost for services in their IPE. In direct representation of clients, DRNJ has become aware that there were additional requirements set by CBVI before they would provide full sponsorship over and above their set fee schedule, instead of providing full sponsorship based off of their SSI and SSDI status.
3. The practice that CBVI has regarding student loans, raising loans to the level of a comparable benefit which is in violation of Federal Regulation.
 - a. CBVI has a policy that states there is not a requirement for a client to take out a loan but if a client does and applies it to their tuition, CBVI will not pay the tuition cost but pay the balance after the loan has been applied.
 - b. This would make the loan a comparable benefit which is prohibited according to 34 CFR 361.5 (c) (8) (ii)

The full report will be appended after the conclusion of these meeting minutes.

Subcommittee Reports:

- **Comprehensive Statewide Needs Assessment (CSNA) – Chaired by Vito DeSantis**
 - CSNA updates were given earlier by Assistant Division Director, Pat McKenna.
- **Business Engagement Committee – Chaired by John O’Connell**
 - John’s update was regarding a program at the Veterans Association (VA). They are very short staffed in their Blind Rehab program. To help with the staffing challenge, they are now offering a full scholarship to those entering the Blind Rehab program.
- **Policy and Procedures – Chaired by Lauren Weishaar**
 - Lauren was not present for the meeting. No updates given.

- **SRC Annual Report Committee – Chaired by Katie Donnellon**
 - Annual Report updates were given earlier by Pat McKenna.
- **Quality Assurance Committee – Chaired by Clarke King**
 - Clarke had no updates for Quality Assurance at this meeting.

Member Updates:

Members were called to see if there were any updates to provide.

- Ronda Williams Banks

Here are a few NJ Transit Access Link updates:

1. Access Link is now a part of the NJT Rewards program which offers our customer's the opportunity to earn points that can be used at stores, restaurants, and local attractions, when Access Link fares are paid. More information about this new opportunity is available on Access Link Online.
2. If you missed our recent customer forums and would like to hear about our latest updates, a link to the video is now available on Access Link Online. It's a lot of good information.
3. Access Link Rider Choice Pilot Program (Uber & Lyft) first 6 months of operation, the pilot program saw 4,000 customers opt in and provided over 100,000 rides. With each passing month, more riders are embracing the pilot, demonstrating increasing rider satisfaction and the growing popularity of this option. We're still encouraging customers to OPT into the pilot program.
4. Replicant - the artificial intelligence software that we have partnered with now offer customers the option to book simple next day reservation request to and from addresses that are already associated with the customer's account. This is the second phase customers are still able to receive their status and cancel their trip through the virtual assistant.

My contact information: rpbanks@njtransit.com for additional information.

Announcements

Alice Eaddy recently participated in the Philadelphia Marathon Rothman 8k on November 18, 2023. She placed 24th in the category for females aged 65- 69. There were 2,006 females in this age group. There were 3,731 participants overall. Alice Eaddy is 66 years and 8 months old and the only deafblind participant, having been such since 2018.

Alice Eaddy's running/race walking time: 1:22:57 (1 hour, 22 minutes and 57 seconds)

Adjournment

Wanda Williford made a motion to adjourn the meeting. Alice Eaddy seconded the motion. All were in favor. The meeting was adjourned at 12:27pm.

The next SRC meeting is scheduled for February 2, 2023.

Respectfully Submitted,

Bryan McClain

Bryan McClain

Executive Secretarial Assistant

Disability Rights NJ Report to State Rehabilitation Council

Client Assistance Program (CAP)

Reporting Period: 10/1/2022-9/30/2023

Report Prepared by: Janna Sheiman, Managing Attorney – Employment Team and CAP Coordinator

Brief introduction of CAP

The Client Assistance Program (CAP) at Disability Rights NJ provides legal advocacy and education to people with disabilities applying for or receiving services funded by the Rehabilitation Act, including vocational rehabilitation. CAP also provides legal advocacy and education about Title I (employment rights) of the Americans with Disabilities Act.

Highlights and Summary of Accomplishments

- **Trainings/Outreaches/Resource Development**
 - **Sheltered Workshop outreach:** Disability Rights continued an outreach and information sharing project aimed at reaching participants in the state Extended Employment programs, to advise them about their rights and to discuss competitive integrated employment.
 - **Education on seeking VR sponsorship:** Disability Rights NJ held a three-day online seminar series aimed at educating individuals with disabilities of their right to seek vocational rehabilitation services. This series focused on an understanding of rights to VR services, how to apply for VR services, and how to seek VR sponsorship for tuition in an IPE. The webinars were held in May and are available on the Disability Rights NJ website at <https://disabilityrightsnj.org/resource/vr-services-and-tuition-know-your-rights/>
 - **Transition Law Day:** On June 3, 2023, Disability Rights NJ held a Transition Law Day in our office located in Trenton, NJ. The Law Day provided information on rights to transition services from student's school district, the VR agencies, and from DDD, as well as training on the importance of self-advocacy for individuals with disabilities.
 - **Additional trainings/outreaches during this period include:**

NEW JERSEY'S DESIGNATED PROTECTION AND ADVOCACY AGENCY.

- 10/5/22: Workshop about Transition Services with the Newark Redefining Access Collaborative
- 10/6/22: Training on work incentives available to individuals with Disabilities who receive SSI or SSDI benefits with the Mental Health Association of New Jersey
- 10/13/22: CBVI Community Outreach Event
- 11/1/22: Presentation to Rutgers University Rehabilitation Counselors graduate program
- 11/3/22: Capitol County Children’s Collaborative Resource Fair for Educators regarding Transition services
- 11/16/22: Presentation for Rutgers Counseling Profession Class on “Incorporating Advocacy in Community Support Services”
- 1/18/23: Presentation regarding Workability changes at APSEC
- 3/2/23: Presentation to the National Disability Rights Network titled “The Systemic Advocacy Efforts of Your Client Assistance Program”
- 3/13/23: Transition presentation at the Mount Laurel Special Needs Resource Fair
- 4/19/23: Rights to Transition Services presentation with the NJ Center on Tourette Syndrome
- 4/26/23: Deptford Township School District Community Resource Fair
- 5/16/23: Children’s InterAgency Coordinating Council’s Intellectual/Developmental Disability Transition Fair

- **Serving individual clients.**

Number of client cases during DRNJ’s fiscal year (October 1 – September 30):

Program	Carryover from 2022	New as of October 1, 2022	Closed as of September 30, 2023	Current cases being carried into FY 2024
CAP	18	47	44	18 DVRS 3 CBVI

- Examples of issues in client cases:
 - Closure letters sent by VR agency due to “no contact”
 - Communication breakdowns where DVRS clients and DVRS counselor do not have a shared understanding of DVRS client needs
 - Clients not getting timely response after submitting referral form for services
 - Cases closed by VR agency without any written notice to client

NEW JERSEY’S DESIGNATED PROTECTION AND ADVOCACY AGENCY.

- Number of active appeals (administrative, mediation, and fair hearings)
 - Administrative: 4
 - Mediation: 0
 - Fair Hearing: 1
- Examples of outcomes for clients:
 - DVRS: Disability Rights NJ represented A.F., a 50-year-old man with epilepsy seeking to attain a master's degree in data science to advance his career and find financial stability. Because of his disability, he was no longer able to continue his previous work. DVRS denied sponsorship in his graduate program in data science by email, rather than in a written notice with details on how to appeal the decision. Disability Rights NJ advised the client on his right to an individualized plan of employment and how to request graduate school sponsorship, and thereafter, DVRS approved up to \$7500 per semester, significantly less than the full tuition. Because the client had no means to pay the balance of tuition and costs, Disability Rights NJ agreed to represent the client on this issue and advocated that DVRS provide financial sponsorship for the full cost of attendance. With Disability Rights NJ's representation, DVRS agreed to pay the full tuition, books, fees, and bus transportation for semesters the client had already completed and going forward until he completes the master's program. Now the client has full financial support to progress his career in the field of data science and improve his financial independence.
 - DVRS: Disability Rights NJ represented a VR client regarding full financial sponsorship for his six-year pharmacy program in Long Island, obtaining sponsorship at the in-school tuition rate of Rutgers University, the flagship school in New Jersey.
 - CBVI: Disability Rights NJ successfully settled a Fair Hearing for a VR client for full sponsorship of his Doctor of Osteopathic Medicine Program at the only in-state school offering the program.

Systemic Issues observed by DRNJ

- The CBVI Graduate Fee Schedule is unreasonable under WIOA and risks depriving applicants access to Graduate School Programs throughout New Jersey. The graduate school fee schedule utilized by CBVI is still unreasonably low, as it utilizes the per credit tuition rate of Jersey City University, the lowest cost public university in the state, which is in the middle of a financial crisis and had to reduce its programs by 26 during the past year, many of them graduate programs. This amount is set so low as to effectively deny access to graduate school programs for individuals who are blind and visually impaired and decreases their ability to pursue a chosen career goal.
- There is a systemic failure to identify and properly provide services to individuals who receive SSI/SSDI benefits. CBVI is not properly identifying or providing services to individuals who are SSI/SSDI beneficiaries. The Rehabilitation Services Administration has issued guidance that

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beneficiaries of SSI/SSDI will have NO COST for any service contained in their IPE. However, in direct client representation of a client with CBVI. Disability Rights NJ is aware that CBVI requires some additional criteria before it will consider full sponsorship for services for these beneficiaries. Instead, CBVI is using this information as one component of the request, but that is not enough on its own for full sponsorship.

- Improper practice regarding student loans, raising them to the level of Comparable Benefit in violation of federal law. Through Disability Rights NJ's representation of clients, Disability Rights NJ has discovered that there is a disconnect between CBVI practice and written policy and the federal law. CBVI practice is that it does not "require" individuals to take out student loans to pay for their education, however if the client does take out student loans CBVI will only pay the balance left over after the loan is applied. This is problematic as this practice is treating student loans as a "comparable benefit," which is expressly prohibited under the federal regulations. 34 CFR 361.5(c)(8)(ii). CBVI has in the past taken a good deal of time to determine a tuition decision, and that tuition comes due for the student while CBVI is considering its course of action. By saying that CBVI will only pay the balance left after loans are applied CBVI's policy is contrary to law, as the amount of sponsorship is not affected or impacted by the application of student loans.

Goals and Objectives for Next Quarter (October 2023 – December 2023)

- Disability Rights NJ began a new goal-setting cycle for the fiscal year which started on October 1, 2023. In preparation for the development of those new goals and objectives, Disability Rights NJ distributed surveys and conducted focus groups of people with disabilities, their families, professionals, health care and service providers and others about the needs of people with disabilities and the barriers to addressing those needs. These have streamlined the goals and objectives for the work that Disability Rights NJ engages in and sets forth the level of representation and intervention strategy that the organization will be using and will be completed and published by the end of December 2023.
- Work with DVRS and CBVI to update contact information for the Client Assistance Program on their websites.
- Develop and deliver posters regarding the Client Assistance Program to DVRS and CBVI to be displayed in the field offices.
- Provide outreach and training to the CILS and their participants on their employment rights.

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