

DISABILITY RIGHTS NEW JERSEY

ADVANCING JUSTICE. ADVOCATING INCLUSION.

GWEN ORLOWSKI, EXECUTIVE DIRECTOR

Disability Rights NJ Report to State Rehabilitation Council

Client Assistance Program (CAP)

Reporting Period: 10/1/2023-9/30/2024

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Brief introduction of CAP

The Client Assistance Program (CAP) at Disability Rights NJ (DRNJ) 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**
 - **Facing The Future Conference:** Disability Rights NJ ran an information table at the Facing the Future Conference held on October 13, 2023, and spoke about the services available to help individuals seeking employment. Approximately 275 conference attendees received information about Vocational Rehabilitation Services and the Client Assistance Program.
 - **Burlington County Workforce Development Board Employment and Resource Fair:** Disability Rights NJ ran an information table at the Burlington County Workforce Development Board Employment and Resource Fair held on October 23, 2023, and spoke about the services available to help individuals seek employment. Approximately 100 conference attendees received information about Vocational Rehabilitation Services and the Client Assistance Program.
 - **Sheltered Workshop Presentation:** Over the past three years, Disability Rights NJ has researched Sheltered Workshops throughout the state. On October 10, 2023, a stakeholder group was convened where Disability Rights NJ discussed our findings and presented on research for five states across the United States that are in the process of ending subminimum wage. The purpose of the group was to identify potential best practices for the state of New Jersey to move

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towards ending subminimum wage for individuals with disabilities.

- **How to Appeal a VR Case:** Disability Rights NJ presented a webinar designed to help VR applicants know their rights in appealing VR cases. The attendees and viewers were provided information on an internal informal appeal, an administrative review, mediation, and a fair hearing, with tips and advice on how to request them, what they are, and how they will proceed. Approximately 45 people attended the live webinar and another 50 viewed the recording that is on the Disability Rights NJ website.
 - **Brick Township Transition Fair:** DRNJ staff attended the Brick Township Transition Fair, providing information about VR Services and Pre-Employment Transition Services to high school students and their families in Brick Township. The goal of the outreach was to help them better understand their rights to transition services and to provide them with as much information as they need to seek transition and Pre-ETS services from the school district and local VR agency.
 - **Rights to VR Services, how to access through how to appeal:** Disability Rights NJ presented a webinar designed to walk applicants through their entitlements to VR services under the Rehabilitation Act and Workforce Innovation Opportunity Act, including how to apply for services, how to seek the development of an Individualized Plan of Employment, and how to appeal an adverse decision.
 - **VR Applicant Self Advocacy Guide:** Disability Rights NJ published a self-advocacy guide for individuals seeking VR Services called “Navigating Your Rights to VR Services: A Self-Advocacy Guide.” This guide is a companion to our informational webinar series and walks potential applicants through their rights to VR services: how to connect with VR agencies, how to apply for services, how to request an IPE, and how to appeal an adverse decision. This self-advocacy guide is focused on helping individuals understand and navigate the VR process.
 - **Midland School:** Disability Rights NJ staff did two presentations at The Midland School, advising participants of their rights to VR services and how the Client Assistance Program can assist them.
 - **Transition Services presentation to Family Resource Network:** Disability Rights NJ completed a presentation on Transition Services and how to access them to educate the employees at the Family Resource Network on services available through the Board of Education and the Division for Vocational Rehabilitation Services and how the two agencies can work together to provide services to students with disabilities.
- **Serving individual clients.**

Number of client cases during DRNJ’s 3rd fiscal quarter 2024 (April 1 – June 30, 2024):

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Program	Carryover from FY 23	New Since Oct 1, 2023	Closed as of Sept 30, 2024	Current Active as of Oct 1, 2024
CAP	19	35	40	14 Total 12 DVRS 2 CBVI

- Examples of issues in client cases:
 - Communication breakdowns where DVRS clients and DVRS counselors do not have a shared understanding of DVRS client goals and objectives.
 - Clients not getting a timely response from their VR counselors.
 - Clients whose cases were closed without notice to them.
 - Potentially eligible Vocational Rehabilitation (pre-ETS) clients not being connected with pre-ETS agencies for services.
- Number of active appeals (administrative, mediation, and fair hearings)
 - Administrative: 0
 - Mediation: 0
 - Fair Hearing: 1
- Examples of outcomes for clients from the year:
 - DVRS: Disability Rights NJ worked with a 35-year-old woman diagnosed with a mental illness in securing appropriate support services and job search support. DRNJ represented the client with DVRS until the client's requested services were agreed upon at which point DRNJ assisted the client with drafting her IPE and presenting it to DVRS. DRNJ attended the client's IPE with her at the Newark DVRS Office on May 28, 2024, at which point an IPE was generated and signed off on. The client's new IPE covers her requested services and her accurate employment goal.
 - DVRS: Disability Rights NJ represented a 24-year-old male resident of Hudson County diagnosed with an autoimmune disease. We assisted the client, a Doctor of Pharmacy student at Long Island State University (LIU), when he was unable to register for classes for the spring 2024 semester due to an outstanding balance on his student account from the fall 2023 semester caused by late DVRS tuition payments. This issue occurred when DVRS switched from reimbursing the client directly for tuition costs at LIU to sending vouchers to LIU for payment via the New Jersey Treasury. We requested DVRS work with LIU on this issue. LIU agreed to temporarily defer payment on the outstanding balance until receipt of the DVRS checks, enabling the client to register for spring 2024 semester classes.
 - DVRS: Disability Rights NJ represented a 34-year-old female resident of Middlesex County diagnosed with spastic cerebral palsy and

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schizoaffective disorder when DVRS closed the client's case without her consent. We ordered and reviewed documents from the client's DVRS case file and requested that DVRS expedite the reopening of her case file. Based on the client's objectives, we also requested that DVRS authorize assistive technology and driving rehabilitation evaluations and provide the client with the technology/training recommended in the evaluations. On February 2, 2024, the client signed an IPE that included these services and is presently receiving training on the technology DVRS purchased and pursuing driving lessons

- CBVI: Disability Rights NJ represented a 56-year-old man diagnosed with a significant visual impairment in seeking an amendment to his IPE. Through our representation, the client secured necessary training on the adaptive equipment he uses to support his business, including the implementation of informed choice for the vendors that he will be working with to secure the services.

Systemic Issues and Concerns observed by DRNJ

- Clients' cases are being closed without any notice. In Quarter 3, DRNJ provided edits for DVRS letters regarding case closure, service denial, and eligibility/ineligibility determinations. As of the date of this meeting, however, it does not appear that those letters have been put into use. DRNJ has been seeing a rise in clients seeking our services after calling DVRS to speak with their counselor and learning that their case had been closed without their knowledge or any written or verbal notice.
- DVRS refused to meet with a client who has a Fair Hearing pending for separate services: DRNJ is aware that DVRS has failed to respond on multiple occasions to a family seeking to discuss appropriate services their child currently needs because there is a fair hearing that has been filed for separate services. Multiple contact attempts have been made with the former counselor, the location office manager, the field chief, and the Acting Executive Director, and the client received either a flat denial or most recently no response from DVRS staff. This is denying the VR client his right to an annual IPE review and the development of an IPE after a request for services has been made.
- Several counties lack vendors to provide Pre-ETS, Customized Employment, and Worked Based Learning Experience services. Availability of vendors in counties is a concern, as it is preventing clients from being able to access approved services and discourages DVRS from approving needed services they know will not be available. DRNJ is aware that several DVRS counties are operating without vendors to provide services such as Pre-ETS, Customized Employment, and Work-Based Learning Experiences. When we contact these counties to seek services, DVRS offices acknowledge that there are no vendors available to refer clients and that they need permission from the central office to refer to a vendor in another county.
- DRNJ is concerned about the Career Pathways Evaluation: During FY 2024 DVRS developed and implemented its Career Pathways Evaluation, which is identified as an "alternative, collaborative

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approach to determine a consumer's interests, skills, and attributes that will lead to identifying a career pathway and assist in vocational planning." The development and utilization of this assessment, as it has been described, is designed to help direct a VR client into a pathway for work. This, it can be argued, changes the procedures that alter the rights and responsibilities of individuals with disabilities. Pursuant to 29 U.S.C. § 709(a)(16)(A) and 34 C.F.R. § 361.20, any changes that alter the rights and responsibilities of individuals with disabilities must be made available for public review and comment prior to it being implemented.

In addition, the CPE does not appear to be implemented uniformly or properly from the information DRNJ has received. The CPE is recommended to almost all clients we have worked with, yet the FAQ DRNJ was provided with states that "A CPE is valuable for consumers with a documented disability(ies) where: traditional vocational assessment(s) may be inadequate and/or insufficient; consumer has recently completed a TWE and would benefit from further services to determine a vocational goal; consumer has little or no history of competitive employment; consumer has difficulty maintaining jobs, and consumer's integrated work experience is no longer relevant, of interest and/or recent." We have seen this CPE recommended for individuals with bachelor's degrees, individuals who are actively in college, and individuals who know what career they would like to pursue. When this was told to a CPE provider, DRNJ learned that the assessment would not be appropriate for that individual by the provider, not by the VR counselor, as the assessment would look at exploring filing, folding clothing, running a cash register, and was not appropriate for someone with higher education. DRNJ would like to see the policy and administrative memorandum that created the CPE for evaluation, including the criteria for how it is recommended, as it has become a recommendation in a large number of our cases.

Goals and Objectives for Next Fiscal Year (October 1, 2024, through September 30, 2025)

- Develop and deliver posters regarding the Client Assistance Program to DVRS and CBVI to be displayed in the field offices.
- Ensure that CAP information is readily displayed and available in waiting areas of VR agency offices.
- Provide further outreach and training to the CILs and their participants on their employment rights.
- Provide outreach and training to individuals with disabilities about their rights to VR services and the Client Assistance Program

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