

# 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: 01/01/25-03/30/25

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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.

This year we are working to ensure equitable access to Vocational Rehabilitation (VR) services for VR applicants and clients by providing self-advocacy assistance, limited legal assistance, and extended legal assistance as well as education emphasizing individual plan for employment (IPE) development, informed choice, and access to appeal rights. Educate policymakers about access to VR services and engage in systemic advocacy including participation in State Rehabilitation Councils.

### CAP Goals and Objectives:

Goal 2: Ensure that people with disabilities can live and work in the community by accessing equitable person-centered services, supports, and resources.

#### A. Employment

- **OBJECTIVE 1:** Ensure equitable access to Vocational Rehabilitation (VR) services for VR applicants and clients by providing self-advocacy assistance, limited legal assistance, and extended legal assistance as well as education emphasizing individual plan for employment (IPE) development, informed choice, and access to appeal rights. Educate policymakers about access to VR services and engage in systemic advocacy including participation in State Rehabilitation Councils.

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## Individual Client Representation:

- Active: 27 clients/30 Service Requests (some clients have multiple SRs)
- Opened: 11 clients/11 SRs
- Closed: 15 clients/15 SRs
- Carry over into 3<sup>rd</sup> quarter: 15 clients/15 SRs

### Systemic Issue:

- In a client matter that went to fair hearing, an Initial Agency Decision was issued, and within 13 days, Disability Rights NJ issued exceptions. However, the Acting Director issued a Final Agency Decision prior to the 13<sup>th</sup> day, upholding the IAD against the client. Thereafter, the Deputy Attorney General wrote a letter positing that the ALJ may only issue a FAD under federal law because NJ had not adopted a two-tier fair hearing process allowed under federal law (pointing out that there was an expired regulation that did allow for the two-tiered process). Thereafter, the Acting Director issued a new letter saying that the ALJ decision was the FAD, and that her FAD was retracted.

Disability Rights NJ filed an appeal to the appellate division on the underlying substance, and the appellate division asked for a brief addressing the procedural issues. Disability Rights NJ filed the requested letter brief, but thereafter, at the client's request withdrew the appeal.

This issue needs to be resolved.

### Examples of Client cases closed in 2<sup>nd</sup> quarter:

- Disability Rights NJ represented a 36-year-old client diagnosed with anxiety and neurological disorders, a traumatic brain injury and visual impairment by providing advice and counsel and limited advocacy regarding the implementation of a revised IPE. We ordered and reviewed documents from the client's DVRS file and attended the client's IPE meeting at the DVRS office. The information we obtained from our review of the case, indicated that DVRS had resisted providing the client with the therapeutic and assistive technology services she had requested for over a year. We requested that DVRS schedule an in-person IPE meeting which we attended with the client. At the meeting we requested that DVRS implement revisions to the client's IPE including a change of employment goal from biological technician to biomedical engineer; an expanded timeline for client to complete her bachelor's degree; the provision of vision therapy services; and an updated assistive technology assessment. DVRS implemented the requested services to the IPE which the client signed this quarter.
- Disability Rights NJ represented a 37-year-old client diagnosed with bi-polar, schizophrenia and hearing impairment by providing advice, counsel and limited advocacy to assist client gain access to customized employment services. The client requested

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Disability Rights NJ assistance during monitoring visits conducted by our agency in New Jersey's sheltered workshops. DVRS advised that based on a letter they received from the sheltered workshop's contracted psychiatrist, the client's disability was too severe to benefit from DVRS services. We educated DVRS that prior to making this determination they must conduct trial work experiences, which the client successfully completed. We scheduled multiple in-person meetings with DVRS and based on evaluation reports requested that DVRS authorize an assistive technology assessment. We also requested that DVRS authorize customized employment (CE) services based on the client's interest in working in the community. The assistive technology assessment report recommended technology and training which DVRS authorized. The client had to wait for CE services to be implemented due to a lack of trained CE vendors in the state, however, after client met and approved the vendor who would be providing the services DVRS authorized this service at an in-person meeting which we attended with the client. These services were documented in an IPE which the client reviewed and signed.

- Disability Rights NJ represented a client diagnosed with Generalized Anxiety Disorder and Learning Disabilities to provide advice, counsel, and limited advocacy to obtain DVRS financial sponsorship for a Master of Art in Education with a certification of Preschool-3 (MAT). This credential is necessary for the client to obtain the necessary licensure to own and operate an early childhood center in New Jersey serving more than 30 children, which is the client's self-employment goal. We reviewed the facts of the case, and based on the client's request for assistance, represented the client at a DVRS meeting to revise the client's IPE. DVRS agreed to develop an IPE that included financial sponsorship for a Master of Art in Education at Montclair State University (MSU), at the Rutgers University tuition rate. DVRS also agreed to provide funds for the client to retake the Praxis test and \$700 in funds for books and supplies. These services were documented in an IPE which the client signed this quarter.

### **Educating Policy Makers:**

Disability Rights NJ has been attending regular meetings with the State Rehabilitation Councils and providing information and updates on activities and systemic concerns that have been identified through our work.

- **OBJECTIVE 2:** Increase awareness of the Client Assistance Program (CAP) and Protection and Advocacy for Beneficiaries of Social Security (PABSS) through outreach about CAP and PABSS to Vocational Rehabilitation constituencies, including VR clients and prospective VR clients, VR agencies and staff, and other stakeholders.

### **Outreach:**

Disability Rights NJ raised awareness of the CAP program through planning and marketing of the April 2 conference: Classroom to Careers – Transition Services and VR Conference.

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- **OBJECTIVE 3:** Advocate for an end to subminimum wage and for equitable access to competitive, integrated employment for people with disabilities, especially people with complex medical, physical, and behavioral needs, through a public report and systemic advocacy.

With the reduction in staff, this objective and the public report is on hold.

#### E. Education and Transition Services for Youth

- **OBJECTIVE 1:** Promote student involvement in accessing pre-employment transition services (ETS) and transition services from the vocational rehabilitation agencies and school districts by providing self-advocacy assistance, limited legal assistance, and education to students with disabilities between the ages of 14-22. Engage in systemic advocacy and collaborations with stakeholders to ensure youth have timely access to transition services while in school and through VR agencies.

#### **Outreach/Education/Training:**

During the 2<sup>nd</sup> quarter, Disability Rights NJ planned and did marketing for the April 2 conference: Classroom to Careers – Transition Services and VR Conference. We will report on this conference in the 3<sup>rd</sup> quarter report.

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