

Client
Assistance
Program

Your Rights in the Vocational Rehabilitation Process

Presented by the Illinois
Client Assistance Program
(CAP)



Learning Objectives

- Understand CAP's role in the Vocational Rehabilitation Process
- Learn your rights and responsibilities in the Vocational Rehabilitation Process
- Learn strategies for self-advocacy

Getting to Know CAP



Overview of CAP

Julie Baker



Purpose of CAP

- CAP serves as an integral part of the rehabilitation system by:
 - Informing and advising individuals of the services and benefits available through programs authorized under the Rehabilitation Act and Title 1 of the ADA (Americans with Disabilities Act).
 - Advocating and providing assistance for people in their pursuit of programs and services within the Rehabilitation Act.
 - Helping identify and resolve problems that may arise during the rehabilitation process.
 - Identifying problem areas within rehabilitation services and offering suggestions for improvement.

Who is Eligible for CAP Services?

- Anyone seeking information, applying for services, or already receiving services from the Division of Rehabilitation Services (DRS) Vocational Rehabilitation (VR) and from Centers for Independent Living (CILs)
- Persons who are dissatisfied with their services, or who have been denied services for which they may be eligible
- Persons needing intervention or assistance in their relationships with programs providing rehabilitation services

How Can CAP Help?

- CAP can:
 - Advise people with disabilities of their rights under the Federal Rehabilitation Act of 1973 (as amended) and under the Americans with Disabilities Act.
 - Advise customers and applicants of VR and CILs.
 - Interpret agency policies, rules, and procedures as they relate to customers' rehabilitation choices.
 - Identify and resolve problems between customers and DRS staff.
 - Advocate for and represent customers in the appeal process.

Other CAP Services

- CAP can also:
 - Recognize service delivery problems and recommend positive changes in rehabilitation program rules/policies.
 - Provide outreach to individuals and groups representing individuals with disabilities from diverse racial and cultural backgrounds.
 - Explain the nature of the various services available to people with a wide range of disabilities from the different state agency rehabilitation programs.
 - Refer people with non-rehabilitation needs to other appropriate resources.

How Does CAP Provide Services?

- The client or client-applicant (someone applying for VR services) must contact CAP directly to request services.
- CAP will assist and advocate on behalf of the client or client-applicant in their relationship with projects and community rehabilitation programs that provide services under the Rehab Act. This is done by engaging in individual or systemic advocacy, and pursuing, assisting, and advocating on behalf of the client or client-applicant to pursue legal, administrative, and other available remedies, if necessary.
- CAP is required to send a release of information (ROI) form to the client or client-applicant, which must be completed, signed and returned before CAP can take any action.
- Once CAP receives the signed ROI, CAP requests the ability to view the client's VR file, from the VR counselor.
- After we have access to the VR file, CAP reviews the file to determine if a complaint has merit or not.

What is Merit?

- Merit is determined by looking at whether the rehabilitation program:
 - Denied application
 - Denied eligibility or services
 - Violated the client's rights
 - Violated any law or federal/state regulations
 - Violated rehabilitation agency policy/procedures
 - Supported its decision with substantial facts/evidence
- Basically, we have to ask ourselves, "Is there a basis in the *law* that would allow us to support the complaint(s)?"
- If a complaint lacks merit, the client will be notified immediately. However, if appropriate, CAP can assist the client with appeal preparation and ensure they understand their role in the process, even if CAP has determined the complaint lacks merit for further investigation.

What Makes CAP Valuable to the Rehabilitation System?

- We provide protection and advocacy.
- We help individuals understand their Vocational Rehabilitation (VR) and Independent Living (IL) rights.
- CAP assists individuals in overcoming barriers or complications in the rehabilitation system.
- CAP provides referrals to other agencies as needed.

What are Some Common CAP Issues?

- Lack of Communication
 - CAP clients report they have not been able to get answers to their questions from the VR counselor.
- Case Closure
 - Client reports his or her VR counselor is closing the case and the client doesn't understand why.
- Federal Regulations and/or VR policy and procedure not being followed
 - Client has an IPE which should be in compliance with Federal Regulations, but it is not complete and the client ends up paying for services.

Overview of VR

Valerie Berryman



Purpose of VR Services

- Vocational Rehabilitation:
 - Assists people with disabilities in preparing for, obtaining, maintaining, or advancing in competitive integrated employment (CIE)

Code of Federal Regulations VR Definitions

- Informed Choice (34 CFR 361.20)
 - VR customers have the right to be full and active participants in the VR process.
 - Individuals have the right to voice their choice of employment goal, service providers, and methods available to provide services.
 - Generally, it is the responsibility of the VR counselor to make available a variety of resources to assist VR customers with their planning, problem solving, and decision-making skills.
 - VR customers can use these resources to make informed choices about their goals and services.
 - Example: Ryan is deciding between entering the workforce or obtaining a college degree. His counselor presents him with pamphlets from local colleges, as well as links to available jobs in his area. After reviewing the information, Ryan decides that obtaining a welding certification from his local community college would greatly increase his job prospects. He meets with his counselor to discuss his choice and form an education plan.
- Competitive Integrated Employment (CIE) (34 CFR 361.5(9))
 - Work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting (in the general community with non-disabled peers)
 - Compensation is at or above minimum wage
 - Compensation is similar to that of non-disabled peers
 - Can be supported employment, customized employment, self-employment, or remote work

Eligibility (34CFR 361.42)

- Who is eligible for VR services?
 - Any individual with a documented disability that keeps him or her from obtaining employment, maintaining employment, or advancing employment
 - Documented disabilities must be a barrier to employment goals
 - VR services must lead to an employment outcome
 - High school students with disabilities are eligible for pre-employment transition services such as:
 - Career exploration, job training, vocational readiness classes, etc.

Order of Selection (34CFR 361.36)

- Due to financial constraints, some state VR agencies aren't able to provide services to all eligible individuals. Such states, including IL, have adopted an "Order of Selection" to determine who receives services first.
- Generally, individuals with the ***most significant disabilities*** are given priority. Individuals who do not meet the order of selection are placed on a wait list. During this time, they have access to information and referral services, including programs carried out by other components of the statewide workforce development system, best suited to address the specific employment needs of an individual with a disability.
- Factors that cannot be used in determining order of selection:
 - Duration of residency
 - Type of disability
 - Age, gender, race, color, creed, national origin
 - Income level (of the individual or the individual's family)
 - Expected employment outcome
 - Source of referral

What Services are Provided?

- The Rehabilitation Act establishes a broad definition of available VR services.
- Generally, VR services can be provided as long as they align with the individual's employment goal.
- This affords VR agencies a great deal of flexibility in the services they can provide. Some of these include:
 - Job-related services (job search, job placement)
 - Diagnosis and treatment of impairments
 - Transportation services
 - Interpreter services
 - Assistive technology (wheelchairs, hearing aids, communication devices)
 - Post-secondary education and training

Financial Participation (34CFR 361.54)

- While there are many state and federal resources available to individuals with disabilities, VR customers may be financially responsible for a portion of their services.
- To determine the customer's financial responsibility, many states have established "financial need testing", or FNT. IL VR refers to it as a "Financial Analysis".
- Individuals who are eligible for SSI or SSDI are not subject to FNT. These individuals are exempt from financial participation.
- In general, VR agencies are the "payer of last resort". The individual is expected to exhaust all other financial options (applying for FAFSA, applying for Medicaid, etc.) before VR will pay for services.

Customer Rights

- Knowing your rights in the VR process allows you to set and achieve realistic goals.
- You have the right to:
 - Apply for services
 - Receive services in an accessible place
 - Have an eligibility decision made within 60 days
 - Be fully informed about services provided by your counselor
 - Participate in the development of your Individualized Plan for Employment (IPE)
 - Make informed choices about your services and service providers
 - Have your personal information remain confidential
 - Review and copy information from your case file
 - Appeal decisions regarding your services
 - Be informed of the Client Assistance Program (CAP)

Customer Responsibility

- It is your responsibility to make sure your needs are met throughout the VR process. You must also understand that your decisions can affect your employment outcome.
- You have a responsibility to:
 - Make and keep appointments with your counselor or contact them to cancel/reschedule.
 - Work with your counselor and follow through with your plan.
 - Obtain written approval before doing anything you want VR to pay for.
 - Ask your counselor to explain things you don't understand.
 - Tell your counselor when problems arise.
 - Request that communications be in an accessible format (Braille, large print, languages other than English, etc.).

Six Steps of the VR Process

Ryan Boyer



Step 1: Referral and Application

- DRS staff receives contact (referral) from a customer or involved 3rd party (like a legal guardian).
- VR counselor sets up an interview to begin the official application process. Application must occur within **30 days** of referral date.
- This interview enables the counselor and VR customer to establish a relationship. The counselor will collect information relevant to the VR eligibility assessment (medical records, work history, education records, etc.).

Step 2: Determining Eligibility

- 34CFR 361.41 – “Once an individual has submitted an application for VR services, an eligibility determination must be made within 60 days.”
- After the application, the VR counselor will perform an assessment to determine eligibility. The criteria for eligibility are:
 - The applicant must have a documented impairment (physical or mental).
 - The impairment impedes employment.
 - The applicant intends to achieve employment with VR services.
 - The applicant requires VR services to achieve employment goal.
- The counselor will use existing data when possible, but may have to order testing or trial work experiences to determine eligibility.
- There is a presumption that applicants will benefit from VR services unless clear evidence suggests otherwise.
- Applicants deemed ineligible must be notified in writing. They must also be informed of CAP and other available resources.

Step 3: Career Exploration and Plan

- The customer and counselor explore careers that align with the individual's unique strengths, interests, and capabilities. The counselor may provide job descriptions and explain job requirements (training needed to pursue a career field).
- During this step, the VR customer and VR counselor work together to create an IPE (Individualized Plan for Employment).
 - An IPE is a written document that is signed by the VR counselor and customer. It must be reviewed at least annually and can be amended as needed. It includes the customer's employment goal and the services needed to reach this goal. Any service to be provided or funded by VR **MUST** be specified on the IPE.
 - 34CFR 361.45(9)(e) – "The individualized plan for employment must be developed as soon as possible, but not later than 90 days after the date of determination of eligibility, unless the State unit and eligible individual agree to the extension of that deadline to a specific date by which the individualized plan for employment must be completed."

Step 4: Following the Plan

- The VR customer is expected to follow through with appointments, assessments, interviews, and other services included in the IPE. Failure to follow through can result in delays and loss of services.

Step 5: Finding a Job

- The customer and VR counselor work together to find a job that aligns with the IPE's employment outcome.
- The job will be competitive integrated employment (CIE).
- Job progress and success will be monitored and evaluated by the VR counselor.

Step 6: Closing the VR Case

- A VR case can be closed successfully if:
 - The employment outcome is achieved and maintained for at least 90 days.
 - The employment outcome is satisfactory, for both the customer and the employer.
 - The customer is informed of all available post-employment services.
- Other reasons a VR case may be closed:
 - The customer fails to cooperate with the process.
 - The customer does not meet eligibility requirements (or the order of selection).

Appeal Process

Julie Baker



What can be Appealed?

- 34CFR 361.57 - Clients of the Vocational Rehabilitation program have the right to appeal any decisions made that affect the provision of vocational rehabilitation services.
- All clients of VR have the right to challenge actions that deny, reduce, or terminate services.
- The VR counselor should provide the client with his/her appeal rights, including notification about the Client Assistance Program (CAP).

The Process

- Appeals are initiated by the client's completion of the Request for Hearing form, which is mailed to the Bureau of Administrative Hearings (BAH). Upon receipt of the request form, BAH contacts the client with a hearing date.
- Appeals must be filed within **30 days** of the adverse decision.
- To the maximum extent possible, alternative dispute resolution is to be used prior to resorting to an appeal. This includes resolving the issue through:
 - Communication between the client and DRS (discussions with the counselor or rehabilitation supervisor)
 - Informal resolution conferences
 - Setting up meetings between the client and DRS staff
 - Mediation

CAP's Role

- Upon the client's request, CAP can assist or represent the client in the appeal process.
- Written consent must be obtained from the client if CAP is to represent them in the appeal.
- As noted earlier, if it is found that the complaint does not have merit, CAP will not act as a representative for the client in the appeal process. CAP will, when appropriate, assist the client with preparing for the appeal hearing and provide resources to help the client prepare for the hearing.
- CAP seeks to provide assistance at the lowest level of intervention possible. However, at times, efforts to rectify the situation are not successful, resulting in the need for an appeal hearing.

Legality

- *CAP advocates are not attorneys, and they do not dispense legal advice or act as attorneys in any way in the provision of services.*

Self-Advocacy

Ryan Boyer



Definitions

- Advocacy: Representing, supporting, or defending a person, interest, or opinion.
- Advocate: A person who acts in support of an individual or cause.
- Self-Advocacy: Representing or supporting your own interests or opinions; Acting as your own advocate.

Steps to Developing Self-Advocacy



Define Your Needs and Wants

- The purpose of vocational rehabilitation is to help you obtain and maintain employment. During this process, you will choose an employment goal that aligns with your strengths, interests, and capabilities. You will also choose the services that help you achieve your employment goal.
- The purpose of transitional services is to prepare youth for life after high school. Individuals can choose between college, vocational training, or direct job placement.
- Needs and wants should be clearly identified. Writing them down (making a personal list) can help!

Communicate Your Needs and Wants

- During the VR process, your needs and wants should be clearly communicated to your VR counselor and service providers. If you need a specific accommodation (interpreter, communication device, hearing/visual aides), tell your counselor exactly what you need. Specific services should be included in your IPE (Individualized Plan for Employment).
- When receiving transition services, wants and needs should be clearly communicated with your transition specialist, service providers, or other appropriate school personnel. Specific services should be included in your written transition plan.

Ask for Help

- Don't be afraid to ask for help!
- When communicating with your VR counselor or transition specialist, ask for clarifications.
- Ask a friend or relative to help you draft a letter; ask a teacher to proofread emails.
- Use the “chain of command” when appropriate.
 - If your VR counselor is unable or unwilling to answer your questions, you can ask to speak to a supervisor.
 - If your transition specialist is not addressing your needs, you can involve a parent or guardian.

Know Your Rights

- You have the right to:
 - Apply for services
 - Receive an eligibility determination in a timely manner
 - See your file and request copies from your file
 - Have your records remain confidential
 - Be informed of your counselor's or transition specialist's decisions
 - Appeal decisions with which you do not agree
 - Be informed about Client Assistance Program (CAP) services

Know Your Responsibility

- You have the responsibility to:
 - Keep your VR counselor or transition specialist informed
 - Follow through with your plan (keep appointments, meet deadlines, etc.)
 - Provide necessary information (medical records, documentation, etc.)
 - Actively participate in the VR or transition process
 - Attend IEP or IPE meetings
 - Answer and return phone calls/emails
 - Communicate your wants and needs to DRS staff

Know How to Navigate the System

- Familiarize yourself with the Vocational Rehabilitation Process and Transition Services.
 - Your counselor or transition specialist can help you .
 - You can contact CAP for additional help:
 - 800.641.3929 or www.drs.Illinois.gov/cap
 - You can also do your own research on Rehabilitation Services:
 - www.rsa.ed.gov or www.dhs.state.il.us

Be Polite

- A simple “please” or “thank you” can go a long way. Remember to be polite to your VR counselor, transition specialist, and service providers. Being polite can strengthen your relationships with these individuals.
- All communications (spoken words, emails, texts*) should use a polite and professional tone.
 - Proofread your emails before sending them.
 - Prepare for phone conferences or meetings before attending them.

*DRS staff cannot text with state-issued cell phones because the provider does not keep the text records as long as is required for FOIA requests. Until this changes, texting is not an approved method of communication with staff or customers.

Keep Records

- Keep track of information. You should maintain a record of your VR case or transition plan.
- What kind of records should be kept?
 - Phone calls (date, time, what was discussed)
 - Letters (both sent and received)
 - Meetings (date, time, decisions, discussions)
 - You can ask a 3rd party (friend, advocate, etc.) to come with you and take notes.
 - Personal records (medical records, transcripts, vocational evaluations, IPE, IEP, etc.)
 - Emails

Summary

Ryan Boyer



Vocational Rehabilitation

- What makes VR valuable to the Rehabilitation System?
 - Individuals with disabilities are able to get the education, skills, and training needed to maintain gainful employment.
 - Through employment, these individuals gain self-sufficiency and contribute to the community.
 - VR programs are highly flexible and can accommodate the unique needs of the individuals they serve.

CAP & VR

- Throughout the VR process, customers must be informed of the Client Assistance Program (CAP).
- CAP is an excellent tool available to individuals receiving VR services. CAP is able to:
 - Advise and inform clients of all services available under the Rehabilitation Act.
 - Advocate for customers' rights under the Rehab Act.
 - Help customers obtain VR services.
 - Bridge the gap between the VR customer and VR agency.
- VR and CAP both work to serve individuals with disabilities. Their common goal is to help these individuals achieve independence and self-sufficiency through employment.

Self-Advocacy

- CAP and VR are designed to embrace and encourage informed choice and self-advocacy.
- The best way to improve self-advocacy is by learning your rights and responsibilities throughout the VR process.
- Remember to
 - Ask questions
 - Keep records
 - Do your own research
 - Ask for help when needed
- And always

Believe in
Yourself!



Q&A

Kari Branham



How to Reach CAP

- Mail: 100 South Grand Avenue East, Springfield, IL 62702
- Phone: 1.800.641.3929
- Email: dhs.cap@illinois.gov
- Website and Informational Video: <http://drs.illinois.gov/cap>

Myths About the VR System



Myth or Reality?

- To be eligible for services, an individual must be willing to seek employment , so they no longer need any public benefits (such as Social Security benefits).
- Myth – An individual can receive Social Security benefits and still work.

Myth or Reality?

- Once an individual is found eligible for VR services, he or she is entitled to any VR service.
- Myth – An individual cannot choose whatever they want - it's what they *need* to work or advance in their work.

Myth or Reality?

- The main goal of the VR program is to help individuals with disabilities obtain entry-level employment only.
- Myth – VR services can be used to help individuals with disabilities advance in employment.