



STATE OF NEW JERSEY

DEPARTMENT OF HUMAN SERVICES (DHS)

COMMISSION FOR THE BLIND & VISUALLY IMPAIRED (CBVI)

STATE REHABILITATION COUNCIL (SRC)

MEETING MINUTES

JUNE 7, 2024 - HYBRID MEETING

130 LIVINGSTON AVE | NEW BRUNSWICK, NJ 08901

Voting Members Present: Kathleen Spata, Lauren Weishaar

Members Awaiting Appointment Present: Donald Campbell, Vito DeSantis, Breeanna Douglas, Alice Eaddy, James Good, Steven McCoy, Linda Melendez, Dr. Amanda Philp, Gary Robinson, Wanda Williford, Joseph Zesski

Absent: Ronda Williams Banks, Sioban Leahy, Jeanne McMahon, John O'Connell (appointed), Gwen Orlowski

Ex Officio Present: Dawn Corbett, Dr. Bernice Davis, John Tkacz

CBVI Staff: Esther Lavarin, Bryan McClain, Pat McKenna

Members of Public Present: Haley Carney, Susan Head, Janna Sheiman

Vito DeSantis, SRC Chairperson, welcomed everyone, calling the meeting to order at 9:30am.

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, all were reminded that a quorum cannot be reached because of the lack of appointments and reappointments received for the SRC nominees and members. 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}.

Next Meeting Date:

October 4, 2024 (hybrid)

Dr. Bernice Davis – Executive Director’s Report

Dr. Davis began by informing the SRC regarding the replacement Deputy Commissioner (DC) for Elisa Neira. DC Kaylee McGuire will now be overseeing CBVI. She is not new to DHS but is new to working with CBVI. She also oversees the Division of the Deaf and Hard of Hearing (DDHH), Division of Aging Services (DoAS), Division of Developmental Disabilities (DDD), and Division of Disability Services (DDS). She will be coming to meet some of the Executive Management Team, touring facilities, and meeting staff towards the end of July.

There is also a new DC, Michael Wilson, who will be overseeing Medicaid/Medicare, Division of Family Development (DFD). He comes from Maryland, and his background includes oversight of Maryland’s Homelessness Coalition. He also served on the Clinton Administration, as an advisor under the Department of Labor (DOL). Dr. Davis had an opportunity to meet him the night before, and noted that he comes with a wealth of experience.

Dr. Davis also discussed the State Combined Plan, which was submitted successfully. It is expected that the feedback from the RSA would be positive, but the concerns regarding the SRC appointments may cause the plan to receive a conditional approval from the RSA. The agency along with Vito as the Chair of the SRC, will continue to reach out to the Governor regarding these. Dr. Davis thanks everyone for their help in this regard.

Dr. Davis opened for questions.

- Vito mentioned wanting to invite DC Kaylee McGuire and DC Michael Wilson to speak with the SRC, if she thinks that would be good.
 - Dr. Davis agreed with the invite for DC McGuire as she works specifically with CBVI but because DC Wilson is new to DHS and getting acclimated, Dr. Davis will check in with DC McGuire about that and perhaps at a later time it would be good to invite him.
- Vito also took the opportunity to explain that he wrote a letter to the Governor’s Office back in February. He also mentioned having spoken to Samantha Parker, the Director of Appointments for the Governor’s Office. Vito noted that she was under the impression that the appointments and reappointments required NJ Senate approval. Vito assured her that is not the case and sent to her the regulations pertaining to it.
 - She sent a response to Vito acknowledging receipt of only 2 applications.
- Vito also wrote Jim Doyle at the RSA, who told him that he made management at the RSA aware of the issue and that could have an impact on the approval of the NJ State Plan.

- Vito also advised the SRC that if they would like to contact their state representatives about it, to say they are trying to do some good but are not able to do so legally because of not receiving the appointment, they should feel free to do so.
- Steven McCoy also asked a question – Will the Governor be responding finally?
 - Vito replied that he does not know.

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

Pat mentioned recent staffing changes at CBVI, a new Statewide Supervisor of Transition Services to VR and a new IL Coordinator. Pat has been working with the VR and IL Coordinators on ways CBVI can enhance and improve on its services to the deafblind population.

Business Enterprise of New Jersey (BENJ) Updates:

Pat has been working with Deacon Truesdale, BENJ Supervisor, and Lou Mancuso, Regulatory Officer, on options available for exploring new BENJ location opportunities.

Agency Specific Information:

July 25th is the Trenton Thunder – Covering the Bases event.

Annual Report:

Pat has begun receiving success stories for the SRC Annual Report. If anyone would like to assist with reviewing them, please reach out to Pat via email, Charles.McKenna@dhs.nj.gov.

Esther Lavarin, VR Coordinator- Vocational Rehabilitation (VR) Update:

Employment, Development, Guidance, and Engagement (EDGE) Program:

This year, CBVI surpassed its highest referral number for the EDGE program with 108 students participating. The summer programs are getting ready to start, and will run from July 14th – 26th.

Business Relations Unit (BRU) Updates:

The BRU held a job club meeting on May 2nd. The topic was on navigating job boards, how to use buzz words within job descriptions, and giving information on alternative job boards and the application processes to have best results.

Agency Information:

College Counselors are preparing students for the Fall semester.

Tom Jennings & Pat Tomlinson - SRC Training Highlights:

- CBVI's SRC Bylaws will need to be changed to allow for the SRC to have more than 15 members as is the case currently. Right now, the Bylaws set a maximum of 15 members.
- The law says each member can only have 2 consecutive terms – when filling a partial term for someone, it was noted that most do not count that as a full term, and so that member would be able to still serve 2 consecutive full terms after that partial term.
- Many feel that after they have served the 2 full terms, they are finished completely with the SRC. However, some allow for a member to come off of the council for a time period, and then join again since the next term would not be consecutive. This allowance would need to be written into the Bylaws and specifically list the time period a member would need to stay off of the SRC before being considered again for appointment.

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

The CAP Report was submitted by Janna Sheiman, the CAP Coordinator of Disability Rights New Jersey (DRNJ) for inclusion with the meeting minutes and are appended at the end.

Member Updates:

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

○ **Dr. Amanda Philp, NJ Department of Education**

- The Department of Education (DOE), Office of Special Education (OSEP), has made significant strides in our Collaborations In Transition (CITNJ) Project, a project supported by the Disability Innovation Fund (DIF) grant.
- A State plan was created that focuses on empowering students and youth with Pre-Employment Transition Services (Pre-ETS). To achieve this, the DOE is organizing comprehensive training and fairs for district staff, ensuring these vital resources reach students and families effectively. CBVI is onboard to assist in the event planning, enhancing its impact.
- The OSEP is finalizing MOAs for review and gearing up to implement intensive training sessions across 3 districts: Newark, Edison, and Pinelands.

Furthermore, they are advancing towards establishing a statewide collaborative transition website by initiating vendor contracts.

- To keep all stakeholders informed and engaged, those on the listserv can expect emails this summer with updates and meeting requests. Together, we're making meaningful strides towards empowering our youth for successful transitions.
- **Linda Melendez, National Federation of the Blind NJ**
 - NFB NJ just completed a STEM 2 program for children in grades 3rd to 8th.
 - Getting ready for the NFB National Convention where there will be a job fair.
 - Setting up plans for the State Convention taking place Oct 24th – Oct 27th.
- **Wanda Williford, NJ Council of the Blind**
 - National Convention for American Council of the Blind (ACB) will be July.
 - NJCB is preparing NJ members for the upcoming Presidential election, and have partnered with the League of Women Voters who have agreed to help them run a voter registration drive. At the annual local picnic, they will have a demonstration machine for those who want to vote in person.

Announcements:

A meeting for the Policy & Procedures committee with Lauren was supposed to happen earlier this month, but will need to be rescheduled. Other members of the SRC interested in joining the committee please reach out to Vito, Pat, or Lauren directly.

Adjournment:

The meeting was adjourned at 12:20pm.

The next SRC meeting is scheduled for October 4, 2024.

Respectfully Submitted,

Bryan McClain

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Executive Secretarial Assistant

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: 1/1/2024-3/31/2024

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**
 - **How to Appeal a VR Case:** Disability Rights NJ presented a webinar, designed to help VR applicants know their rights on appealing VR cases. We provided the attendees and viewers information on internal informal appeal, administrative review, mediation, and fair hearing, with tips and advice on how to request them, what they are, and how they proceed. Approximately 45 people attended the live webinar, and another 50 viewed the recording on the Disability Rights NJ website.
 - **VR Applicant Self Advocacy Guide:** Disability Rights NJ developed a self-advocacy guide for individuals seeking VR Services called "Navigating Your Rights to Vocational Rehabilitation Services, a Self-Advocacy Guide". The resource will be published on our website shortly. This guide walks potential applicants through their rights to VR services, how to connect with the VR agencies, how to apply for services, requesting an IPE, and how to appeal an adverse decision. This self-advocacy guide focuses on helping individuals understand and navigate the VR process.
 - **Brick Township Transition Fair:** DRNJ staff attended the Brick Township Transition Fair, providing information about VR Services and Pre-Employment

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Transition Services to high school students and their families in Brick Township. The goal of the outreach was to help them to 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.

- **Serving individual clients.**

Number of client cases during DRNJ's 2nd fiscal quarter 2024 (Jan 1 – Mar 31, 2024):

Program	Carryover from 1 st Quarter	New Since January 1, 2024	Closed as of March 31, 2024	Current Active as of April 1, 2024
CAP	16	9	8	15 DVRS 2 CBVI

- Examples of issues in client cases:
 - Communication breakdowns where CBVI clients and CBVI counselor do not have a shared understanding of DVRS client goals and objectives
 - Clients not getting timely response from their VR counselors
- Number of active appeals (administrative, mediation, and fair hearings)
 - Administrative: 0
 - Mediation: 0
 - Fair Hearing: 1
- Examples of outcomes for clients:
 - DVRS: Disability Rights NJ represented C.V., a 34-year-old woman diagnosed with spastic cerebral palsy and schizoaffective disorder after her case with DVRS was closed without her consent. Disability Rights NJ requested that her VR case be reopened, and that DVRS authorize assistive technology and driving rehabilitation evaluations as well as provision of the technology identified in those evaluations through an IPE. The client signed an IPE authorizing the AT services and providing Driving Rehabilitation services for her, as well as an initial agreement to provide sponsorship for client's graduate program in clinical mental health counseling.
 - CBVI: Disability Rights NJ represented a L.J., 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 his adaptive equipment that he uses to support his business, including the implementation of informed choice for the vendors that he would be working with to secure the services.

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Systemic Issues observed by DRNJ

- CBVI is imposing the cost share on SSI and SSDI recipients or requiring them to show other factors of hardship to receive full sponsorship. This practice explicitly prohibited by the Rehabilitation Act of 1973 and further supported by the WIOA, which says that VR programs must not impose the cost share on SSI/SSDI recipients and cannot require them to demonstrate hardship through other means.
- CBVI improperly treats student loans as Comparable Benefit in violation of federal law. In practice and policy, CBVI will not fund tuition for our clients that has been paid by student loans, including loans that clients take because of delays in CBVI approving tuition sponsorship. Federal Law prohibits treating student loans as a comparable benefit.

The written policy and practice of CBVI treats student loans as a comparable benefit, which is incompatible with the federal law. 34 CFR 361.5(c)(8)(ii). CBVI should amend its policy and practice to follow the requirements of the Code of Federal Regulations, treating loans differently from need based grants or other comparable benefits. Approvals for tuition sponsorship should happen before the tuition is due, obviating the need for clients to borrow funds to pay for their tuition in the first place.

Goals and Objectives for Next Quarter (April 1, 2024 through June 30, 2024)

- Develop and deliver posters regarding the Client Assistance Program to DVRS and CBVI to be displayed in the field 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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