

# **RSA-227 - Annual Client Assistance Program (CAP) Report**

## **Arkansas (Disability Rights Arkansas, Inc) - H161A170003 - FY2017**

### **General Information**

#### **Designated Agency Identification**

Name Disability Rights Arkansas, Inc.  
Address 400 West Capitol Avenue  
Address Line 2 Suite 1200  
City Little Rock  
State Arkansas  
Zip Code 72201  
E-mail Address [spierce@disabilityrightsAR.org](mailto:spierce@disabilityrightsAR.org)  
Website Address <http://www.disabilityrightsar.org>  
Phone 501 296-1775  
TTY 501-296-1775  
Toll-free Phone 800-482-1774  
Toll-free TTY 800-482-1174  
Fax 501 296-1779

#### **Operating Agency (if different from Designated Agency)**

Name Disability Rights Arkansas, Inc.  
Address 400 West Capitol Avenue  
Address Line 2 Suite 1200  
City Little Rock  
Zip Code 72201  
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#### **Additional Information**

Name of CAP Director/Coordinator Thomas Nichols  
Person to contact regarding report Susan Pierce  
Contact Person Phone 501-296-1775

## Part I. Non-case Services

### A. Information and Referral Services (I&R)

Multiple responses are not permitted.

1. Information regarding the vocational rehabilitation (VR) program	18
2. Information regarding independent living programs	1
3. Information regarding American Indian VR Service projects	0
4. Information regarding Title I of the ADA	0
5. Other information provided	2
6. Information regarding CAP	8
7. Total I&R services provided (Lines A1 through A6)	29

### B. Training Activities

Disability Rights Arkansas (DRA) conducted six trainings at conferences that included information about rehabilitation services and the Client Assistance Program (CAP), including:

Arkansas NAACP Conference Presentation- 40 statewide members of the NAACP attended a training in which attendees were informed about DRA and its services and educated about rehabilitation services for individuals with disabilities that are available statewide to their constituents, including CAP and how it can assist rehabilitation services clients.

Department of Human Services (DHS) Division of Childcare Training Presentation- 15 state child care case managers were informed about DRA and its services and educated about transition services for children beginning at age 14, including rehabilitation services for individuals as they finish school. They were informed about the CAP program and how it can assist those receiving rehabilitation services.

Low-Income Advocates Leadership and Community Development Conference Presentation- 12 low-income advocates (professionals who work with socio-economically disadvantaged people) from across the state were educated about DRA and its services, including rehabilitation services available to people with disabilities and the ways CAP can assist these individuals.

University of Arkansas at Little Rock Bowen School of Law Presentation- 13 students in a disability law class were informed about DRA and its services, including the availability of rehabilitation services for individuals with disabilities, and how DRA's CAP program can assist those individuals as they go through the rehabilitation process and secure employment.

Central Arkansas Disability Services Presentation- a presentation about the rights of transitioning youth from school to vocational rehabilitation services, including the CAP program and how it can help them, was made to six professionals and two students who work with these youth.

ArkSTART Vocational Rehabilitation Presentation- ArkSTART is a program that assists professionals who work with individuals with intellectual disabilities who present with behaviors that can potentially result in them losing community services and being institutionalized. DRA provided training to approximately 20 professionals involved with ArkSTART on vocational rehabilitation (VR) services in the state, the requirements and processes of VR, and the CAP program and how it can assist clients of VR services.

DRA staff also visited 12 ARS field offices statewide to train approximately 130 ARS rehabilitation counselors about CAP and DRA services, including conducting a PowerPoint presentation about the P&A and CAP system, and answering questions from attendees.

1. Number of training sessions presented to community groups and public agencies. 18
2. Number of individuals who attended these training sessions. 230
3. Describe training presented by the staff. Include the following information:
  - a. topics covered
  - b. purpose of the training
  - c. description of the attendees

### **C. Agency Outreach**

Describe the agency's outreach efforts to previously un-served or underserved individuals including minority communities.

The trainings (as described above) at the Arkansas NAACP conference and the Low-Income Advocates Leadership and Community Development conference in particular targeted unserved and underserved communities, as these both drew people from around the state who work with racial minorities and socio-economically disadvantaged individuals in rural parts of the state, including the Delta region. The training for the Division of Child Care staff included one professional attendee who indicated the majority of her caseload involved Hispanic clients; since she was not previously aware of DRA, this effort successfully increased outreach to the Hispanic community.

DRA staff also visited all of the sheltered workshops holding 14c certificates in the state, including those in rural and economically disadvantaged areas.

### **D. Information Disseminated To The Public By Your Agency**

For each method of dissemination, enter the total number of each method used by your agency during the reporting period to distribute information to the public. For publications/booklets/brochures (item 4), enter the total number of documents produced. Agencies should not include website hits. See instructions for details.

3,561 CAP brochures were disseminated; these were given to clients at sheltered workshops across the state, and packs of brochures were given to staff at ARS field offices for dissemination to their clients.

Facebook: 3,597 followers

Twitter: 731 followers

Website hits: approximately 27,000. Note DRA could not obtain analytics for the first few months of fiscal year 2017.

- |  |      |
|--|------|
| 1. Agency Staff Interviewed or Featured on Radio and TV                | 0    |
| 2. Articles about CAP Featured in Newspaper/Magazine/Journals          | 0    |
| 3. PSAs/Videos Aired about the CAP Agency                              | 0    |
| 4. Publications/Booklets/Brochures Disseminated by the Agency          | 3561 |
| 5. Number of Times CAP Exhibited at Conferences, Community Fairs, etc. | 20   |
| 6. Other (specify below)   | 0    |

## **E. Information Disseminated About Your Agency By External Media Coverage**

Describe the various sources and information disseminated about your agency by an external source.

When DRA exhibits at conferences geared towards professionals, visitors to the exhibit are provided examples of how CAP and other DRA programs can assist their clientele, and they are encouraged to take additional brochures with them to share with their clients. DRA staff conducted outreach to Arkansas Rehabilitation Services field offices and to sheltered workshops across the state in FY2017 to distribute CAP brochures. Packets of brochures were left at these offices and facilities to be distributed by their staff to their clients.

## Part II. Individual Case Services

### A. Individuals served

An individual is counted only once during a fiscal year. Multiple counts are not permitted for Lines A1-A3.

1. Individuals who are still being served as of October 1 (carryover from prior year)	4
2. Additional individuals who were served during the year	32
3. Total individuals served (Lines A1+A2)	36
4. Individuals (from Line A3) who had multiple case files opened/closed this year (In unusual situations, an individual may have more than one case file opened/closed during a fiscal year. This number is not added to the total in Line A3 above.)	3
5. Individual still being served as of September 30 (Carryover to next year. This total may not exceed Line A3.)	10

### B. Problem areas

Multiple responses permitted.

1. Individual requests information	5
2. Communication problems between individual and VR counselor	12
3. Conflict about VR services to be provided	15
4. Related to VR application/eligibility process	2
5. Related to assignment to order of selection priority category	0
6. Related to IPE development/implementation	4
i. Selection of vendors for provision of VR services	
ii. Selection of training, post-secondary education	
iii. Selection of employment outcome	
iv. Transition services	
7. Related to independent living services	0
8. Other Rehabilitation Act-related problems	0
9. Non-Rehabilitation Act related	1
i. TANF	
ii. SSI/SSDI	
iii. Housing	
iv. Other:	
10. Related to Title I of the ADA	0

### C. Intervention Strategies for closed cases

(Choose one primary service the CAP provided for each closed case file. There may be more case files than actual individuals served.)

1. Short Term Technical Assistance	13
2. Investigation/Monitoring	1
3. Negotiation	7
4. Mediation and other methods of Alternative Dispute Resolution	1
5. Administrative / Informal Review	3
6. Formal appeal / Fair Hearing	0

7. Legal remedy / Litigation	4
8. Total	29

#### **D. Reasons for closing individuals' case files**

(Choose one primary reason for closing each case file. There may be more case files than the total number of individuals served.)

N/A

1. All issues resolved in individual's favor	20
2. Some issues resolved in individual's favor (when there are multiple issues)	1
3. CAP determines VR agency position/decision was appropriate for the individual	2
4. Individual's case lacks legal merit; (inappropriate for CAP intervention)	1
5. Individual chose alternative representation	0
6. Individual withdrew complaint	3
7. Issue not resolved in clients favor	0
8. CAP services not needed due to individual's death, relocation, etc.	0
9. Individual not responsive/cooperative with CAP	1
10. CAP unable to take case due to lack of resources	1
11. Conflict of interest	0
12. Other (Please explain below)	0

#### **E. Results achieved for individuals**

(Choose one primary outcome for each closed case file. There may be more case files than the total number of individuals served.)

In one case, DRA was unable to contact the client to determine the outcome, despite repeated attempts to contact the client. In another case, upon DRA securing a successful resolution of an issue at a residential rehabilitation program, the client withdrew on medical leave.

1. Controlling law/policy explained to individual	2
2. Application for services completed	1
3. Eligibility determination expedited	1
4. Individual participated in evaluation	0
5. IPE developed/implemented/Services Provided	11
6. Communication re-established between individual and other party	5
7. Individual assigned to new counselor/office	1
8. Alternative resources identified for individual	6
9. ADA/504/EEO/OCR complaint made	0
10. Other (Please explain below)	2

## Part III. Program Data

### A. Age

Multiple responses not permitted.

1. Up to 18	0
2. 19 - 24	11
3. 25 - 40	8
4. 41 - 64	16
5. 65 and over	1
6. Total (Sum of Lines A1 through A5. Total must equal Part II, Line A3.)	36

### B. Gender

Multiple responses not permitted.

1. Females	15
2. Males	21
3. Total (Lines B1+B2. Total must equal Part II, Line A3.)	36

### C. Race/ethnicity of Individuals Served

1. Hispanic/Latino of any race (for individuals who are non-Hispanic/Latino only)	1
2. American Indian or Alaskan Native	0
3. Asian	0
4. Black or African American	16
5. Native Hawaiian or Other Pacific Islander	0
6. White	19
7. Two or more races	0
8. Race/ethnicity unknown	0

### D. Primary disabling condition of individuals served

Multiple responses not permitted.

1. Acquired Brain Injury	2
2. ADD/ADHD	1
3. AIDS/HIV	0
4. Amputations or Absence of Extremities	1
5. Arthritis or Rheumatism	0
6. Anxiety Disorder	0
7. Autism Spectrum Disorder	0
8. Autoimmune or Immune Deficiencies (excluding AIDS/HIV)	1
9. Blindness (Both Eyes)	1
10. Other Visual Impairments (Not Blind)	2
11. Cancer	0
12. Cerebral Palsy	1
13. Deafness	0
14. Hard of Hearing/Hearing Impaired (Not Deaf)	1

15. Deaf-Blind	0
16. Diabetes	0
17. Digestive Disorders	1
18. Epilepsy	0
19. Heart & Other Circulatory Conditions	0
20. Intellectual Disability	4
21. Mental Illness	10
22. Multiple Sclerosis	0
23. Muscular Dystrophy	1
24. Muscular/Skeletal Impairment	0
25. Neurological Disorders/Impairment	2
26. Orthopedic Impairments	0
27. Personality Disorders	0
28. Respiratory Disorders/Impairment	2
29. Skin Conditions	0
30. Specific Learning Disabilities (SLD)	4
31. Speech Impairments	1
32. Spina Bifida	1
33. Substance Abuse (Alcohol or Drugs)	0
34. Other Disability	0
35. Total (Sum of Lines D1through D34. Total must equal Part II, Line A3.)	36

## E. Types of Individual Served

Multiple responses permitted.

1. Applicant of VR	18
2. Individual eligible for VR services currently on a wait list	1
3. Individual eligible for VR services not currently on a wait list	13
4. Applicant or individual eligible for Independent Living	2
5. Transition student/High school student	0
6. All other applicants or individuals eligible for other programs or projects funded unther Rehabilitation Act	2



## Part IV. Systemic Activities and Litigation

### A. Non-Litigation Systemic Activities

Rule Promulgation- Arkansas Rehabilitation Services (ARS) allowed CAP to preview new rules they were planning to propose/promulgate regarding services they were considering limiting. CAP reviewed these proposed policies in February 2017, and alerted ARS to a number of violations of federal (CAP) regulations in each of the policy sections. This resulted in ARS withdrawing their plan to propose/promulgate new policies, and no further action has been taken with regards to making these changes in policy.

Sheltered Workshop Project- In an effort to determine the effectiveness of ARS's efforts to reach out to individuals in sheltered workshops, CAP staff visited a number of sheltered workshops across the state, and spoke with individuals receiving services about their experience with the sheltered workshops and with ARS (with a focus on younger individuals who had been receiving services from the workshops for a relatively short period of time). As a result, DRA was able to identify and assist individuals with communicating to ARS their desires to pursue services that would lead to integrated employment opportunities. While it is difficult to quantify the direct impact on the practices of ARS and of individual workshops, CAP staff are confident that both ARS and the sheltered workshops recognize the CAP program is working to ensure the intent of the Workforce Innovation and Opportunity Act (WIOA) is being implemented by the responsible entities involved.

1. Number of non-litigation systemic activities not involving individual representation that resulted in the change of one or more policy or practice of an agency. 1
2. Describe the systemic activities conducted by CAP during the fiscal year and its impact on other agency's policies or practices.

### B. Litigation

N/A

1. Total number of CAP cases requiring litigation involving individual representation resulting in, or with the potential for, systemic change.
  - a. Number of cases requiring litigation involving individual representation filed during fiscal year. 0
  - b. Number of on-going cases pending at start of fiscal year (carryover from prior fiscal year). 0
  - c. Number of cases resolved through litigation during fiscal year. 0
2. Describe the agency's on-going and completed systemic litigation activities involving individual representation.

## Part V. Agency Information

### A. Designated Agency

- |  |   |
|--|---|
| 1. Agency Type (select only one option)                  | External-Protection and Advocacy agency |
| 2. Name of designate agency                              | Disability Rights Arkansas, Inc.        |
| 3. Is the designated agency contracting CAP services? No |   |
| 4. If yes, name of contracting agency:                   | N/A                                     |

### B. Staff Employed

Provide a description of all CAP positions (see instructions)

Professional staff who worked in CAP: 12 Clerical staff who worked in CAP: 3 All professional staff who worked in CAP were full-time employees, although no FTE's were 100% CAP. Clerical staff: two were full-time and one was part-time; no FTE's were 100% CAP Staff hours allocated to CAP: 80% professional and 20% clerical

Staff hours allocated to CAP as a percentage of all staff hours worked across all grants:  
8.78%

## Part VI. Case Examples

Provide some examples of some interesting cases during the past fiscal year.

A CAP-eligible client sought assistance from ARS to start his own business selling popcorn from a mobile trailer. ARS approved the business plan he developed; however, the client subsequently encountered difficulties with ARS providing the equipment needed for the business. Following months of contact with ARS to resolve the issue, a DRA attorney arranged for DRA and the client to meet with the ARS Assistant Chief of Field Services and the ARS district manager. A mutually agreed upon timeline was developed during this meeting, and the attorney was able to broker an amicable solution for all without having to resort to filing for due process. The client received the equipment within the agreed upon timeframe.

A CAP-eligible client receiving services in a sheltered workshop approached a DRA advocate who was visiting the workshop the client attended as part of DRA's outreach to all individuals receiving services in sheltered workshops across the state. This client resided in a group home managed by the same organization that operated the sheltered workshop, and the client had been attending the sheltered workshop since 1986. Upon securing the client's consent to refer him to ARS for services, DRA confirmed ARS staff interviewed the client and opened a case to provide the client with vocational rehabilitation services.

A CAP-eligible client who was nine years into a 10-year program to obtain her PhD in clinical psychology was informed by ARS that their policies did not permit them to provide assistance with advanced degrees, unless they are required for entry into a particular field of work, so ARS would not be providing any further assistance to the client while she completed her dissertation, which was the final requirement for the client to obtain her PhD. A DRA attorney assisted the client with appealing this decision, and argued in an administrative review that a PhD is nearly uniformly required for a professorship in psychology, which had been the client's goal throughout her relationship with ARS. The client subsequently received a favorable decision, with ARS agreeing to continued support for the client to obtain her PhD.

A CAP-eligible client with a mild intellectual disability expressed a desire to work in the community, and applied for services through ARS so that he might obtain a job coach to provide him with the necessary supports needed to maintain employment, since he knew he could not otherwise afford a job coach. ARS denied the client during the eligibility process, based solely on his diagnosis, with the justification that the client's disability was too severe for him to benefit from services. A DRA attorney appealed this denial of services, arguing that federal regulations require ARS to provide trial work experiences to an applicant prior to finding them ineligible for services based on the severity of their disability. ARS acknowledged no such process was followed in this client's case, and their decision to deny services was overturned during an administrative review.

## Certification

Reports are to be submitted to RSA within 90 days after the end of the fiscal year covered by this report. Please be reminded that you can enter data directly into RSA's website via the internet. Information on transmittal of the form is found on pages 19 and 20 of the reporting instructions.

Name of Designated Agency Official Susan Pierce

Title of Designated Agency Official Director of Policy and Planning

Date Signed 12/18/2017