

REDSIGNATION OF THE MISSISSIPPI CLIENT ASSISTANCE PROGRAM

July 26, 2024

The Client Assistance Program (CAP) is a federally mandated program (34 CFR Section 370) that advises and informs clients and client-applicants of the services and benefits available to them as authorized by the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 732). In Mississippi, these programs are provided through the Office of Vocational Rehabilitation of the Mississippi Department of Rehabilitation Services (MDRS).

As established by Section 112 of the Rehabilitation Act of 1973 (“the Act”), the purpose of the CAP is as follows:

To provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist and advocate for such clients or applicants in their relationships with projects, programs, and services provided under this Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act and to facilitate access to the services funded under this Act through individual and systemic advocacy.

The Client Assistance Program shall provide information on the available services and benefits under this Act and Title I of the Americans with Disabilities Act (ADA) of 1990 (42 U. S. C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs. In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

The CAP is one hundred percent federally funded by the U. S. Department of Education’s Rehabilitation Services Administration (RSA) through an annual formula grant to the Office of Vocational Rehabilitation of the Mississippi Department of Rehabilitation Services.

The Governor possesses the authority to designate the agency responsible for operating the CAP in accordance with Section 112 of the Act, as amended. Pursuant to federal regulations, 34 CFR Section 370.2(c), such designation should be to an agency independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities.

On April 15, 2024, the Governor provided written “Notice of Intent to Redesignate the Client Assistance Program (CAP)”. The Notice of Intent to Redesignate provided notice of two (2) public hearings during which to receive comments from interested persons on the Governor's proposal to redesignate the agency responsible for administering the CAP from the current agency, the Mississippi Society for Disabilities (MSD), to the Mississippi Coalition for Citizens with Disabilities (MSCCD). The Notice was published, posted and made available to the public pursuant to the requirements of the Rehabilitation Act of 1973, as amended: 29 U.S.C. 709(c) and 732(c)(1)(B). The Notice was further provided directly to MSD, the State Rehabilitation Council (SRC) and the State Independent Living Council (SILC) via e-mail correspondence.

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The Office of the Governor, through the Mississippi Department of Rehabilitation Services, held these two (2) public hearings as provided within his Notice on Tuesday, April 30, 2024, at 10:00 a.m. and Thursday, May 9, 2024 at 10:00 a.m., at the headquarters of MDRS, located at 1281 Highway 51, in Madison, Mississippi, and via TEAMS video conference streamed live in the main conference rooms at MDRS and AbilityWorks locations in Jackson, Tupelo, Greenwood, Meridian, Brookhaven, and Gulfport. Additionally, the Addie McBryde Center located in Jackson was included in the video conference calls.

In response to the Notice and call for comments by the public, several interested parties, individually and on behalf of organizations, expressed thoughtful and careful commentary on the importance of the CAP and the ability of the designated organization to adapt and serve the needs of Mississippians from various backgrounds, and numerous measures of accessibility. Many citizens commented on the importance of rehabilitative programs, and several organizations were suggested to serve in such a crucial role. Of the many written comments submitted to the dedicated e-mail address provided by the Notice, one in particular specifically asked whether the MSCCD was ineligible to be designated by the Governor because it receives funding to do work under the Rehabilitation Services Agency Parent Training Center (RSA-PTT) in Mississippi. The Office of the Governor consulted with MSCCD and the Rehabilitation Services Agency to answer that question regarding MSCCD's ineligibility due to its involvement, work and funding under the separate RSA training program. RSA confirmed, there is no conflict of interest if MSCCD were charged with the administration of the CAP; thus, MSCCD is not ineligible to be designated by the Governor.

The Governor has fully considered all public comments. In making this designation, the Office of the Governor consulted with the director of the State vocational rehabilitation agency, the director of the state development disability protection and advocacy agency, and representatives of other agencies and organizations serving individuals with disabilities in Mississippi such as the Mississippi Department of Mental Health, Mississippi Division of Medicaid, the Mississippi Department of Human Services, the Mississippi State Department of Health, and The Arc of Mississippi.

MSCCD is a private, not-for-profit state-wide cross-disability organization formed in Mississippi in 1989, composed of Mississippians with disabilities and their families regardless of age, race, gender, sexual orientation, disability, nationality, economic status, or religion, organizations that represent or advocate for people with disabilities, professionals who work in disability-related fields, and other interested citizens. It is the mission of MSCCD to expand opportunities and enhance the quality of life for children, adolescents, and adults with disabilities and their families and empower these individuals to reach their full potential in every aspect of life and to be a voice for families, advocates, consumers, and professionals representing the interests and needs of people with disabilities.

More than thirty (30) days have passed beyond the time to submit oral and written comments. Based upon various program considerations; the inability of MSD to continue serving as the administrator of the CAP; MSCCD's mission, reputation, and capabilities to advise and inform clients and client-

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applicants of the services and benefits available to them as authorized by the Rehabilitation Act of 1973; having reviewed and duly considered all written and oral comments provided in response to the Notice of Intent; and after consultation with various state directors, agencies, and other stakeholders, there is good cause to redesignate the CAP from MSD to MSCCD as the Mississippi CAP-affiliated agency. Accordingly, the Mississippi Coalition for Citizens with Disabilities is hereby designated as the agency responsible for administering the Client Assistance Program in Mississippi.

This redesignation shall be effective fifteen (15) days following MSD's receipt of this written decision or, if MSD shall appeal, five (5) days after the Secretary has affirmed this decision to redesignate.