



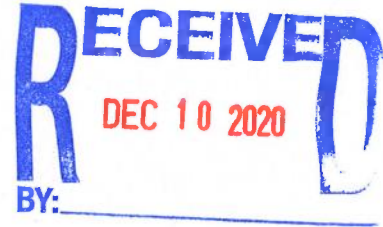
**EDUCATION AND WORKFORCE DEVELOPMENT CABINET
OFFICE OF LEGAL AND LEGISLATIVE SERVICES**

Andy Beshear
Governor

500 Mero Street, 4th Floor
Frankfort, Kentucky 40601
Phone (502) 564-0372
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Jacqueline Coleman
Lieutenant Governor/Secretary

December 7, 2020



Kentucky Statewide Council for Vocational Rehabilitation
Chair, David Allgood
500 Mero Street, 4th Floor NE
Frankfort, KY 40601

RE: Amended for Change of Location, CAP Redesignation from Office of Vocational Rehabilitation to the Justice Cabinet, Protection and Advocacy

Mr. Allgood,

Please find enclosed a copy of Governor Beshear's Amended Notice of Intent to Redesignate the Client Assistance Program for the office of Vocational Rehabilitation to the Justice Cabinet, Protection and Advocacy, pursuant to 34 C.F.R. Section 370. The only change is a change of the Conference Room on the 4th Floor of the Mayo-Underwood Building, as the Secretary's Conference Room will be in use that day, and we had to move the CAP Public Hearing to 439, which is right across the hall. Should anyone in your agency wish to provide public comments, or attend the Public Hearing scheduled on December 18, 2020, please refer to the enclosed Amended Public Notice that provides the details on how those comments may be submitted.

If you have any question about this Notice, please contact Stefanie Ebbens Kinglsey, sebbenskinglsey@ky.gov or 502-782-7933.

Sincerely,

Megan Howard Whitt
Paralegal Consultant

Date: December 3, 2020

AMENDED
NOTICE OF INTENT TO REDESIGNATE THE REHABILITATION
SERVICES ADMINISTRATION'S CLIENT ASSISTANCE PROGRAM

Notice of Hearing to receive public comment on the proposal by Governor Andy Beshear to re-designate the agency responsible for the administration of the Client Assistance Program (CAP) from the current designated agency, which is the Cabinet for Education and Workforce Development, Department of Workforce Investment, Office of Vocational Rehabilitation (OVR), to the Justice and Public Safety Cabinet, Protection & Advocacy Division (Protection and Advocacy).

The Office of the Governor, through the Education and Workforce Development Cabinet, will hold a public hearing on **Friday, December 18, 2020 at 12:00 pm**. The meeting will be live in Mayo-Underwood Building at 500 Mero Street, 4th Floor Conference Room 439 CW, Frankfort, Kentucky, and via Zoom for streaming access, as well as available via call-in conference line. Please contact the Office of Legal and Legislative Services for the Education and Workforce Development Cabinet at sebbenskingsley@ky.gov to obtain a link for video conference access to the public hearing.

The hearing will also be available to the public via:

Teleconference: 502-782-2663, Participant Code 174212

The purpose of the hearing is to receive comments from all interested persons regarding the re-designation of the CAP from OVR to the Protection & Advocacy. The Governor will fully consider all public comments before issuing a written decision regarding redesignation. If there is no opposition to the redesignation, or if comments against redesignation are insufficient to overcome the need to redesignate, the Governor will issue a written decision to redesignate to the Protection & Advocacy effective on or after Monday, December 28, 2020.

Copies of this notice will also be mailed to members of the public upon request.

Notice: People requiring special accommodations or assistance at the hearing should notify Stefanie Ebbens Kingsley, Office of Legal & Legislative Services for Education & Workforce Development Cabinet at 502-782-7933 or sebbenskingsley@ky.gov, on or before Wednesday, December 23, 2020.

CAP is a federally mandated program (34 CFR §370), which advises and informs clients and client-applicants of all services and benefits available to them as authorized by the Rehabilitation Act of 1973, as amended 29 U.S.C. § 732. In Kentucky, these programs are currently provided through OVR.

As established in Section 112 of the Act, the purpose of CAP is:

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 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.

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 Education and Workforce Development Cabinet, Department of Workforce Investment, Office of Vocational Rehabilitation (OVR). The grant will be fully transitioned to Protection & Advocacy upon redesignation.

Kentucky is one of only a few states in the country in which OVR is the designated agency for administering CAP. The Governor holds the authority for the designation of the agency responsible for operating the CAP in accordance with Section 112 of the Rehabilitation Act of 1973, as amended. Federal regulations, 34 CFR §370.2(c), indicate that this designation should be to an agency independent of any agency that provides treatment, services or rehabilitation to individuals with disabilities. OVR has been allowed to continue as the designated state CAP agency because of its status as such prior to 1984 34 CFR §370.2(d).

Protection and Advocacy has a vision of a just society where all people are treated with dignity and respect for their expressed choices and have equal opportunities to participate in an integrated and inclusive society where different abilities are valued. The mission of Protection and Advocacy is to protect and promote the rights of Kentuckians with disabilities through legally based individual and systemic advocacy, and education.

The Governor believes that Protection and Advocacy is the agency best suited to administer CAP because its mission, extensive experience and existing infrastructure best align with the goals of CAP. It is uniquely prepared to advocate for vocational rehabilitation consumers. In addition, the Governor wishes to join the majority of states, which have CAP located within the designated protection and advocacy system.

Persons wishing to comment upon the proposed action of the Governor's Office may appear at the scheduled public hearing. Persons wishing to provide their comments in written or oral form may do so via phone, email, or direct mail routed to:

Stefanie Ebbens Kingsley
CAP Redesignation
Education & Workforce Development
Office of Legal & Legislative Services
500 Mero Street, 4th Floor
Frankfort, KY 40601

E-mail: Sebbenskingsley@ky.gov
Telephone: 502-782-7933

Written or oral submissions must be received by EWDC on or before December 28, 2020.