

CLIENT ASSISTANCE PROGRAM (CAP):

CAP's Mandate/Purpose:

The purpose of CAP is to:

- (a) Advise and inform clients and client applicants of all services and benefits available to them through programs authorized under the Rehabilitation Act of 1973, as amended (Act);
- (b) Assist and advocate for clients and client applicants in their relationships with programs providing services to them under the Act; and
- (c) Inform individuals with disabilities in the State, especially those who traditionally have been unserved or underserved, of the services available to them under the Act and under Title I of the Americans with Disabilities Act (ADA).

Eligibility for CAP:

CAP's available scope of services depends on the individual requesting assistance, as follows:

- (a) Clients and client applicants of programs funded under the Act are eligible to receive all available CAP services (as discussed later).
- (b) Individuals with disabilities who have an issue arising under Title I of the ADA may be eligible for all available CAP services if the problem is also connected to a service they are receiving or seeking from a program funded under the Act. If not, these individuals are only eligible to receive information and referral services about their rights and services available under the Act and Title I of the ADA.
- (c) Individuals with disabilities who are not clients or client applicants of programs funded under the Act are eligible to receive only information and referral services from CAP regarding their rights and benefits available under the Act and Title I of the ADA.
- (d) All other individuals in the State are eligible to receive only information from CAP about CAP.

Legal Authority for CAP:

Section 112 of the Act
34 CFR Part 370

Key Definitions:

Client or client applicant: (34 CFR 370.6(b))

Client or client applicant means an individual receiving or seeking services under the Act, respectively.

Services under the Act: (34 CFR 370.6(b))

Services under the Act means vocational rehabilitation, independent living, supported employment, and other similar rehabilitation services provided under the Act. For the purposes of the CAP, the term "services under the Act" does not include activities carried out under the protection and advocacy program authorized by section 509 of the Act (i.e., the Protection and Advocacy of Individual Rights (PAIR) program, 34 CFR part 381).

Advocacy: (24 CFR 370.6(b))

Advocacy means pleading an individual's cause or speaking or writing in support of an individual. Advocacy may be formal, as in the case of a lawyer representing an individual in a court of law or in formal administrative proceedings before government agencies (whether State, local or Federal). Advocacy also may be informal, as in the case of a lawyer or non-lawyer representing an individual in negotiations, mediation, or informal administrative proceedings before government agencies (whether State, local or Federal), or as in the case of a lawyer or non-lawyer representing an individual's cause before private entities or organizations, or government agencies (whether State, local or Federal). Advocacy may be on behalf of:

- (1) A single individual, in which case it is *individual advocacy*;
- (2) More than one individual or a group or class of individuals, in which case it is *systems (or systemic) advocacy*; or
- (3) Oneself, in which case it is **self advocacy**.

Class Action: (34 CFR 370.6(b))

Class action means a formal legal suit on behalf of a group or class of individuals filed in a Federal or State court that meets the requirements for a "class action" under Federal or State law. "Systems (or systemic) advocacy" that does not include filing a formal class action in a Federal or State court is not considered a class action for purposes of this part.

Key Regulatory Provisions:

1. **34 CFR 370.3** outlines who is eligible for services and information from CAP:
 - (a) Any client or client applicant is eligible for the services described in section 370.4.
 - (b) Any individual with a disability is eligible to receive information on the services and benefits available to individuals with disabilities under the Act and Title I of the ADA.
2. **34 CFR 370.4** sets forth the authorized CAP activities:
 - (a) Funds made available under this part must be used for activities consistent with the purpose of this program, including:

- (1) Advising and informing clients, client applicants, and individuals with disabilities in the State, especially individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs, of:
 - (i) All services and benefits available to them through programs authorized under the Act; and
 - (ii) Their rights in connection with those services and benefits;
 - (2) Informing individuals with disabilities in the State, especially individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs, of the services and benefits available to them under Title I of the ADA;
 - (3) Upon the request of a client or client applicant, assisting and advocating on behalf of a client and client applicant in his or her relationship with projects, programs, and community rehabilitation programs that provide services under the Act by engaging in individual or systemic advocacy and pursuing, or assisting and advocating on behalf of a client or client applicant to pursue legal, administrative, and other available remedies, if necessary:
 - (i) To ensure the protection of the rights of a client or client applicant under the Act; and
 - (ii) To facilitate access by individuals with disabilities and individuals with disabilities who are making transition from public school programs to services funded under the Act; and
 - (4) Providing information to the public concerning CAP.
- (b) In providing assistance and advocacy services under this part with respect to services under Title I of the Act, a designated agency may provide assistance and advocacy services to a client or client applicant to facilitate the individual's employment, including assistance advocacy services with respect to the individual's claims under Title I of the ADA, if those claims under Title I of the ADA are directly related to services under the Act that the individual is receiving or seeking.

Authorized:

CAP became a formula grant program in 1984.

Funding:

CAP received \$11.647 million in FY 2001, 11.897 Million in FY 2002, 12.068 million in FY 2003, and 11.997 million in FY 2004. Appropriations for FY 2005 are expected to remain level.

Administered by:

CAP is administered by the Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitative Services (OSERS), the U.S. Department of Education.