

# STATE OF MINNESOTA

## EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**

**Executive Order 12-07**

**Providing for a Client Assistance Program for Individuals Receiving or Seeking Services under the Rehabilitation Act and Continuing the Assignment of Responsibilities to Mid-Minnesota Legal Assistance, the Surviving Corporation of the Legal Aid Society of Minneapolis; Rescinding Executive Order 99-09**

**I, Mark Dayton, Governor of the State of Minnesota**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**Whereas**, 29 U.S.C. § 732 provides for allotments to states for the purposes of ensuring support and assistance to clients and client applicants to secure benefits and services available to them under the Rehabilitation Act (29 U.S.C. § 701 et seq.), and assisting clients and client applicants, when requested, in their relationships with projects, programs and facilities providing services to them under the Rehabilitation Act as amended (29 U.S.C. § 701 et seq.);

**Whereas**, 29 U.S.C. § 732 (c) specifies that the designated agency shall be independent of any agency that provides treatment, services, or rehabilitation to individuals under the Rehabilitation Act;

**Whereas**, the designated agency has the authority to pursue legal, administrative and other appropriate remedies to ensure the protection of rights of individuals with disabilities who are receiving treatments, services, or rehabilitation under the Act within the state, including the authority to pursue remedies against the state vocational rehabilitation agency and other appropriate state agencies;

**Now, Therefore,** I hereby order that:

1. Mid-Minnesota Legal Assistance, as the surviving corporation of the Legal Aid Society of Minneapolis, be designated as the Client Assistance Program (CAP) under section 112 of the Rehabilitation Act of 1973, as amended (Act).

**Further,** the State of Minnesota assures that:

1. The Governor will not redesignate the above-named agency without good cause and only in compliance with provisions of section 112(c)(1)(B) of the Act and its implementing regulations.
2. The designated agency is independent of any agency that provides treatment, services or rehabilitation to individuals under the Rehabilitation Act; or the State is exempt from the independence requirement under section 112(c)(1)(A) of the Act.
3. The designated agency has the authority to pursue legal, administrative and other appropriate remedies to ensure the protection of the rights of individuals with disabilities in the State who are seeking or receiving treatment, services or rehabilitation under the Act.
4. The authority to pursue remedies described in paragraph 3 includes the authority to pursue those remedies against the State vocational rehabilitation agency and other appropriate State agencies. The designated agency meets this requirement if it has the authority to pursue these remedies either on its behalf or by obtaining necessary services, such as legal representation, from outside sources.
5. The State will ensure that all entities conducting, administering, operating or carrying out programs within the State will advise all individuals seeking or receiving services under the Act of the existence of the CAP, the services provided by the CAP and how to contact the CAP.
6. The designated agency will submit an annual report on the operation of the CAP during the previous year consistent with 34 C.F.R. § 370.44, including a summary of the work done and the uniform tabulation of all cases handled by the CAP in the format prescribed by the U.S. Rehabilitation Services Administration.
7. Pursuant to Section 21 of the Act, the designated agency will address the needs of individuals with disabilities from minority backgrounds in the manner set forth in the State's application for CAP assistance.
8. A state must provide to the U.S. Department of Education Secretary, as part of its application for assistance, an assurance that direct payment to the

designated agency is not prohibited by, or inconsistent with, state law, regulation or policy.

9. The designated agency will meet each of the requirements set forth in section 112 of the Act and 34 C.F.R. § 370.

Under Minnesota Statutes 2010, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with 4.035, subdivision 3.

**In Testimony Whereof**, I have set my hand on this 30<sup>th</sup> day of May 2012.



**Mark Dayton**  
Governor

Filed According to Law:



**Mark Ritchie**  
Secretary of State