



SB 639 Core Stakeholder Workgroup, Session 4 July 27, 2022

9:00-9:30 Tania Morawiec-Welcome and Summary of action steps

9:30-9:45 David Grady-Statewide observations from the SCDD Employment DEAP (Disability Employment Expert Panel)

9:45-10:00 Doug Crandell & Amy Gonzales-High level overview of national best practice: Collaboration, Braided Funding, Training and Interagency Collaboration

10-10:30 Mark Erlichman, SWITCIE update, optimizing Federal Funding in the state VR system

10:30-11:30 Tania Morawiec, Doug Crandell & Amy Gonzales- Exploration of phase out action steps from other states, group facilitation & recommendation development for CA SB639 Report

11:30-11:45 BREAK

12:00-1:00 Continued: Tania Morawiec, Doug Crandell & Amy Gonzales
Exploration of phase out action steps from other states, group facilitation & recommendation development for CA SB639 Report

Oregon Update:

[Judge finds Oregon moved people with developmental disabilities from sheltered workshops into mainstream jobs; dismisses suit - oregonlive.com](#)

“What makes this particular case unique...is the tremendous professionalism that the lawyers and their client representatives brought to this problem to obtain a resolution not just to end litigation, but to solve a problem and not just to solve a problem retroactively, but to put in place safeguards to make sure the problems they saw are solved going forward,” U.S. Magistrate Judge John V. Acosta said

[Maxine Bernstein | The Oregonian/OregonLive](#)

Seven years after a court-approved settlement required the state of Oregon to allow people with intellectual or developmental disabilities to move out of [sheltered workshops into mainstream jobs](#), a judge Thursday found the state has substantially met its obligations and dismissed the case.

The original plaintiffs who filed a class-action suit against the state in 2012 hailed the significant success of the settlement, described as the first case in the nation to challenge a state-funded and administered employment service system as a violation of the [Americans with Disability Act of 1990](#).

BENCHMARKS AND TIMELINE

Maryland created a 4-year phase out plan

Maryland has successfully phased – out subminimum wage for people with disabilities and has met all benchmarks.

<p>Maryland Benchmarks-</p> <ul style="list-style-type: none"> • Reduction in 14-c certificate holders • Reduction of people working in 14-c • Number renewed or partially renewed • Number of 2018 Maryland 14c certificates in active use and not in active use • Average wage of individuals working in various categories of employment • Number of people working in various categories of employment 	<p>Oregon Benchmarks-</p> <ul style="list-style-type: none"> • The State is no longer purchasing or funding new Sheltered Workshop placements • 2.Decrease number of persons in sheltered workshops to no more than 1530 (Metric 9) • 3.Decrease number of hours worked in Sheltered Workshops to 66,100 by June 30, 2017 (Metric 10) • 4.ODDS and VR will provide Employment Services to at least 7000 unique individuals by the end of the settlement and to at least 4600 individuals by 7-1-2019 • 5.Increase the number of class members in sheltered workshops who obtain competitive integrated employment (CIE) • 6.The State shall issue a policy describing Supported Employment Services • 7.Ensure at least 4,900 transition age youth are provided SES, and half of those receive an Individual Plan of Employment • 8. State to encourage schools to continue and
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	<p>expand evidence based transition practices to achieve CIE.</p> <ul style="list-style-type: none">• 9.Those in Sheltered Workshops who state in their Career Development Plan that they want CIE shall receive SES toward that goal.• 10. Adopt a rule encouraging individuals in SW Target Population to choose to leave SWs.• 11. Adopt and promote a goal of working at least 20 hours a week• 12.Seek approval from CMS for rates that incentivize SES to obtain jobs for class members who obtain CIE of at least 20 hours per week.• 13. Issue guidance to Technical Assistance providers to train providers on the 20 hours per week standard• 14. Class members shall receive CDP by 7/1/2015. DHS shall determine whether CDPs have been done.• 15.ODE shall require transition planning may begin as early as age 14 and no later than 16; shall include information and opportunities to experience Supported Employment Services. No referrals to sheltered workshops or use of mock sheltered workshops.• 16.ODE shall develop a professional development plan for transition services• 17.Maintain training technical assistance through 6/30/19
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	<ul style="list-style-type: none"> • 18. Maintain transformation grants through 6/30/19 • 19. Make diligent effort to obtain and maintain funding to comply with Agreement • 20. Semiannual data reporting required • 21. Post School Outcome survey to be conducted starting July 2016 and each year thereafter. Create a report with specified elements • 22. Establish competencies for employment service providers • 23. Outreach and awareness program for members of target population • 24. Use strategies to improve transition services for transition age youth to get CIE • 25. Develop MOUs with ODDS.VR.OD E • 26. Develop and implement QA plan
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<p>Year One</p>
<p>Develop Infrastructure</p> <ul style="list-style-type: none"> • Infrastructure in place to identify/establish an understanding of demographics, and track all Maryland/CA 14c certificate holders & participants • Infrastructure to track wages • Infrastructure for data analysis • Infrastructure for learning collaborative supporting providers in the transformation process • We may need to require universal introduction work incentives/benefits information of employment options across all RCs or assist in the development of a provider CIE exploration tool • Dedicated webpage for updates and best practice-ex, inclusion of Work incentives benefits information • Supports for families and self-advocates • Require completion of provider self-assessment (EFSLMP)

- Provide examples of provider phase out plans and develop infrastructure/community of practice for providers in transition
- Provide training opportunities in customized employment/job development
- Develop standardized tool/definitions
- RCs must expedite contracts for 14-c sites that are developing CIE Programs (Provider side ex: wait time to start new services at RCs can take up to 2-3 years when working with resource development)
- Can we create CIE vocational exposure materials required in ed?
- Maryland Community of Practice (CoP) for Supporting Families interactive bi-weekly webinar series titled Supporting Families, facilitated by the Director of Family Supports for the DDA.

PERSON CENTERED PLANNING DATA

Aside from the aggregate state data, Individual-level data is also tracked through the use of a Person-Centered Plan (PCP). **The DDA, in conjunction with a group of stakeholders, developed a new PCP tool that is utilized by all people receiving DDA funded services.** It includes an **Employment focus** area page that asks about a person's employment status, including whether they are making wages less than minimum wage.

If a person is not currently employed in Competitive Integrated Employment, there are fields in which the person and his/her team can identify the barriers and create strategies for addressing them. These are required fields and are tracked and facilitated by the individual's Targeted Case Manager known as a Coordinator of Community Service (CCS).

Service providers reported on outcomes using a system created by ICI. DDA funded service providers of DDA's employment or day services, report on each person who receives those services twice a year using a secure web-based reporting tool. Data is collected for a specific two-week point in time twice each year. The data collection happens in the fall (usually October) and in the spring (April or May). The data collected in this initiative is public and can be viewed at <https://www.statedata.info/mdda/>

Year Two

Collect Baseline data (ex: year to year)

- Reduction in Total Number of Maryland 14c certificates from 2019
- Number of 2020 Maryland 14c certificates by October 1, 2020
- Number of Maryland 14c certificates expired
- The average wage if individuals working in various categories of employment
 - Job coaching-number of hours of JC and number of hours worked (some RC are already collecting this but this is not universal)
 - Staff certified in CE (what kind-ACRE, CE)

- Length of employment/Job leaving reason
- Number and % employed
- Position in alignment with discovery/assessment/interest inventory job goal
- The number of people in various categories of employment
 1. Individual Competitive Job
 2. Individual Contracted Job
 3. Self-employment
 4. Volunteering
 5. Group Integrated Job
 6. Facility-Based Job/Sheltered Work
 7. Community Based Non-Work
 8. Volunteer Job
 9. Facility-Based Non-Work
- We may need to add additional categories-group employment/enclave and identify what integration means via definitions?
 - We may need to identify specifically what service (Customized Employment, IPS vs Supported Employment) AND service code is being used:
 - a. 950 – Supported Employment – Group
 - b. 952 – Supported Employment – Individual
 - c. 954 – Work Activity Program
 - d. 055
 - e. 063
 - f. 505
 - g. 510
- etc...
- We may need to link to Self-Determination data
- **Training-cross agency and employers (RC, AJC, Workforce Boards, DOR, DDS, CRPs) repetition for new staff, institutionalize**

EX: The number of people in various categories of employment

Data over the past three years shows an increase in the percentage of people taking part in competitive integrated employment, 20.1 % in October 2017 to 22.2% in May 2019. While the percentage of people taking part in sheltered work continued to decrease from 20.5 % in October 2017 to 9.2 % in May 2019.

This data allows the DDA to track individuals working under 14c certificate holding provider organizations, for less than minimum wage and the general movement toward integrated competitive employment and/or time spent in engaging in community-based non-work. This is data that is not be captured just by looking at 'service usage' data.

LINK TO TAILORED DAY

Year 3-Duplicate?

Additional Data Points from Maryland:

When looking at the aggregate data, it's important to remember that a person can take part in multiple activities. So, a person may be engaged in sheltered work and competitively employed. Looking at the percentage of people engaged in a particular activity and how that percentage trends up or down over time is the most accurate way to see the overall effectiveness of systems-wide change initiatives. Equally important comparisons exist when looking at what activities people are engaged in when they are not working. Facility-based non-work decreased slightly, while Community-based non work increased.

Things to consider-Require a provider phase out plan?

In Maryland, the majority of 14c providers have a formalized plan customized to their specific needs.

[What kinds of services, supports and interventions are being developed to replace that usage?](#)

- The majority of the providers have a target date to phase-out their 14c certificates.
- All responding providers communicated that all people working under 14c certificates have been notified.
- This seems to typically be happening during people's annual person-centered planning times.
- Most providers mentioned multiple strategies to notify families, including person centered planning meetings and town hall type sessions. Several providers described communication with families about this issue to be complicated due to the multi-faceted approaches needed depending on each provider organization's unique business models and needs of people supported.

Maryland DDA is also developing ways to more accurately track individual-level data through the Person-Centered Planning process, as well as within the Long-Term Services and Support System (LTSS)

The DDA will continue to work closely with a group of transition volunteer providers, Medicaid, and the LTSS Maryland vendor to address the challenges they have experienced and build on lessons learned.

Funding

- Medicaid Waivers, fee for service allowing for multiple systems/services creating a meaningful day
- The DDA is in the process of transforming the Meaningful Day service delivery system from an attendance-based system that only allows access to one

Meaningful Service within a given day, to a fee-for-services system that will allow people to access a menu of services, including multiple systems within the same day.

- Ticket to Work/EN
- CalAble
- DDS Employment Grants
- DDS Billing Codes used for CIE employment activities
- WOTC
- Assistive Technology Programs
- DOR Federal Grants SWTCIE
- DOR Demand Side Initiative
- DOR Apprenticeship Pilot
- Accommodations, <https://www.disabilityrightsca.org/get-help> ; 1-800-776-5746
- PIP, OJT, State Internship Program
- CDE Grants
- Apprenticeship

Creation of Resources:

See Comprehensive CIE Resource List/ongoing development

- Vocational Exploration training for line staff
- Customized Employment Competency Model
- Informed Decision Making
- Strengths-based case management
- DOR Employment Specialist Collaborative
- On-going success story creation
- Employer testimonials across industries
- Motivational Interviewing for employment goals, Engagement Materials
- ICI Materials
- Disclosure
- Work Retention, job coaching & systematic instruction

Creating a culture of inclusion, disability-employer success and satisfaction across industries-see Oregon example: “We have witnessed a culture shift in Oregon with employers recognizing the value of people with I/DD in the workforce. [This report details those successes 20220621-Lane-Settlement-Report.pdf \(oregon.gov\)](#)

***Engagement Materials Examples**

1. How to approach conversations about employment:

Below are brief talking points developed by State Employment Leadership Network (SELN), in their document called [Guidance for Conversations](#).

The person is currently working but is not happy with their current job:

- What about your current job do you not like?
- What kinds of things would you rather be doing?
- Would you prefer working in a different type of job?
- Would you prefer working in a different environment? (e.g. inside, outside, quieter, busier, cleaner)

The person is not working, but would like to be working:

- What kind of experiences do you have?
- What kinds of things do you enjoy doing?
- What are you good at?
- What new skills might you want to, or benefit from, learning?
- Who do you and your family know in your community?
- What kinds of things do you not enjoy?
- What kinds of places do you not enjoy?

The person is not working, and isn't sure about work:

- What kind of experiences do you have?
- What kinds of things do you enjoy doing?
- What are you good at?
- What new skills might you want to, or benefit from, learning?
- Who do you and your family know in your community?
- What kinds of things do you not enjoy?
- What kinds of places do you not enjoy?
- Are there things you like to do that you don't get to do very often?
- Would you like to have more money to spend?

2. Campaigns-expectations matter

[Expectations Matter | Maryland Developmental Disabilities Council \(md-council.org\)](http://md-council.org)