


**employment**

*"Suit The Actions to The Words"*

**Why EMPLOYMENT FIRST MUST be THE POLICY AND FUNDING PRIORITY for All Persons Living with Developmental Disabilities in North Carolina**



**Allan I. Bergman**  
HIGH IMPACT  
Mission-based Consulting & Training

VIRTUALLY PRESENTED FOR NORTH CAROLINA COUNCIL ON DEVELOPMENTAL DISABILITIES  
APRIL 16, 2021

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**Purpose of Councils on Developmental Disabilities**

**"to engage in advocacy, capacity building and systemic change activities that are consistent with the purpose in section 101 (b) and the policy described in section 101 ( C );**

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**1978 Amendments to DD (Developmental Disabilities) Act (95-602)**

Functional definition of developmental disabilities as having a life-long impact in **3 or more major areas**

- Self-care
- Communication
- Learning
- Mobility
- Self-choice
- Independent living
- Economic self-sufficiency

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**Developmental Disabilities Act of 1984 (Public Law 98-527)**

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Added new emphasis – persons with developmental disabilities receive services to **achieve their best through living and working in the community**

**Independence, Productivity and Integration in the Community added as goals, with terms defined**

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**Objectives of This Webinar**

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- To review federal policies leading to the enactment of the **ADA** on July 26, 1990, & beyond, as a **civil rights law** guaranteeing equal opportunity for each person with a disability, to secure integrated employment, competitive wages and “reasonable accommodations”.
- To review **current outcomes, low expectations and the barriers & myths** about employment of people with disabilities and strategies to address them in all services to assure the promise of the ADA.
- To review the evolution of **IDEA, Transition, the V. R. Act, Medicaid HCBS, case law** & the roles of Supported, Customized & Self-Employment; **Competitive Integrated Employment**
- To identify **the components necessary for a region or a state to have the capacity, competencies, infrastructure & funding** to develop and sustain competitive, integrated employment for all PWDD

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**2021: Happy Anniversary - 1**

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7<sup>th</sup> WIOA (Workforce Innovation and Opportunity Act), 2014; **CIE & Customized Employment**

13<sup>th</sup> ADA Amendments of 2008;

22<sup>nd</sup> **Olmstead SCOTUS (Supreme Court of the United States) Decision, 1999**

29<sup>th</sup> Rehab Act Amends, 1992; **Presumption of Employability; Clear & Convincing Evidence**

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**2021: Happy Anniversary - 2**

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- 31<sup>st</sup> ADA (Americans with Disabilities Act), 1990;** (91-6-3); (377-28-27)
- 35<sup>th</sup> Rehab Act Amendments, 1986**
- 46<sup>th</sup> IDEA (Individuals with Disabilities Education Act), 1975** (was EHA)
- 48<sup>th</sup> Rehab Act Amends, 1973; 504; "severe"**
- 51<sup>st</sup> DD (Developmental Disabilities) Act, 1970**
- 56<sup>th</sup> Medicare and Medicaid, 1965
- 86<sup>th</sup> Social Security, 1935

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**Selected Dates in Disability Rights History - 1**

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- 1862 - Veterans Pensions for War Disability
- 1920 - **Smith – Fess V.R. Act** (Smith-Sears, Vets, 1918)
- 1938 - Fair Labor Standards Act and Subminimum wage
- 1968 - Architectural Barriers Act (federal buildings)
- 1969 - PARC v. Commonwealth of Pennsylvania
- 1970 - Urban Mass Transit Act
- 1971 - Independent Living Movement, Berkeley, CA.
- 1973 - **Rehabilitation Act Amendments;** "severe disabilities"; "IWRP"; sections 501, 503 & 504

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**Selected Dates in Disability Rights History - 2**

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- 1974 - People First
- 1975 - Willowbrook; **Protection & Advocacy Systems; Education for all Handicapped Children's Act (P.L. 94-142)**
- 1975 - Atlantis Community and Adapt in Denver
- 1977 - Sit-ins in federal buildings; **Section 504 regulations signed**
- 1978 - National Council on Disability (NCD) created in law
- 1979 - Southeastern Community College. v. Davis; **504 case**
- 1981 – Medicaid HCBS Waivers, section 1915 (c)**
- 1986 - Air Carriers Access Act; **Supported Employment**
- 1986 - Towards Independence, published by NCD
- 1988 – Fair Housing Act Amendments, added "Disability" protections

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### Selected Dates in Disability Rights History - 3

1990 - **Americans with Disabilities Act S. (91-6-3) H.R. (377-28-27)**

1992 - **Rehab Act; presumptive eligibility; Careers; Integrated Employment; Independent Living philosophy**

1992 - L.C. & E.W. v. Olmstead; SCOTUS affirmed ADA - civil rights law

**1999 – Ticket to Work & Work Incentives Act (SSA); WIPA**

2002 - Help America Vote Act

2008 - **ADA Amendments Act**; Mental Health Parity Act

2009 - Hate Crimes Prevention Act, added Disability

2014 - **WIOA – S. (95-3) H.R. (415-6)** added Customized Employ.

2015 – Lane v. Kitzhaber/Brown ADA/Olmstead case settled

2018 - **ADA Education & Reform Act** passed House (**225-192**); Died in Senate

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### Research and Best Practices

**Continuum of services is a myth and does not work; based upon a medical model**

Competency/Deviancy Hypothesis by the late Dr. Marc Gold; “place & train, not train and place”

**I.Q. does not correlate with productivity**

Supported Employment; Bellamy/Mank

Individualized Placement & Support; Drake

Customized Employment by Callahan, et. al.

Self Employment by Hammis and Griffin

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Key Lesson from Heraclitus, Greek Philosopher; 500 B.C.

**“THE ONLY  
CONSTANT IN LIFE  
IS CHANGE.”**

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## Changed Thinking Leads to Changed Public Policy

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|---|---|
| <p>From:</p> <p>Assuming that PWD</p> <ul style="list-style-type: none"> <li>❖ Need to be taken care of</li> <li>❖ Can't work</li> <li>❖ Need constant supervision</li> <li>❖ Are a burden to families</li> </ul>  | <p>To:</p> <p>Discovering that PWD</p> <ul style="list-style-type: none"> <li>❖ Can be self sufficient</li> <li>❖ Can work and pay taxes</li> <li>❖ Don't need constant supervision</li> <li>❖ Are valued family members</li> </ul> <p>❖ <b>Key Point:</b><br/>People need support that <i>matches</i> their needs.</p>  |
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## Employment First: Why Employment First Matters to Self Advocates

"Employment First means that above all else, people with disabilities, people of all abilities, **need to have a purpose in life**. We all have amazing potential to pursue a purpose in life **if given the opportunity**. Employment First is about making that **your top-tier goal in life and really striving to get a job and be a part of your community.**"

John Fenley, People First of New Hampshire; SABE, 2018

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## Employment First is the Imperative

**General Theme:**  
Employment in the community is the first/primary service option for individuals with disabilities

**APSE Statement on Employment First**

Employment in the general workforce is the **first and preferred outcome** in the provision of **publicly funded services** for **all** working age citizens with disabilities, **regardless** of level of disability.




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**Competitive Integrated Employment - (Section 7, U.S.C. 705 as amended in WIOA, July 2014)**

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“...means **work that is performed full-time or part-time, including self - employment,**

(A) for which an individual is compensated at a rate that shall be not less than the higher of FLSA (Fair Labor Standards Act) or the rate specified in the applicable State or local minimum wage law; and, it **not less than the customary rate paid by the employer for the same of similar work performed by other employees** who are not individuals with disabilities and who are similarly paid for their work...

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**Competitive Integrated Employment -2**

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(B) that is at a **location where the employee interacts with other persons who are not individuals with disabilities** – not including supervisory personnel or individuals who are providing services to such employee – **to the same extent that individuals who are not individuals with disabilities who are in comparable positions interact with other persons;**

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**Competitive Integrated Employment - 3**

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(C) that as appropriate, **presents opportunities for advancement that are similar to those for other employees** who are not individuals with disabilities and who have similar positions.”

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**LRE National Data, Fall 2018 (for 2017-18)**

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**Students with "Emotional Disturbance" Ages 6-21 years**

|  |              |
|--|--------------|
| > 80% of day included                          | 48.0%        |
| 40-79% of day included                         | 17.5%        |
| <b>&lt; 40% of day included</b>                | <b>18.0%</b> |
| <b>Separate school or Residential facility</b> | <b>14.4%</b> |

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**LRE National Data, Fall 2018 (for 2017-18)**

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**Students with Intellectual Disability Ages 6-21 years**

|  |              |
|--|--------------|
| > 80% of day included                          | 17.0%        |
| 40-79% of day included                         | 26.7%        |
| <b>&lt; 40% of day included</b>                | <b>49.2%</b> |
| <b>Separate school or Residential facility</b> | <b>7.6%</b>  |

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**Youth Employment Data, August 2018 Bureau of Labor Statistics**

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| <b>Youth Without Disabilities</b>                   | <b>Youth With Disabilities</b>                      |
|---|---|
| <b>31.2%</b> for youth between the ages of 16 to 19 | <b>17.2%</b> for youth between the ages of 16 to 19 |
| <b>66.9%</b> for youth between the ages of 20 to 24 | <b>38.2%</b> for youth between the ages of 20 to 24 |
| Child Trends 5/27/19                                |   |

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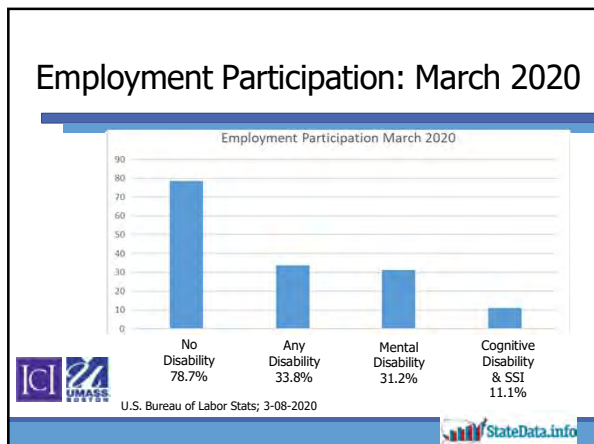
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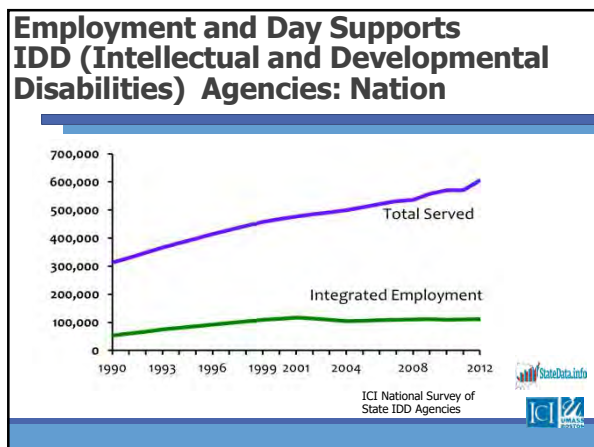
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### Integrated Employment Data for Individuals Receiving DD Services; 2017; ICI Data

|                       |                          |
|-----------------------|--------------------------|
| <b>U.S. Average</b>   | <b>19%</b>               |
| Washington State      | 86%                      |
| Oklahoma              | 64%                      |
| Oregon                | 57%                      |
| Rhode Island          | 40%                      |
| West Virginia         | 35% (2016)               |
| Virginia              | 25%                      |
| South Carolina        | 23%                      |
| <b>North Carolina</b> | <b>18% (22% in 2014)</b> |
| Tennessee             | 18%                      |

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### "Day Treatment" Remains the Default in Community Mental Health Services

Rehabilitative services, social and recreational activities

Many day treatment programs are conducted primarily in a segregated setting

Participants often spend most of the day with other people with disabilities and paid staff

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### ASPE Report, February 2011

"The overall employment rate for the general population was **64.5% in 2009....** The **employment rates among people with serious mental illness are...estimated to be 22% at any given time....** While the likelihood of having a job is approximately 1 in 1.5 for the general population, the **likelihood among individuals with SMI is not much better than 1 in 5."**

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### FUNDING: Money Matters...and Drives Practice



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**Data: 8.2 Million SSI Recipients; 2018**

- **4.7 million between ages 18 and 64** (29.8% of these beneficiaries also received some type of Social Security payment)
- **Only 7.3% of the SSI beneficiaries of working age reported earned income: 92/100 ZERO earnings**
- The average earned income is **\$396/month**. (for individuals who are blind, \$460/month)
- **Less than 1% leave the rolls per year and only 1/2 of those for employment**

Source: SSA

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**Medicaid Overview: 2018 data from Congressional Budget Office; May 2019**

Over 60.4 million beneficiaries:

- 46.5 % children; 19.8% of expenditures
- 25.8% adults; 33.8% of expenditures
- **9.9% seniors; 14% of expenditures**
- **17.7% PWD (people with disabilities); 32.4% of expenditure**

**(27.6 % of population for 46.4% of \$\$ in 2018)**

Total expenditures for federal governments, FY'16:  
**\$358 Billion...**

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**Annual Expenditures for Federal Cash and Health Benefits for Persons With Severe Disabilities FY 2008 – FY 2020**

| Fiscal Year | Expenditures (Billions of Dollars) |
|-------------|------------------------------------|
| 2008        | \$426                              |
| 2012        | \$543                              |
| 2016        | \$861                              |
| 2020        | \$1,100                            |

© 2008 Institute for Economic Empowerment

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### Poverty By The Numbers, US Census Bureau (September 18, 2018)

| SUBPOPULATION         | 2009 Poverty Rate | 2017 Poverty Rate |
|-----------------------|-------------------|-------------------|
| Children              | 20.7%             | 21.1%             |
| African-American      | 25.8%             | 22.0%             |
| Hispanic              | 25.3%             | 19.0%             |
| Disability            | 25.0%             | 24.9%             |
| Total U.S. Population | 14.3%             | 12.3%             |

- 39.7 million Americans (of 323.4 million) were living in poverty in 2017.
- People with disabilities experienced the highest level of poverty of any other subgroup in the U.S.A for 17 consecutive years!

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### Longer Lifespans for Individuals with Disabilities Impacts Multiple Public Funding Sources - 1

- Life expectancy for people with I/DD has increased from average of 19 years in the 30' s to 66 years in 2010 (Coppus, A.M.W., 2013)
- Individuals with Mild ID have life expectancies similar to the general population of 74 years (Coppus, 2013)

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### Longer Lifespans for Individuals with Disabilities Impacts Multiple Public Funding Sources - 2

- As people with disabilities live longer, the number of years that they require a variety of publicly funded supports.
- **Employment makes a huge difference in the person's quality of life and the total costs of their publicly funded supports..**

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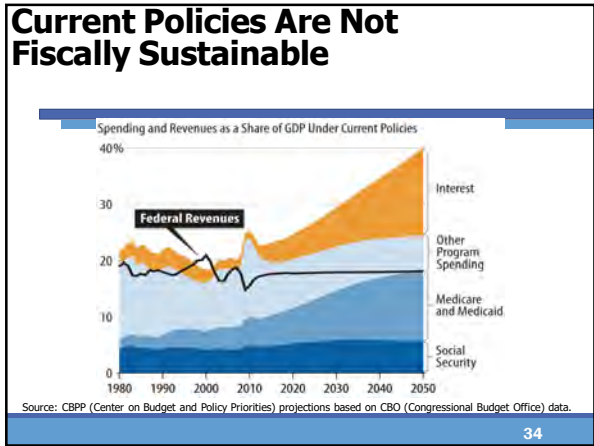
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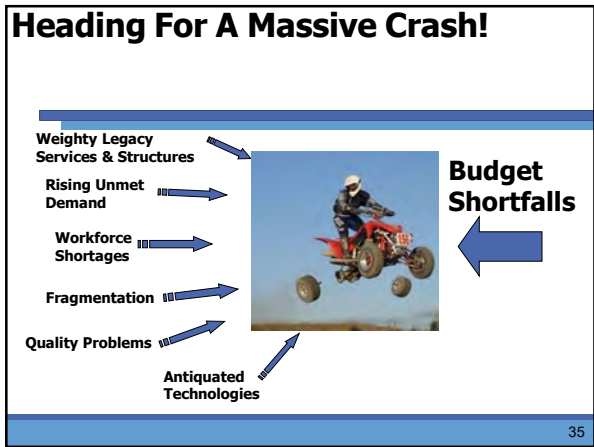
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### The Future is Now

Current programs and service "models" are not sustainable

We must change how we do our business

States are looking at efficiency, effectiveness, equity and fairness

**We have an array of "tools" in the toolbox that we did not have in 1988.....**

**Must begin with a presumption of competency and employability and no longer allow "blaming the victim"**

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### Wisdom from President John F. Kennedy

“The **great enemy of the truth** is very often not the lie – deliberate, contrived and dishonest – but **the myth** – persistent, persuasive, and unrealistic.”

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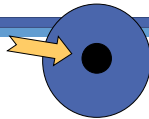
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### What To Do???

We can't stay on this spot



“We need to rethink what we do – **affirm our values** and resolutely search for **“valued outcomes.”**”

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### Arc of the United States Mission Statement

“The Arc of the United States promotes and protects the human rights of persons with intellectual and developmental disabilities and actively supports their **full inclusion and participation in the community throughout their lifetime.**”

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**United Cerebral Palsy**

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The mission of UCP is to advance the **independence, productivity and full citizenship** of people with a spectrum of disabilities.

**"Life without limits for people with disabilities"**

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**Autism Society of America**

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Vision: ...**meaningful participation and self-determination** in all aspects of life for individuals on the autism spectrum and their families;

Advocating for **inclusion, participation & self-determination in all aspects of life** for individuals on the autism spectrum and their families.

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**Alliance for Full Participation, 2005**

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We want **dignity and respect for all.**

We want **full participation for all.**

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**Self – Determination**  
**Tom Nerney and Don Shumway,**  
**1996**

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**Freedom,** To Plan a Real Life

**Authority,** To Control a Limited Amount of Resources

**Support,** For Building a Life in One’s Community

**Responsibility,** *To Give Back to One’s Community*

**Confirmation** (added in 2000)

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**Collaboration to Promote Self-Determination (CPSD): Values and Principles for Policy Framework**

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**Core Values:**

- **Equality**
- Choice
- **Competence**
- Community
- Home
- **Work**
- **Dignity of Risk**
- Equity

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**Partners in Policymaking Core Values - 1**

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1. People with disabilities are **PEOPLE FIRST**. They are not “the handicapped” or “the disabled”. Using **People First** Language is a must – no labels!
2. People with disabilities need **REAL FRIENDSHIPS**, not just relationships with paid staff.
3. People with disabilities are entitled to the full meaning of the First Amendment right to free speech. The **ABILITY TO COMMUNICATE**, in whatever form, must be available to every person with a disability.

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### Partners in Policymaking Core Values – 2

- 4. People with disabilities must be able to enjoy **FULL MOBILITY AND ACCESSIBILITY** that allows active participation in community life.
- 5. People with disabilities must be assured **CONTINUITY** in their lives through families and neighborhood connections.
- 6. People with disabilities must be treated with **RESPECT AND DIGNITY**.
- 7. People with disabilities need to be IN **POSITIONS TO NEGOTIATE** to have wants & needs met.

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### Partners in Policymaking Core Values - 3

- 8. People with disabilities must be able to exercise **INFORMED CHOICE** in all areas of their lives.
- 9. People with disabilities must be able to live in the **HOMES** of their choice with the supports they need.
- 10. People with disabilities must be able to enjoy the benefits of **TRUE PRODUCTIVITY** through employment and/or contributions as members of their communities.

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Employment First is not just about “best practice”. It is about clear public policies that employment is the priority

A critical focus of Employment First must be on shifting public resources to be in alignment with our values...

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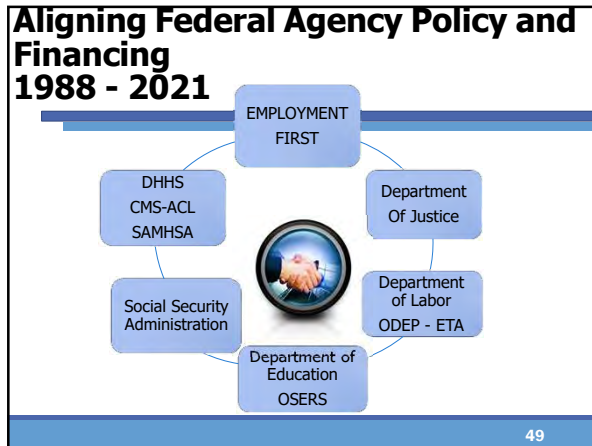
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### Values, Oncomes and Guiding Principles within Federal Legislation and the Court

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### "Suit the Actions to the Words"

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"Life is not a Program"

A Person is Not a Diagnostic Label

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## Systems Transformation

Moving from Paper Compliance and Health, Life Safety to  
**Accountability for Mission Driven Valued Outcomes for a Good Life as a Valued and Contributing Member of the Community**

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## The Power of Language - 1

Words create images  
Values are formed early in life  
**Stereotypes, stigma and prejudice are learned behaviors**  
Use terms of dignity and respect to promote citizenship

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## The Power of Language - 2

Watch your language...pity and charity  
Handicapped  
Wheelchair Bound  
Most Vulnerable  
Special Needs  
Meltdown  
High Functioning - Low Functioning  
Mental age of a ..... year old  
Crazy, Lunatic, Insane, Psycho

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### Purpose of DD Act (mission)

“to assure that individuals with DD and their families participate in the design and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized...”

Section 101 (b)

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### Policy of DD Act - 1990

“(2) individuals with DD and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities and capabilities of such individuals...”

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### DD (Developmental Disabilities) Act: Inclusion

Enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and,

Take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working , and enjoying life in regular contact with individuals without disabilities.

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**Presumption of Employability and Competency:**

“Everybody is a genius.  
But if you judge a fish  
by its ability to climb a tree,  
it will live its whole life  
believing that it is stupid.”

Albert Einstein

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**ADA Findings Public Law 101 - 336;  
1990 (Senate 91-6; House 377-28)**

The **continuing existence of unfair and unnecessary discrimination and prejudice** denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and **costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.**

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**Goals of the Americans with Disabilities Act of 1990**

The nation’s proper goals regarding individuals with disabilities are to assure:

- **Equality of Opportunity**
- **Full Participation**
- **Independent Living**
- **Economic Self Sufficiency**

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## Purpose of the ADA: A Civil Rights Law

1. To protect people with disabilities from discrimination in:
2. Employment, with **private employers with 15 or more employees**, state and local government employers, employment agencies, labor organizations, and joint labor-management committees; **in recruitment, hiring, promotions, training, pay, social activities and other privileges of employment.**
3. The programs and activities offered by state and local governments.
4. In accessing goods and services offered in places like stores, hotels, restaurants, stadiums, offices, clinics, beauty parlors, etc.

U.S. Dept. of Justice, Guide to Disability Rights, February 2020, found at [www.ada.gov](http://www.ada.gov)

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## ADAAA Definition of Disability; effective January 1<sup>st</sup>, 2009

**"...a physical or mental impairment that substantially limits one or more major life activities; a record of (or past history) of such an impairment; or being regarded as having a disability."**

EEOC Regulations, March 25, 2011 to "implement Congress's intent to set forth predictable, **consistent and workable standards** by adopting "rules of construction" to use when **determining if an individual is substantially limited in performing a major life activity.** The rules are derived from the statute and legislative history and include the following:

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## EEOC Regulations for ADAAA - 1

"The term '**substantially limits**' requires a **lower degree of functional limitation than the standard previously applied by the courts.** An impairment does not need to prevent or severely or significantly restrict a major life activity to be considered 'substantially limiting'"

"With one exception ("ordinary eyeglasses or contact lenses"), the determination of whether an impairment substantially limits a major life activity shall be made **without regard to the ameliorative effects of mitigating measures** such as medication or hearing aids."

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## EEOC Regulations for ADAAA - 2

**"An impairment that is episodic or in remission is a disability** if it would substantially limit a major life activity when active."

"...the regulations also make it easier for individuals to establish coverage under the **'regarded as' part of the definition of disability**. ... The focus for establishing coverage is on how a person has been treated because of a physical or mental impairment (that is not transitory and minor), rather than on what an employer may have believed about the nature of the person's impairment."

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## EEOC Regulations for ADAAA – 3

"The regulations clarify, however, that **an individual must be covered under the first prong ('actual disability') or second prong ('record of disability') in order to qualify for a reasonable accommodation.**"

A "qualified employee with a disability" means that the individual satisfies the skills, experience, education and other job-related requirements of the position sought or held and can perform the essential functions of the job with or without **reasonable accommodation**.

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## Reasonable Accommodations Under the ADA

**A reasonable accommodation is a modification or adjustment** to a job, the work environment, or the way things usually are done that **enables a qualified individual with a disability to enjoy an equal employment opportunity**.

An **equal employment opportunity** means an **opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment** as are available to an average similarly-situated employee without a disability.

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### Examples of Reasonable Accommodations from JAN (Job Accommodation Network)

- Making existing facilities accessible;
- Job restructuring;
- Part-time or modified work schedules;
- Acquiring or modifying equipment;
- Changing tests, training materials or policies;
- Providing qualified readers or interpreters; and,
- Reassignment to a vacant position.

Jan@askjan.org AskJAN.org

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### Assistive Technology Defined

- "...any item, piece of equipment, or product system, whether acquired commercially, modified, or customized that is **used to increase, maintain, or improve functional capabilities** of individuals with disabilities." 29 USC 3002 (3)
- Includes **accessibility adaptations to the workplace and special equipment to help people work;**
- Identical definition in 4 federal laws: A.T. Act; DD (Developmental Disabilities) Act; IDEA (Individuals with Disabilities Education Act); and Rehab. Act

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### Employment First as a Civil Right

**"Access to employment is the most vital civil right** because in so many ways, it **opens doors to all of the other civil and citizenship rights that most Americans take for granted.** This is business we cannot leave unfinished; that **we literally cannot afford – morally or financially – to ignore."**

Patti Killingsworth, Asst. Commissioner & Chief of LTSS, TennCare; October 2, 2017; Congressional Briefing

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**Individuals with Disabilities Education Act; Purpose....**

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“to ensure that **all children with disabilities** have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and **prepare them for further education, employment, and independent living.**”

20 U.S.C. 1400(d)(1)(A)

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**IDEA Findings stated by Congress in the law, 2004 - 1**

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“(4) However, the implementation of this chapter has been **impeded by low expectations and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.**

(5) Almost **30 years of research** and experience has demonstrated that the education of children with disabilities can be made more effective by -

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**IDEA Findings, 2004 – 2**

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“(A) **having high expectations for such children** and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible, in order to –

(i) meet developmental goals and, to the maximum extent possible, the **challenging expectations that have been established for all children;** and

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**IDEA Findings, 2004 – 3**

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(ii) **be prepared to lead productive and independent adult lives**, to the maximum extent possible: ....”

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**Introduction to Transition**

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Transition planning is the student’s road map to life after high school...



**Transition is a journey ... NOT a place!**  
 What will the student achieve and how will he/she get there?

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**IDEA Transition Amendments of 2004 (identical in Rehabilitation Act) - 1**

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“The term ‘**transition services**’ means a **coordinated set of activities** for a child with a disability that:

- Is designed to be within a **results-oriented process**, that is focused on improving the **academic and functional achievement** of the child with a disability to facilitate the child’s movement from school to post-school activities, including...

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**IDEA Transition Amendments of 2004 (identical in Rehabilitation Act) - 2**

postsecondary education, **vocational education, integrated employment (including supported employment)** continuing and adult education, adult services, **independent living, or community participation;**

- Is based on the individual child's needs, taking into account **the child's strengths, preferences and interests;**

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**IDEA Transition Amendments of 2004 (identical in Rehabilitation Act) - 3**

Includes instruction, related services, **community experiences**, the development of **employment and other post-school adult living objectives**, and, if appropriate, **acquisition of daily living and functional vocational evaluation."**

- Office of Special Education Programs (OSEP) beginning to move towards monitoring for outcomes rather than compliance with paper; a slow process

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**Who is Involved in Transition Planning?**

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**Andrew F. v. Douglas County** School District; SCOTUS, **March 21, 2017**

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**Unanimous 8-0 decision regarding educational benefit under IDEA**

Student with autism; parents pulled from public schools in 5<sup>th</sup> grade and placed in private school; had lost case with state dept. of education and with 10<sup>th</sup> Circuit, Federal District Court

**Chief Justice Roberts wrote the opinion**

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**Andrew v. Douglas County Schools, 2**

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“When all is said and done, a student offered an education program providing a ‘merely more than deminimis’ progress from year to year can hardly be said to have been offered an education at all.”

**“The IDEA demands more. It requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”**

**“The IEP is more than a form”**

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**IEP’s in Transition Years of 14 - 21, Must Include:**

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Appropriate **measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills.**

The **transition services** (including courses of study) **needed** to assist the student with a disability in reaching those goals.

*“A Transition Guide” To Postsecondary Education & Employment for Students & Youth with Disabilities’ - OSERS, May 2017*

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**#1 Factor Predicting Post School Career Success**

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**WORK EXPERIENCE DURING SCHOOL**

Optimum Career Preparation includes:

- Youth empowerment
- Family involvement and supports
- Academic preparation paired with work experience
- Connections to ancillary services
- **WORK**

Richard Luecking, Ed.D.

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**How to Facilitate Work Experiences for Youth in Transition – Luecking**

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**Diverse Types and Uses of Work Experiences**

Career exploration –Middle School, 9<sup>th</sup> grade,  
 Job shadowing-Middle School, 9<sup>th</sup> grade  
 Work sampling – 10<sup>th</sup> grade, 11<sup>th</sup> grade  
 Service learning-10<sup>th</sup> grade, 11<sup>th</sup> grade, paid  
 employment, 12<sup>th</sup> grade

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**How to Facilitate Work Experiences for Youth in Transition – Luecking - 2**

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Internships-12<sup>th</sup> grade  
 Apprenticeships-12<sup>th</sup> grade  
 Paid employment-10<sup>th</sup> grade, 11<sup>th</sup> grade, 12<sup>th</sup> grade

*The Way to Work*, Richard Luecking

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**Expectations Matter...A Lot!!! - 1**

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“The **best predictor of post school outcomes are the following:**

**Parental Expectations**

**Teachers’ Expectations**

Expectations change the path of what experiences are made available and what is taught to the child/student....”

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**Expectations Matter...A Lot!!! - 2**

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“Changing introductions **from deficits and what cannot do, to strengths, preferences, interests, gifts & contributions”**

**Relationships Matter.**

**Location Matters.**

Erik Carter, Ph.D. Vanderbilt University, December 3, 2015

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**The Impact of Early Transition Services on Employment Outcomes for Youth with Disabilities**

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Robert Evert Cimera, Ph.D.  
Kent State University  
[rcimera@kent.edu](mailto:rcimera@kent.edu)

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**Do Transition Services Matter? - 1**

Rates of Employment – ASD (Autism Spectrum Disorder)

|      | By Age 14 | By Age 16 |
|------|-----------|-----------|
| 2006 | 80.8%*    | 58.9%     |
| 2007 | 77.9%*    | 60.4%     |
| 2008 | 75.2%*    | 52.4%     |
| 2009 | 69.1%*    | 52.2%     |

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**Do Transition Services Matter? - 2**

Rates of Employment – ID (Intellectual Disabilities)

|      | By Age 14 | By Age 16 |
|------|-----------|-----------|
| 2006 | 74.3%*    | 57.8%     |
| 2007 | 61.7%*    | 57.0%     |
| 2008 | 69.7%*    | 53.8%     |
| 2009 | 42.8%*    | 28.2%     |

7,520 Transition-Age Students with Intellectual Disabilities (Source: Cimera et al., in prep)

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**State Vocational Rehabilitation Program Policy – 1992 Amendments. -1**

“(3) IT IS THE **POLICY OF THE UNITED STATES** THAT SUCH A PROGRAM SHALL BE CARRIED OUT IN A MANNER CONSISTENT WITH THE FOLLOWING PRINCIPLES:

“(A) INDIVIDUALS WITH DISABILITIES, INCLUDING INDIVIDUALS WITH THE **MOST SEVERE DISABILITIES**, ARE GENERALLY **PRESUMED TO BE CAPABLE OF ENGAGING IN GAINFUL EMPLOYMENT** AND THE PROVISION OF **INDIVIDUALIZED VOCATIONAL REHABILITATION SERVICES CAN IMPROVE THEIR ABILITY TO BECOME GAINFULLY EMPLOYED.**

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**State Vocational Rehabilitation Program Policy – 1992 Amends. - 2**

“(B) INDIVIDUALS WITH DISABILITIES **MUST BE PROVIDED** THE OPPORTUNITIES TO OBTAIN GAINFUL EMPLOYMENT IN **INTEGRATED SETTINGS.**

REHABILITATION ACT, 1992

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**Rehabilitation Act’s Presumption of Benefit; 1992 Rehab Act Amends.**

“(2) Presumption of benefit

(A) Demonstration: For purposes of this section, an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from V.R. services, ...unless the designated State unit involved **can demonstrate by clear and convincing evidence** that such individual is incapable of benefiting in terms of an employment outcome from V.R. service due to the severity of the disability of the individual.

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**Vocational Rehabilitation Employment Outcome, 2001**

“Employment outcome means, with respect to an individual, entering or retaining full-time or, if appropriate, part –time competitive employment as defined in 361.5(b) (11), in the integrated labor market, supported employment, or any other type of **employment in an integrated setting**, including self-employment, that is **consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests & informed choice** 34CFR361.5(b)1

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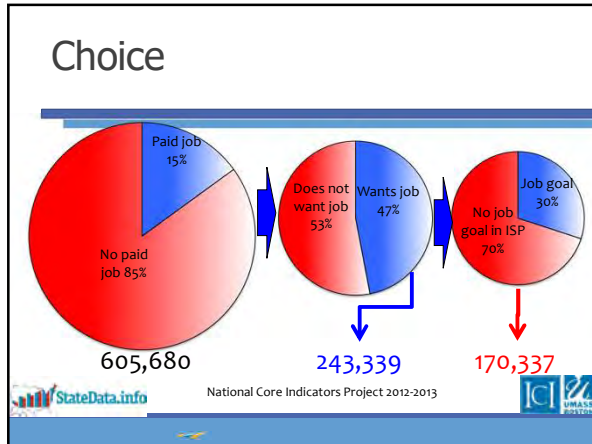
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### RSA TAC 14-03 - 1

**May 6, 2014;** Carol Dobak, Chief, VR P.U.  
 Transition Planning & Services Provided Through the State VR Services Program

**“...all students with disabilities, including those with significant and the most significant disabilities, are presumed to be eligible for VR services, unless the VR agency concludes, based on clear and convincing evidence is not capable of an integrated employment outcome.”**

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### “Significant Disability” in Rehabilitation Act - 1

Has a “severe physical or mental impairment that **seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome;**”

Can be expected to require “multiple vocational rehabilitation services over an extended period of time;” and,

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**“Significant Disability” in Rehabilitation Act - 2**

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Has one or more physical or mental disabilities (e.g. autism, blindness, cerebral palsy, deafness, head injury, intellectual disability) or a combination of disabilities assessed to cause comparable substantial functional limitation.

**Recipients of SSDI or SSI are presumed to be eligible for VR services as individuals with a significant disability.**

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**RSA TAC 14-03 - 2**

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“ **‘Clear and convincing evidence’** is defined, in part, as **the highest standard in our civil system of law** whereby VR agencies must have a high degree of certainty before concluding that an individual is incapable of benefiting from services in terms of an employment outcome. The term **‘clear’ means unequivocal.**”

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**Workforce Innovation and Opportunity Act (WIOA) - 1**

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**July 22, 2014;** Public Law 113-128  
**Bipartisan; 95-3 Senate and 415-6 House**  
 Major changes in Workforce Investment Act and Vocational Rehabilitation Act  
 Joint Performance Measures for the State VR (Vocational Rehabilitation) agency and the State Workforce Agency with one integrated plan

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**Workforce Innovation & Opportunity Act (WIOA)**

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**Pre-employment transition services** are defined as, and **15% of dollars must be used for:**

- Job exploration counseling & support
- Work-based learning experiences
- Counseling on post-secondary opportunities
- *Workplace readiness training ???????*
- Training on self-advocacy

**Each local VR office must engage** in pre-employment transition coordination with all local schools and workforce system

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**Workforce Innovation and Opportunity Act (WIOA) - 3**

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**Supported Employment in VR (Vocational Rehabilitation) Act:**

- Definition modified to clarify that **Supported Employment is integrated competitive employment**, or an individual working short-term in an integrated employment setting toward integrated competitive employment
- **50% of the State's Supported Employment funds must be used to support youth with the most significant disabilities (up to age 24)** and they may receive supports for up to 4 years.

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**Why Target Transition, Ages 14 –24? - 1**

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- **Only 26%** of students with intellectual and multiple disabilities were **"employed" two years after high school graduation** (Carter, 2012);
- 400,000 youth with disabilities exit our nation's schools every year (National Center for Education Statistics); and,

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### Why Target Transition, Ages 14 –24? - 2

Of those students, 40,000 – ID (intellectual disabilities); 15,000 – autism; 9,000 - multiple disabilities; and 2,500 – TBI (traumatic brain injury).

**462,000 SSI (Supplemental Security Income) recipients between ages of 14 and 17 in 2014**

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103

### Workforce Innovation & Opportunity Act (WIOA)

**Requires** that the State VR Agency have a **Formal Cooperative Agreement** with the State Medicaid Agency

**Requires** that the State VR Agency have a **Formal Cooperative Agreement** with the agencies responsible for providing long term services and supports for people with disabilities; ID/DD; mental health; physical; sensory;

Must define the respective roles in the provision of VR services, including extended services

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104

### Costs and Outcomes of Supported Work and Sheltered Employment

Robert Evert Cimera, Ph.D.  
Kent State University  
[rcimera@kent.edu](mailto:rcimera@kent.edu)

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105

**What are the Costs of Supported Employment (SE) and Sheltered Work (SW)?**

- Cumulative Costs SE: \$18, 813  
SW: \$46, 855
- Cost per Hour Worked SE: \$11.88  
SW: \$17.12
- Cost per Dollar Earned SE: \$2.02  
SW: \$9.39

Individuals in both SE and SW at the same time.  
Source: Cimera (2011)

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106

**Are Sheltered Workshops "Value Added" for People with Intellectual and Developmental Disabilities?**

| No Sheltered Settings |         | Sheltered Settings |         |
|-----------------------|---------|--------------------|---------|
| Earnings              | \$137   | Earnings           | \$119   |
| Cost                  | \$4,543 | Cost               | \$7,895 |

9,808 Supported Employees with Intellectual Disabilities  
42.5% decrease in cost; 15.1% increase in earnings (Source: Cimera, 2011)

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107

**Are Sheltered Workshops "Value Added" for People with Autism Spectrum Disorder?**

| No Sheltered Settings |         | Sheltered Settings |         |
|-----------------------|---------|--------------------|---------|
| Earnings              | \$191   | Earnings           | \$129   |
| Cost                  | \$4,212 | Cost               | \$8,346 |

430 Supported Employees with Autism Spectrum Disorder  
48% increase in earnings; 49.6% decrease in costs (Source: Cimera, 2012)

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108

**What is the Return on Investment (ROI)?**

- Is Supported Employment more cost-efficient to workers?  
SE: \$4.20 SW: \$0.24
- Is Supported Employment more cost-efficient to taxpayers?  
SE: \$1.21 SW: \$0.83

Regardless of disability or its severity, Supported Employment has a better Return on Investment than Sheltered Work.

Cimera, 2010

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109

**Customized Employment Defined in WIOA; 7/2014**

According to the *2014 Amendments to the Rehab Act (H.R. 803 Section 7 (7) (29 U.S.C. 705)*

Customized Employment means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the **strengths, needs, and interests of the individual with a significant disability**, is designed to meet the specific abilities of the individual with a significant disability and **the business needs of the employer**, and is carried out through flexible strategies, such as:

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**It Started with Marc Gold's "Train, Don't Test..."**




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**Vision 2020...**

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**"Each citizen should plan his part in the community according to his individual gifts."**

Plato

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**The "Flexible Strategies" of Customized Employment in WIOA (Workforce Innovation and Opportunity Act) - 1**

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(A) **job exploration by the individual;**

(B) working with an employer to facilitate placement, including —

(i) **customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;**

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**The "Flexible Strategies" of Customized Employment in WIOA (Workforce Innovation and Opportunity Act) - 2**

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(ii) **developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;**

(iii) representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and

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**The "Flexible Strategies" of Customized Employment in WIOA (Workforce Innovation and Opportunity Act) - 3**

(iv) providing services and supports at the job location.

Marc Gold & Associates ©

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**Competitive Integrated Employment - 1**

"...means **work that is performed on a full-time or part-time basis, including self employment,**

(A) for which an individual is compensated at a rate that shall be not less than the higher of FLSA (Fair Labor Standards Act) or the rate specified in the applicable State or local minimum wage law; and, it **not less than the customary rate paid by the employer for the same of similar work performed by other employees** who are not individuals with disabilities and who are similarly

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**Competitive Integrated Employment - 2**

**situated in similar occupations by the same employer** and who have similar training, experience and skills, or in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar operations or similar tasks and who have similar training, experience & skills; and is eligible for the level of benefits provided to other employees;

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### Competitive Integrated Employment - 3

(B) that is at a location where **the employee interacts with other persons who are not individuals with disabilities – not including supervisory personnel or individuals who are providing services to such employee – to the same extent that individuals who are not individuals with disabilities who are in comparable positions interact with other persons; and**

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### Competitive Integrated Employment - 4

(C) that as appropriate, **presents opportunities for advancement that are similar to those for other employees** who are not individuals with disabilities and who have similar positions.”

(Section 7, U.S.C. 705 as amended in WIOA, July 2014)

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119

### Customized Employment Requires Building a “Positive Personal Profile”

Believe in your job seeker

**Focus on skills – not deficits**

**Positive; strengths based**

**No prerequisites**

Everyone is “job ready”

**What will employer value** about the job seeker?

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**Essential Elements (42) of Customized Employment; WINTAC, June 2017 -**

- Marc Gold & Associates,
- Griffin-Hammis Associates,
- TransCen, Inc., and
- Virginia Commonwealth University Research & Training Center on Customized Employment
- Reviewed and Approved by U.S. Department of Labor, Office of Disability Employment Policy, &
- U.S. Department of Education, Rehabilitative Services Administration

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**Employment is a Part of Recovery: SAMHSA adopted in 2012**

- 2/3 of people with serious mental illness want to work but **only 15% are employed**
- **Work is the best treatment** we have for serious mental illness (i.e., people with schizophrenia spectrum disorder, bipolar disorder, or depression). (Luciano, Bond, & Drake, 2014).
- Only 2.1% of individuals with SMI in the United States public mental health system receive IPS

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**Eight Principles of IPS Supported Employment, Gary R. Scannevin, Jr. M.P.S.,CPRP-9-' 17 - 1**

1. Integration of vocational and mental health treatment services (Recovery)
2. Competitive integrated employment; goal
3. Entitlement Counseling
4. Rapid job search
5. Time-unlimited follow-along supports

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**Principles of IPS Supported Employment, Gary R. Scannevin, Jr. M.P.S., CPRP-9-' 17 - 2**

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6. **Consumer preferences** are central

**7. Zero Exclusion**

8. Employment staff systematically develops relationships with **employers** in community **based on participant preferences.**

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**Readiness vs. Preparedness - 1**

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“The concept of ‘readiness for work’ has been found to be **unhelpful and an obstacle to IPS implementation... often results in excluding consumers that may be capable of success and satisfaction on a job from consideration for work.** ‘Readiness’ assumes that success is predicted largely by skills & qualities that the consumer must possess, & that there is a threshold that must be met before an individual can be assessed to be ready for work. **Research & experience have shown this is often simply not the case.**”

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**Readiness & Preparedness - 2**

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...Predicting success and satisfaction requires an **understanding of the job under consideration and the skills and attitudes that the consumer will bring to that specific job situation.**

The treatment team’s task is to maximize the individual’s **preparedness** for the specific for the specific job situation.

This is **very different from the ‘train and place’ model.**

Scannevin, 2017

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**Why is Employment Becoming Part of Medicaid’s Focus? - 1**

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**CMS’ Commitment: (2011)**

“Work is a fundamental part of adult life for people with and without disabilities. It provides a sense of purpose, shaping who we are and how we fit into our community. **Meaningful work has also been associated with positive physical and mental health benefits and is a part of building a healthy lifestyle as a contributing member of society.**

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**Why is Employment Becoming Part of Medicaid’s Focus? - 2**

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Because it is so **essential to people’s economic self sufficiency, as well as self esteem and well being**, people with disabilities...who want to work should be provided the opportunity and support to **work competitively within the general workforce in their pursuit of health, wealth and happiness.**

128

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128

**Why is Employment Becoming Part of Medicaid’s Focus? - 3**

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**All individuals, regardless of disability and age, can work – and work optimally with opportunity, training, and support that build on each person’s strengths and interests.**

Individually tailored and **preference-based** job development, training, and support should **recognize each person’s employability and potential contributions to the labor market.”**

Highlights CMS’s goal to promote integrated employment options

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129

**The Impact of Employment on Medicaid Utilization & Costs**

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**State of Iowa, calendar year 2011**  
**Individuals on SSI who became employed** and used the Medicaid Buy-in (MEPD)  
 SSI beneficiaries who became employed, using MEPD, experienced **\$161/month lower Medicaid claims**  
 Beneficiaries **dually covered by Medicaid and Medicare** who became employed and used MEPD had a **\$332/month reduction in Medicaid claims**

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130

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130

**Iowa Employment Medicaid Data**

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Calendar year 2019, 129,369 MWPD member months produced **\$20,828,409** on their previous claims experience and the claims experience of SSI related Medicaid beneficiaries.

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131

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131

**Employment First**



"Employment is nature's best physician and is essential to human happiness."  
 Galen, Greek physician

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132

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132

**Social Security's Mixed Message to People with Disabilities**



**Yes you can go to work: 1999**  
Work Incentives,  
Ticket to Work,  
Medicaid Buy-In

**Entitled to benefits due to disability and inability to obtain gainful employment**

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133

**Achieving a Better Life Experience Act: ABLE Act, 2014.**

**Goal: To help people with disabilities and their families save to meet their long-term ongoing support needs**

- Public Law 113-295; December 19, 2014
- Passed with huge bipartisan support
- Parallels the Section 529 tax free qualified college tuition savings accounts
- Each state must act to make this available
- Up to \$100,000 and no loss of SSI (Supplemental Security Income) or Medicaid benefits

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134

**Where is the Future?**




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135

### ADA (Americans with Disabilities Act) Integration Mandate

"A public entity shall administer services, programs and activities in the **most integrated setting** appropriate to the needs of qualified individuals with disabilities."

28CFR section 35.130(D)

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136

### Olmstead vs L.C. and E.W.: Supreme Court Decision (June 1999)

- 1. What Did the Supreme Court Say?
  - A. **The ADA is a fundamental civil rights statute!**
  - B. The Court acknowledged that Congress found that **discrimination against people with disabilities includes segregation, isolation and institutionalization**

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137

### The Role of the ADA (Americans with Disabilities Act) and Olmstead

Cannot be ignored with current DOJ (Department of Justice)

**June 22, 2011** was 12<sup>th</sup> anniversary of the Olmstead Supreme Court Decision

DOJ issued:

**Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and the Olmstead v. L.C.**

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138

**DOJ (Department of Justice) on the ADA (Americans with Disabilities Act) (June 22, 2011) - 1**

- The “most integrated setting” is defined as **“a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.”** Integrated settings are **located in mainstream society**; offer access to community activities and opportunities at times, frequencies, and with persons of an individual’s choosing; **afford individuals choice in their daily life and activities**; and provide individuals the opportunities to interact with non-disabled persons to the fullest extent possible.

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**DOJ (Department of Justice) on the ADA (Americans with Disabilities Act) (June 22, 2011) - 2**

Evidence-based practices that provide **scattered-site housing with supportive services** are examples of **integrated settings**

**By contrast, segregated settings** often have qualities of an institutional nature.

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**DOJ (Department of Justice) on the ADA (Americans with Disabilities Act) (June 22, 2011) - 3**

- Segregated settings** include, but not limited to
- (1) **congregate settings populated exclusively or primarily with individuals with disabilities**;
  - (2) congregate settings characterized by **regimentation** in daily activities, lack of privacy or autonomy, policies limiting visitors, or **limits on individuals’ ability to engage freely** in community activities & manage their own ADLs
  - (3) **settings that provide for daytime activities primarily with other individuals with disabilities**

141

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**DOJ Files Complaint to Intervene In Lane, et.al. v. Kitzhaber; 3/27/2013  
Court granted motion, 5/22/2013  
(original suit filed 1/25/2012)**

“1. The United States alleges that Defendant, the State of Oregon (“State”), **discriminates** against individuals with intellectual or developmental disabilities (“I/DD”) by **unnecessarily segregating them in sheltered workshops** and by placing them at risk of such segregation in violation of Title II of the ADA and Section 504 of the Rehabilitation Act.”

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142

**DOJ-OREGON Complaint, cont.**

“2. **A sheltered workshop is a segregated facility** that exclusively or primarily employs persons with I/DD. Sheltered workshops are usually, large, institutional facilities in which persons with I/DD have **little to no contact with non-disabled persons besides paid staff**. Persons with I/DD typically earn **wages that are well below minimum wage.**”

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143

**DOJ-Oregon Settlement**

Announced September 8, 2015

After 13 days of mediation; trial had been set for December 1, 2015

Key provisions of **the 7 year agreement:**  
Converts the goals, commitments, and structural reforms of the Governor’s Executive Order of .....  
Into enforceable obligations.

Requires Oregon to provide 1,115 working age individuals who are or were in sheltered workshops with Competitive Integrated Employment.

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144



**Key Provisions, DOJ-Oregon, cont.**

- Expects the number of persons in sheltered workshops to be reduced from 2,700 to no more than 1,530 or lower;
- **Creates a right to integrated supported employment services** that allow individuals with I/DD to work in integrated employment settings for all persons in sheltered workshops who want them.
- Ensures that **4,900 youth will receive Employment Services** and that half of those who do receive Employment Services will get .....

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145

**Key Provisions: DOJ-Oregon, cont.**

**...an Individual Employment Plan from VR that should lead to competitive employment;**

- Requires that the State issue policies and promote the expectation that all individuals with I/DD **work an average of 20 hours/week, consistent with their choice and abilities;**
- Mandates that Oregon continue to fund a **training and technical assistance entity** and its provider transformation grants at current levels for **the next four years**

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146

**DOJ on the Application of the Integration Mandate on Publicly Funded Employment Services**

**Affirmative steps to reduce ADA litigation** may include:

1. Vocational & Situational Assessments
2. Career Development Planning
3. Discovery in Integrated Employment Settings
4. Arranging Peer to Peer Mentoring
5. Conducting Job Exploration
6. Work Experience in Integrated Job Settings
7. Providing Benefits Education and Counseling

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147

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147

**Contractors & Subcontractors;  
2-27-2014: DOL-OFCCP:  
Great Opportunities Here...**

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**Section 503 of the Rehabilitation Act**  
Prohibits employment discrimination against individuals based on disability  
Also requires affirmative action to recruit, employ, train, and promote qualified individuals with disabilities  
**Establishes for the first time, a 7% utilization goal for individuals with disabilities; not a quota or a ceiling**  
No fines, penalties or sanctions...

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148

**CMS HCBS Final Rule, 1-16-2014; -  
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“(i) The **setting is integrated** in and supports **full access** of individuals receiving Medicaid HCBS **to the greater community**, including opportunities **to seek employment and work in competitive integrated settings, engage in community life**, control personal resources, and receive services in the community, **to the same degree of access as individuals not receiving Medicaid HCBS.**

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149

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149

**Person-Centered Service Plans**

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Final rule includes changes to the requirements regarding person-centered service plans for HCBS waivers under 1915(c) and HCBS state plan benefits under 1915(i) -

- Identical for 1915(c) and 1915(i)
- **The person-centered service plan must be developed through a person-centered planning process**




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150

**1915(c) and 1915(i) HCBS  
Person-Centered Service Plans - 2**

- **Identifies the strengths, preferences, needs (clinical and support), and desired outcomes of the individual**
- May include whether and what services are self-directed
- Includes **individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education and others**



151

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**The Future is Now**

**Current programs and service “models” are not sustainable even in a recovering economy**

**We must change our business model; not about paper/file compliance audits and outputs**

States are looking at **outcomes, efficiency, effectiveness, equity and fairness**

A Variety of “tools” in the toolbox in 2020.....

**Median 2019 U.S. household income; \$65,712.00**  
(in N. Carolina, it is **\$61,159.00**)

152

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**Adapting to the “New Normal”**

- ▶ Metrics and measurement; accountability
- ▶ **All costs must produce clear measurable outcomes; cost effective**
- ▶ Equity in resource allocation & incentives
- ▶ Pockets of excellence must be scalable
- ▶ Disparities in outcomes addressed
- ▶ Sustainable value that can be quantified
- ▶ **Transformational policy across state agencies & In all CRPs, Infrastructure changes, and capacity building are essential in every state now!**

153

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### The Ultimate Test of Policy is Your Budget

Many words of law represent hollow promises for individuals with disabilities

No incentives or accountability for valued outcomes and results; must develop outcomes and incentives!

We need to talk about ROI (Return on Investment)? A return on investment to the government and, thus, the taxpayer?

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154

### Where is the Return on Investment (ROI) for Taxpayers?

What do we value as outcomes/results?

What do we owe the taxpayer and society?

Are the outcomes and results of our work quantifiable and are they compatible with the valued outcomes of the DD (Developmental Disabilities) Act, IDEA (Individuals with Disabilities Education Act), WIOA (Workforce Innovation and Opportunity Act), and the ADA (Americans with Disabilities Act) that we espouse?

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155

### Transformation Defined

“ In an organizational context, a process of profound and radical change that orients an organization in a new direction and takes it to an entirely different level of effectiveness.

Unlike ‘turnaround’ (which implies incremental progress on the same plane) transformation implies a basic change of character & little or no resemblance with the past configuration or structure.”

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156

### Wisdom from Jim Collins

**“Great performance is about 1% vision and 99% alignment”**

**(It all starts with a vision and then a specific plan and process to execute that vision.)**

**Built to Last**

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157

### Disability Construct in Multiple Federal Laws

“Disability is a **natural part of the human experience** and in **no way diminishes the right of individuals to:**

- Live independently
- Enjoy self determination
- Make choices
- Contribute to society
- **Pursue meaningful careers**
- **Enjoy full inclusion and integration in the economic,** political, social, cultural, and educational mainstream of American society

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158

“Let the shameful walls of exclusion finally come tumbling down.”  
President George H.W. Bush, July 26,1990



159

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159

**"Equal Justice Under the Law"**



The illustration shows Lady Justice, a personification of the law, wearing a blindfold and holding a pair of scales in her left hand and a sword in her right. She is standing on a pedestal.

160

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**For Additional Information**

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161

161

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