The Colorado Developmental Disabilities Council
5 Year Plan, and the Employment 1st Initiative

Joelle Brouner, Executive Director  & Bob Lawhead, Policy Advisor
CO Developmental Disabilities Council
CANDO Committee
March 22, 2019
What is the Colorado Developmental Disabilities Council?

• Our mission is to advocate in collaboration with and on behalf of people with developmental disabilities for the establishment and implementation of public policy which will further their independence, productivity and integration (systems change focus).

• Our Five Year Plan guides all of our activities.

• Our 2017-2021 goals are: 1) leadership development for people with disabilities and their families; 2) transition from school to an integrated life including jobs, homes & self-advocacy; and 3) reduction of seclusion, restraint, suspension & expulsion.
5 Year Plan Goal 1

- People with intellectual and developmental disabilities and their family members (including siblings) will increase their self-determination, advocacy, and leadership skills to become agents for system change in Colorado.
  - Support a state level self-advocacy group
  - Provide leadership training for individuals with IDD and family members
  - Expand participation in cross-disability and culturally diverse leadership coalitions
5 Year Plan Goal 2

• Youth with disabilities will transition from high school better prepared for an integrated life in their communities.
  – Youth, family members, support teams will receive tools to advocate for housing.
  – Employment First principles will be implemented.
  – Transition-aged youth will access self-advocacy and self-determination training.
5 Year Plan Goal 3

- Citizens with disabilities, their families and support teams will have the resources they need so that the use of seclusion, restraint, expulsion, and suspension to manage behavior will decrease.
  - Sister agencies will work to decrease the use of expulsion and suspension in early childhood settings for African American youth with disabilities.
  - Sister agencies will work to decrease the use of seclusion and restraint in the K-12 education system.
  - The Council and stakeholders will work to decrease the use of restraint to manage behavior for adults.
What’s behind SB16-077: Employment First for Persons with Disabilities?

• Colorado’s day service system for people with I/DD is not compliant with Olmstead v. L.C.
• Best-practice employment services are not being implemented widely.
• The system’s employment service capacity is limited.
• People with disabilities and families have limited knowledge of the promise of supported and customized employment.
• Employment-related expectations for students and adults with significant disabilities are way too low.
What is supported employment for people with disabilities?

- Paid work,
- In integrated settings,
- With ongoing, non-time limited support.
- Job match is the focus: like Wells Fargo’s coin processor.
- Includes self-employment options: like Motorola’s coffee service.
- Includes “customized employment...”
Customized employment means everybody works!

• The employer’s needs (tasks that need completion) are matched to a job seeker’s skills, interests and abilities.

• A job description may be modified (example: driving and writing duties are eliminated).

• A job schedule may be reduced (example: works hours go from 8 to 4 hours per day).

• Job training and ongoing support may be intensive initially and gradually reduced.
The right to integrated employment is established by the ADA & Olmstead Ruling (U. S. Supreme Court, 1999)

Our society defines us by what we do. Employment counts! According to Olmstead, people utilizing services through state and local government have the right to be served and employed in:

the “most integrated setting”

This is the law of the land. Most states are presently in violation when it comes to state-funded employment services!
Clarence Miller, Colorado’s self-advocate extraordinaire

“I’m sick and tired of people trying to put me in sheltered workshops. Olmstead says people with disabilities have a right to work in the community. This is ridiculous!” (Clarence died January 2014.)
U.S. growth and decline in Supported Employment (Braddock, et al., 2017)
CO growth and decline in Supported Employment
The current standard for meeting the integration mandate is Competitive Integrated Employment (CIE)

“...which 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 and who are in comparable positions interact with other persons.”

This definition is consistent with Workforce Innovation and Opportunity Act of 2014 & E1st in CO!
What state-funded services are non-compliant? (DOJ Guidance: 10.31.16)

- Sheltered workshops (Colorado now calls this model prevocational services)
- Group employment (enclaves or work crews)
- Groups of people going into the community during the day to go to the mall or to volunteer (most people get leads to jobs through their contacts and relationships with others; grouping is stigmatizing and not conducive to relationship-building)
- This means 90% of people with intellectual and developmental disabilities in Colorado are apparently being served in non-compliant programs.

“SABE calls for equal employment opportunities for equal pay for all people.

SABE calls for immediately, no new people can go into sheltered workshops.

SABE calls for immediately, no new people can go join an enclave.

SABE calls for ending sub minimum wage in 2012.

SABE calls for ending enclaves in 2014.”

...why are we ignoring self-advocates???
“Other groups fighting for their civil rights would not stand for separate places. Neither should we!” (Finn, 2010)
DOJ’s Eve Hill, who oversaw the probe of Rhode Island’s discriminatory practices

“Unfortunately, the exploitation and tyranny of low expectations we found are an all-too-common result of the segregation of people with disabilities. That is why we at the Department of Justice will continue to work hard to fight this type of discrimination.” (Hill, 2014)
What is Colorado doing to get compliant with legal requirements?

• SB16-077, Colorado’s “Employment First” bill:
  • “Employment First means a framework for change in the provision of services that is centered on the premise that all persons, including persons with significant disabilities, are capable of full participation in competitive integrated employment and community life.”
  • “Employment in the general workforce is the first and preferred outcome for all working-age persons with disabilities regardless of level of disability.”
How is SB16-077 Employment 1st implemented?

• The Employment First Advisory Partnership (EFAP) was created in January, 2017.

• The EFAP met throughout 2017 to develop Colorado’s initial strategic plan. Please go to: https://www.colorado.gov/pacific/sites/default/files/EFAP%20Report%20FINAL%201.4.18.pdf

• Legislation was passed by Colorado’s General Assembly in 2018: SB 18-145 “Implement Employment First Recommendations.”

• An Employment First appropriation request was submitted within the Governor’s Budget 11.1.2018.
EFAP INITIAL STRATEGIC PLAN

• Lays out extensive recommendations for the expansion of Competitive Integrated Employment opportunities for Colorado Citizens with disabilities.

• Was submitted to the Colorado General Assembly January 10, 2018.

• Is revised on an annual basis by the EFAP through September 1, 2021.

• The 2018 EFAP Annual Report is scheduled for publication in April 2019.
Initial EFAP recommendations

• Implement a communication plan with messaging describing available services that support the achievement of successful employment outcomes for people with disabilities, including those with the most significant disabilities, which targets employers, educators, people with disabilities and their families (CDLE).
Initial EFAP recommendations

• Produce data for the Home and Community Based Waiver programs that allow measurement of Colorado's progress toward compliance with federal law requiring people with disabilities receive state-funded services in integrated settings (HCPF).

• Implement department-wide Employment First policies and practices (CDLE, HCPF, CDE).
Initial EFAP recommendations

- Create an Office of Employment First to coordinate cross-departmental efforts to implement Employment First policies, regulations and practices (Colorado).
- Implement a training plan for state service providers on evidence-based practice to expand employment outcomes, in conjunction with employer-led initiatives and networks (all EFAP agency partners).
Initial EFAP recommendations

• Design and coordinate locally-based **pilot projects** to demonstrate the expansion of employment outcomes for people with disabilities through best-practice employment services and supports implementation (all EFAP agency partners).

• Become a "**model employer**" for Colorado citizens with disabilities (Colorado).
Initial EFAP recommendations

• Develop appropriate funding structures that will increase employment service and support capacity (All EFAP agency partners).

• So what’s the bottom line???
“When somebody says it's not about the money, it's about the money.”
Funding Recommendations

• Implement adequate provider rates with incentives for performance to maximize successful integrated employment outcomes (O’Brien & Revell, 2006).

• Continue to study rate structures in the most successful states in producing employment outcomes (Washington & Oklahoma).

• “On just a monetary level, supported employment costs substantially less than sheltered workshops.” (Cimera, 2014).

• Colorado must invest in the implementation of Employment First for our citizens who experience disability.
The 2019-20 Employment First Appropriation

• Office of Employment First (OEF) – $1,468,380 + $200,000 total funds for Employment First website. The OEF would be established as a contract between CDLE and Colorado's “University Center of Excellence in Developmental Disabilities,” JFK Partners to:
  – Coordinate, evaluate and monitor EFAP recommendation implementation;
  – Develop and deliver Employment First curriculum for individuals with disabilities, families, state agencies, educators, employers, service providers, potential service providers and communities;
The 2019-20 Employment First Appropriation

• Office of Employment First (OEF) functions (continued):
  – Provide *technical assistance* to employers and state agencies for developing and implementing supported employment models that may be replicated across business communities;
  – Be the focal point for *Employment First communications*;
  – Develop *evidence-based models* to demonstrate the benefits of the office;
  – Identify sources of *sustainable funding*, including appropriate state agencies.
The 2019-20 Employment First Appropriation

• **CDLE Employment First Staff**- $367,780 total funds. The request describes four new DVR-CDLE positions:

  • **Training and Curriculum Development Specialist**: to provide training for state agency staff (DVR and CDE) focused on clients with the most significant disabilities;

  • **Model Employer Specialist**: to help CDLE become a model employer for persons with disabilities with an approach that could be transferred to other state agencies;
The 2019-20 Employment First Appropriation

• **CDLE Employment First Staff** (continued):
  • **Benefits Planning Coordinator and Educator**: to lead efforts to provide braided benefits planning services to customers; and
  • **IPS Program Manager**: to ensure effective and high quality performance contracts following the Individual Placement and Support (IPS) model.
The 2019-20 Employment First Appropriation

- **Regional Customized Employment Pilot Programs** – $360,000 total funds. The goal of these programs is to improve employment outcomes for people with disabilities by personalizing the relationship between employers and employees in ways that meet the need of both. The approach appears to be closely aligned with the overall orientation of the Office of Employment First and it is anticipated that the Program Manager position included in this request would help to ensure the effective implementation of these programs.
The 2019-20 Employment First Appropriation

• **Supported Employment Pilot Program** - $652,641 total to conduct a pilot program to provide additional payments to IDD providers when supported employment outcomes are achieved including:

  • **Program Manager**: responsible for general administration of the pilot program, including support to service agencies, stakeholder outreach, and reporting;

  • **Program Analyst**: responsible for analytical support, including calculating incentive payments and value-based payment methodologies and performing data analysis to evaluation program outcomes.
What are we waiting for?

• Families and self-advocates are not be aware of their rights to real employment (nor do people understand how best practice employment supports work).
• Colorado’s Community Centered Board system staff have not been trained in best practice techniques.
• At the same time employers are willing to embrace a diverse workforce.
• We must create high employment expectations for all people with the “most significant” disabilities.
• We must join together to meet segregation head-on:
We must let people know:

“What do we want?”

• “REAL JOBS!”

“When do we want it?”

• “NOW!”
References


