



COMMONWEALTH OF VIRGINIA  
*Virginia Board for People with Disabilities*

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TO: Megan C. Grey, Title V Project Director  
Department for Aging and Rehabilitative Services (DARS)

FROM: Heidi L. Lawyer   
Virginia Board for People with Disabilities (VBPD)

RE: Comment on *DRAFT Review of Employment Support Services Programs*

I am writing on behalf of the Virginia Board for People with Disabilities (the Board) to comment on the recommendations contained in the Draft Virginia Department of Aging and Rehabilitative Services (DARS) Review of Employment Support Services Programs. The Board appreciates DARS's commitment to Employment First and its efforts to identify and address the barriers to integrated employment for people with intellectual and other developmental disabilities in Virginia. The Board supports many of the recommendations in the report. The Board believes, however, that the recommendations can be made much stronger, and we believe the following suggestions would strengthen the recommendations.

**Recommendation 1:** *Increase the capacity of the Commonwealth's provider community to provide Individual Supported Employment services to persons with intellectual and developmental disabilities by providing technical assistance and training to existing and potential new providers.*

The Board supports the provision of technical assistance and training to existing and potential providers. This is consistent with the Board's recommendation in its *2014 Assessment of the Disability Services System as follows:*

Develop and conduct **ongoing staff training and technical assistance** for state and local agency staff that serve individuals with disabilities, particularly local social service agencies

and public school transition personnel who may be the first point of contact regarding employment options for many individuals with disabilities.

The Board also believes that efforts need to go beyond training. There has been extensive training provided over many years which has had the desired impact of moving significantly more providers to the supported employment model for these populations. New training models may need to be developed or incentives put into place for providers to change their business model.

**Recommendation 2:** *Increase capacity in underserved parts of the Commonwealth where choice of providers and employment options are limited.*

The Board supports the goal of increasing capacity in underserved parts of the Commonwealth. It is not clear from this recommendation, however, how DARS intends to accomplish this goal. The Board encourages DARS to consider shifting funding currently used to support segregated employment to implement capacity building projects in underserved areas. See comment to Recommendation 6 below for more details.

**Recommendation 3:** *State agencies, DARS, DBVI, VDOE, DMAS, join with DBHDS to adopt Employment First policies and review/revise all existing policies that may be a barrier for individuals in need of services to attain employment in integrated, competitive employment.*

The Board supports Recommendation 3 which is consistent with the following recommendation from the Board's 2014 *Assessment of the Disability Services System in Virginia*:

Work in partnership to modify the ID/DD Waivers to **support and incentivize integrated, competitive employment** rather than pre-vocational services, day support, and facility-based employment for eligible individuals. Changes should include:

- Removing the rate differential that is a disincentive to competitive employment. The individual, supported employment rate should be increased to a level greater than the rate for day support programs.
- Placing a time limit on the use of prevocational services so that individuals who are able and wish to move into employment do not languish in prevocational services. The maximum time limit should be flexible enough to enable an individual to return to prevocational services should he or she lose a job and need additional skills training to regain employment.

The Board further encourages DARS and DMAS to Review and revise DARS and Medicaid waiver provider requirements to ensure that they promote best practices and effective, individualized approaches to employment. Provider requirements must reflect Virginia's Employment First policies. DARS should review provider requirements to ensure that vocational rehabilitation providers have the knowledge and skill needed to employ best practices and individualized approaches to preparing for, obtaining, and maintaining integrated, competitive

employment. Since Executive Order 55, issued by former Governor McDonnell, state agencies have been required to work together to promote and support Employment First with few tangible results. The Commonwealth must take action following policy revision and create real opportunities for individuals with intellectual and developmental disabilities to be competitively employed in integrated settings.

**Recommendation 4:** *End all new admissions to sheltered employment settings as of July 1, 2016. This would bring Virginia into compliance with Olmstead, WIOA and the current Department of Justice Settlement agreement with Virginia.*

The Board encourages DARS to expand upon Recommendation 4 to include requiring service plans for all individuals currently served in sheltered workshops to identify barriers to integrated employment and include specific steps to address those barriers. The Board strongly supports DARS's recommendation to end all *new* admissions to sheltered employment settings by July 1, 2016. This prohibition must expand to public school settings regardless of whether the student is a DARS client. No student should be placed in a segregated work setting either during school (as an internship or summer "job") or following transition from secondary school. Preventing *new* admissions should, however, be accompanied by efforts to transition those currently served in segregated employment settings into integrated supported employment. Service plans for individuals currently served in segregated settings, therefore, should include steps to transition these individuals into integrated, competitive employment. This planning should include, at a minimum, identification of barriers to integrated employment and planned activities to address those barriers.

**Recommendation 5:** *DBHDS identify a way to efficiently gather data that allows them to demonstrate who is receiving what services (Job Discovery Skills, Job Development, Job Training, Long term Supports, Group Supported Employment) at what amounts, for how long and to what outcome (including rate of pay, hours, worked, time employed).*

The Board supports the collection of reliable employment data as recommended in its 2014 *Assessment of the Disability Services System in Virginia*. That recommendation stated:

Develop and implement a data system that will provide **meaningful employment outcome data** (not just service utilization) on a statewide and local level. Meaningful data is critically needed to establish current performance, to identify future benchmarks for employment of individuals with disabilities, and to drive effective decision-making.

The Board encourages the analysis of employment outcomes in Virginia, not only on a statewide basis, but also at a regional and local level in order to identify high performing and underperforming areas of the state and analyze the factors that contribute to success. DARS based its report and recommendation in part on available data on employment of people with disabilities in Virginia. This data is currently very limited. Data collection is critical to identifying service gaps and assessing the effectiveness of existing services. This data should allow comparison of employment outcomes based on services rendered. But it should also allow for comparison of employment rates and employment outcomes by geographic location and by

service provider. This level of data analysis will result in better analysis of service gaps, as well as of what is working and what is not working in Virginia today.

**Recommendation 6:** *Shift LTESS funding away from segregated, sub-minimum wage employment offered in sheltered workshops toward integrated, community-based employment, thereby making additional funding available to support larger numbers of individuals to receive individual supported employment services.*

The Board supports the shifting of funding currently used to support individuals in segregated workshops towards improving services and supports for individuals in competitive employment. This funding should be used to eliminate the waiting list for ISE services, expand and replicate existing innovative employment programs, and develop innovative demonstration projects in underserved regions. In its findings, DARS notes the incredible discrepancy between the costs of supporting people in integrated, competitive employment settings versus supporting people in sheltered workshop settings. The most expensive services by far are services in sheltered workshop settings. By increasing the number of individuals served in Integrated, competitive employment settings versus sheltered workshop settings, therefore, the Commonwealth will free up additional funds for investment elsewhere. The Board recommends reinvesting these savings to reduce the waitlist for ISE services, expand innovative employment programs, and invest in the development of innovative demonstration projects in underserved areas in Virginia.

**Recommendation 7:** *Continue with the current efforts to redesign the Medicaid Waiver structure to allow more people the opportunity to achieve competitive integrated employment decreasing the need and preference for sheltered employment.*

The Board supports efforts to redesign the Medicaid Waiver structure to incentivize integrated competitive employment over sheltered employment. Specifically, the Board supports ensuring that the individual supported employment rate is sufficient to incentivize this option over day support and segregated employment options. Design of the Medicaid waiver remains under way and concerns exist regarding the number of hours of individual supported employment that may be available to an individual based upon his or her “service package.” It is important to continue to be engaged in the waiver redesign process to ensure that individuals supported employment at adequate levels be funded. Finally, the Board encourages the inclusion of the following additional recommendation:

Finally, the Board would like to reiterate two additional recommendations from its 2014 *Assessment of the Disability Services System in Virginia* and make one additional recommendation.

- Provide sufficient long-term funding to **eliminate waiting lists for vocational rehabilitation**. When there are insufficient funds available, vocational rehabilitation agencies implement a federally authorized “Order of Selection,” limiting the number of individuals who can be served through the programs and prioritizing service based on severity of disability.

- Continue to seek and provide funding to support replication and expansion of **innovative employment programs**, including but not limited to Project SEARCH. This will enable more individuals with ID/DD to become gainfully employed and less reliant on social security and other benefits. Programs that are developed or funded should be inclusive of individuals with significant disabilities.

**Additional Recommendation** *Conduct an analysis to determine the potential cost to eliminate the waiting list for Individual Supported Employment services, as well as what the long-term cost savings will be from transitioning individuals from segregated workshop settings to integrated supported employment settings.* It is clear from this review that segregated workshop services are very costly compared to Individual Supported Employment services. Recommendation 6 calls for the reallocation of funds currently used to provide services in segregated workshop settings towards supported employment services. It is not clear, however, what impact this will have on the existing waitlist for employment services. By Analyzing what it would cost to eliminate waitlists for Individual Supported Employment services, as well as what can be expected in the way of cost savings from shifting individuals currently served in segregated settings to integrated competitive employment settings, the Commonwealth will be able to better plan for an Employment First future in Virginia.

The Board appreciates this opportunity to comment on this important document. We hope to be able to continue to partner with DARS as it continues to develop and implement Employment First policies in Virginia.