

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

PAULA LANE, et al.,

on behalf of themselves and all
others similarly situated, and

Case No. 3:12-cv-00138-ST

**UNITED CEREBRAL PALSY OF OREGON AND
S.W. WASHINGTON,**

Plaintiffs,

v.

KATE BROWN, Governor of the State of
Oregon; et al.,

all in their official capacities,
Defendants.

UNITED STATES OF AMERICA,

Plaintiff- Intervenor

v.

STATE OF OREGON,

Defendant.

REBUTTAL REPORT OF TARA ASAI

I. ISSUES ADDRESSED

I have reviewed and am responding to the reports of Cathy Anderson, Brian Lensink, James Nicholson, and Ric Zaharia. Among other issues, I will focus on Oregon's outreach plan to individuals and families, efforts to engage stakeholders in Employment First and its supported employment initiatives, individual choice, and the impact of the Executive Order and Integrated Employment Plan on the employment opportunities for people with I/DD in Oregon.

II. EXPERTISE

- Graduated from Portland State University with a B.S. and MS in Special Education in 1977. Taught special education to students with significant cognitive and developmental disabilities in Oregon and Massachusetts from 1977-1981.
- Graduated with a Masters in the Management of Human Services (MMHS) with a concentration on health and disability services from the Heller School, Brandeis University, Waltham, MA, 1982.
- Developed systems within a rapidly growing non-profit agency that transitioned from a community advocacy organization (20 staff) into an advocacy and provider organization (90 staff) as part of the initial Laconia State School deinstitutionalization, Assistant to the Director for Operations, Community Services Council (CSC), completed management training with Antioch New England Management Institute in partnership with CSC, Concord, New Hampshire, 1982-1984.
- Oversaw adult services for United Cerebral Palsy Association of Oregon and SW Washington. Led the transition of residential and vocational segregated services to individualized integrated services for over ninety individuals with disabilities (primarily I/DD), first as the Residential Director and subsequently as the Community Services Director. This was a nationally recognized accomplishment. Presented at local, regional and national conferences solo, and with Individuals with I/DD and other UCP staff on individualizing supports and transitioning services from sheltered workshops to supported employment services, Portland, Oregon, 1985-1998.
- Developed and oversaw self-directed services (precursor service to the support service brokerages) for Individuals with I/DD in three rural communities that had challenged the State of Oregon with their reluctance to develop services, Arc of Oregon, 1999-2002.
- Training and technical assistance with Self-Directed Supports, Support Services/Brokerages, various projects, Project Manager, developed and executed training including person centered planning (PCP), personal agent training, in-home comprehensive services training, service coordinators training, and provider training, Oregon Technical Assistance Corp (OTAC), Salem, Oregon, 2002-2003.
- Training and technical assistance, Growing Resources in Oregon, (GRO), Project Specialist, a demonstration project for developing strategies and services for individuals with I/DD with complex support needs such as autism, mental health challenges and behavioral challenges, working with regional, county and provider staff in the Willamette Valley and Eastern Oregon, OTAC, 2008-2010.

- Developing systems and supports to support students transitioning from school to work in Washington County for 28 students in three school districts, Project Employ, The Arc of Oregon, 2010-2011.
- Consultation, Training, and Direct Services; President, Asai & Associates, Inc., person centered planning, organizational change, and direct services (Oregon and Washington) to Adults and children with disabilities (I/DD, mental health challenges, traumatic brain injury, physical disabilities), advocacy and provider organizations, and government entities. Developed and conducted person centered planning trainings for: Oregon Intervention System (OIS) trainers, Brokerages, Provider agencies, Clackamas County Mental health department, Family Advocates including a group who spoke only Spanish; Strategic Planning and PATH, Discovery, job development and job coaching. Personal Agent services and PCP Training for School to Work in Clark County, 2005-2009. Recent projects – 2013-2014 include 1) Organizational development of a national technical assistance center for peer delivered services (Individuals with mental health challenges), and 2) Technical Assistance and Organizational development with a large provider organization providing residential and employment services to adults with I/DD, Oregon and Washington, 1999-2015.
- President of Oregon Chapter of the Association of People Supporting Employment First, developed the organization from inception to full chapter status. Grew organization to 120 members. Jointly with Washington State Association of People Supporting Employment First (APSE), developed and conducted two Pacific Northwest Employment Forums with over 170 attendees from 3 states, 2012-2015.
- Steering Committee Co-chair, Washington County Employment First Team, 2014-2015. Member of Washington County Employment First Team, 2012-2015.
- A VITA is attached in Attachment 1.

III. DOCUMENTS REVIEWED

In preparing this report, I reviewed the documents are set forth in Attachment 2.

IV. ANALYSIS AND CONCLUSIONS

The Outreach and Awareness Plan and Implementation is Inadequate for Individuals with I/DD and Families

Executive Order 15-01 states that the Outreach and Informational Program for all persons in the ODDS/VR Target Population was adopted as of January 1, 2014. At that time, it referred to the Employment First Outreach and Awareness Education Program Strategic Plan. This plan was in effect until February 10, 2015 when the substantially revised 2015-2016 Employment First Outreach and Awareness Program Strategic Plan (henceforth referred to as the Outreach Plan) was put in into place.

Within the Outreach Plan, Individuals with I/DD and Families are listed as the first and second target audiences for outreach and education, so one would assume that the Plan would focus on efforts to reach those populations with a strong and clear message of what Employment First and integrated employment mean in the State of Oregon. Instead, the Plan approaches outreach and awareness with a general message, methodology and ineffective strategies to communicate with those with the highest stake in receiving quality employment services.

- **Individuals with I/DD and Families are Missing in the Development of the Outreach Plan**

Starkly missing from the list of partners on the Outreach Plan are the Individuals with I/DD and Families themselves. Although a draft of the original Outreach Plan was shared with the Stakeholder Policy Group on December 5, 2013 prior to its planned implementation four weeks later, there was no meaningful discussion with the group. According to minutes, the only comment made was *"The websites are too complicated and this is important information. Need to simplify."* It is interesting to note that no one asked, "Do Individuals with I/DD who work in sheltered workshops and their families typically use the Internet to obtain information?"

To truly understand the educational needs of those individuals currently in sheltered workshops and transition age students preparing for adult lives, it is important that the State **talk directly with them and their families**, rather than only hearing through partners that may have competing priorities and agendas. Throughout the Outreach Plan, there is little evidence that Individuals with I/DD (particularly those currently being served in sheltered workshops) and their families have been consulted on what information they need and how the State can best communicate this information.

The omission of these Individuals with I/DD and their families in the development of the Outreach Plan communicates a message that their input doesn't matter and has created a process that is not effectively reaching a key target population – the Individuals with I/DD working in sheltered workshops and their families.

- **The Plan Lacks a Strong, Clear Message for Individuals with I/DD and their Families**

According to the Outreach Plan, *"ODDS and VR will develop an outreach program.... that explains the benefits of employment, addresses concerns of families and perceived obstacles to participating in employment services, and is designed to encourage individuals with I/DD and their families to seek employment services."* Although this sounds good on paper, the stated goals of the Outreach Plan do not go far enough, nor do they have the clarity to address the information needs of Individuals with I/DD and Families.

If for many years, one is led to believe that s/he can only succeed in a segregated work or school setting, suddenly saying that you can be part of the “real work” world can be a scary proposition, especially if the provider, service coordinator, or teacher who is telling you does not have answers as to how that will happen. Without pairing the message of integrated employment with collaboration and partnership, there is a glaring omission in the core message. Simply stating that *“not only is working in a job in the community possible, but we, the State, will partner with you to develop the services and supports that will make this possible”* is a very different message than simply discussing integrated employment and the Employment First Policy. Individuals with I/DD and Families need to know that they are not being abandoned, but rather that **the State and its community partners** will use their resources to collaboratively support them with obtaining and maintaining a job.

In addition, unless Individuals with I/DD and Families are given basic information and can have a conversation about the “hows” of supported and customized employment, most will be unable to make informed decisions, as they will be relying upon their general knowledge of employment and their experiences with segregated services.

Finally, Individuals with I/DD and their families need clarity on why changes are happening in day services: Clearly communicating in lay person’s language the “whys” for valuing integrated employment over other day services would provide this clarity and can be taken from Oregon’s own Employment First Policy including:

- 1) Increased productivity, integration and independence.
- 2) Individuals with developmental disabilities have a right to the opportunity for meaningful work.

Examining the fourth goal of the Outreach Plan more closely illustrates the issues with the current message. ***“Encourage individuals with I/DD to seek employment services.”***

Honoring Oregon’s Employment First Policy would imply a stronger goal such as, ***“Support individuals with I/DD to seek employment services.”*** When Oregon decided to close Fairview, the State did not just “encourage” Individuals with I/DD (and families) to move into the community, but rather the State clearly communicated that community inclusion was a desired outcome, acknowledged that this meant a change in services from Fairview to smaller residential homes in local communities, and then laid out how that would happen in locales across Oregon. This clarity is missing from the message in the Employment First Outreach and Awareness Plan.

▪ **Implementation of the Plan has been Ineffective**

As the Outreach Plan was adopted on January 1, 2014, one would expect that by April 30, 2015, significant dialogue would have transpired between the State and Individuals with I/DD (including school-age youth and individuals working in sheltered workshops and

their families) regarding Employment First, integrated employment, and the State's plans for implementation. This has not occurred. Town halls hosted in local communities during 2014 by the Oregon Self Advocates Coalition (OSAC) with the Oregon Council on Developmental Disabilities (OCDD), and others hosted by Oregon the Association of People Supporting Employment First (APSE), and local community partners demonstrated that there was massive confusion among Individuals with I/DD and Family members about what was happening with employment and day services in Oregon.

Guest speakers at the Oregon APSE Town Halls (not sponsored by the State) shared success stories and illustrated how competitive integrated employment was possible through supported employment and customized strategies. For most, this was welcome new information; however, for many, this did not answer their questions regarding what was going to happen to their family member's services. In fact, many were focused on misconceptions about the closure of sheltered workshops and the impossibility of their family member working in the community. When possible, Employment First Community partners clarified facts and shared educational materials, but they appropriately referred people to the State regarding questions about Oregon policy and future plans. Many families expressed anger at the lack of forthcoming information. Unfortunately, because Employment First Community partners were hosting these Town Halls, they became the targets of this anger, rather than the State officials who had not adequately communicated with Individuals with I/DD and their families. Another unfortunate result of this lack of communication is that during 2014 and early 2015, hundreds of Individuals with I/DD and families signed petitions to the Governor opposing any closing of sheltered workshops.

This lack of effective communication between the State and Individuals with I/DD and Families has continued through 2015. Although the State has written documents including the thirteen page document, "Frequently Asked Questions, Employment First: Commonly Asked Questions from Individuals and Families," 11/19/14, these are not user friendly for the vast majority of Individuals with I/DD and families. More importantly, there has not been a systematic approach to sharing information that is not just on the Internet. Given the complexity of information and constantly changing messages, it is important for people to have an opportunity to dialogue with the State. The Town Halls hosted by OSAC and OCDD were a good start for getting out the word in local communities, but they have abruptly ended. Significantly, no one from the State, and no part of the Outreach Plan, suggests that such face-to-face outreach will occur.

While the State of Oregon continues to "prepare" their partners for communicating information, the Individuals with I/DD and Families are left out of the conversation and are in a communication vacuum. Unless an Individual with I/DD in the targeted audience for the Outreach Plan has a Family member who sits on an Employment First Team, is directly connected with a "knowledgeable" community partner, or is savvy enough to access the internet (to get the Employment First messages, see the revised website, or read the

posted materials), the Individual with I/DD is simply not receiving necessary and timely information about employment options to make informed decisions. Even if they can use the Internet, most are challenged with the reading level of the documents and the daunting volume of materials. It is important to recognize that many Individuals with I/DD, especially those who are older, may not have access to Internet nor have family members that use the Internet.

An effective Employment First Outreach and Awareness Plan would address how to assure that, throughout the state, key stakeholders – Individuals with I/DD and Family members – are receiving accurate, meaningful, and current information in a format that is understandable, and through an accessible avenue (not just the internet). These important communication issues are poorly addressed in the current plan and its implementation.

Oregon has not engaged stakeholders in a meaningful way to inform and implement its Employment First Initiative

Throughout the testimony of the Defendants' Expert Witnesses, the Stakeholder Policy Group is highlighted as demonstrating that stakeholders have led the Employment First Initiative and its implementation. This is not accurate for two main reasons. First, the State has not engaged all key stakeholders in a meaningful way – through the Policy Group or otherwise – and second, assessing the success of the implementation of Employment First requires an analysis of what is happening at the ground level, i.e., "getting into the weeds," and this is not the charge of the Stakeholder Policy Group.

▪ The Voices of Individuals with I/DD in Sheltered Workshops and Their Families are Missing

As stated earlier, The Outreach and Awareness Plan did not list Individuals with I/DD and Families as partners, and thus, they have been left out of major discussions regarding their information needs. This can also be noted in the Integrated Employment Plan, which also does not list Individuals with I/DD, Families, or the Oregon Self-Advocate Coalition as partners. Although transition age students and their families are fairly well represented, the voices of Individuals with I/DD in the sheltered workshops and their families are not well represented in any of the organized groups. Unlike the other stakeholders, these self-advocates and families do not have an existing means to communicate across the constituency.

Although the Oregon Self Advocates Coalition does have involvement in various communities, the vast majority of Individuals with I/DD working in sheltered workshops are not involved in OSAC. Two of the self-advocates on the Stakeholder Policy Group have been in sheltered workshops, but it is a heavy responsibility for them to represent all people who are in sheltered workshops and their families. In addition, it appears that they

have not had the opportunity to have meaningful engagement in the Stakeholder Policy Group given how that group has functioned.

Face-to-face meaningful conversations with Individuals with I/DD in sheltered workshops and their families are critical for the success of the implementation of Employment First. Change is hard, and fears cannot be allayed only through written communications and with partners who have competing priorities serving as messengers. Dialogue can be accomplished through strategically planned focus groups and town halls in communities across Oregon happening on a routine basis. Although OCDD and OSAC started these conversations, for some unknown reason these have stopped. Given the lack of communication to date, these face-to-face meetings are likely to be confrontational at first, but with the support of local Employment First teams and strong participative leadership from the State, these could greatly support the work and mitigate the myths and miscommunications occurring at the grassroots level.

▪ **The Stakeholder Policy Group Is Not Designed to Provide Opportunities for Meaningful Engagement of Stakeholders**

If the State was truly invested in the meaningful engagement of Individuals with I/DD, family members and community partners on the Stakeholder Policy Group (SPG), it would be structured for success. Much has been written on meaningful stakeholder engagement. In the Stakeholder Engagement, A Road Map to Meaningful Engagement, Neil Jeffery describes engagement:

“Engagement should be regarded as any other business project planning process with adequate analysis, preparation, implementation, reporting, evaluation, and follow-up. The ideal stakeholder engagement process should be an interactive process, allowing engagement to benefit from diligent planning, thorough reporting, and application of learning as a result of appropriate evaluation and monitoring....”

(1) Source: Stakeholder Engagement, A Road Map to Meaningful Engagement, Jeffery, Neil, Doughty Centre, Cranfield University, School of Management, July 2009.

The following are issues with assuring the meaningful engagement of members of the Stakeholder Policy Group.

1. Attendance at meetings of the SPG are over-represented by government and quasi-government employees rather than Individuals with I/DD, Family members, and community members. Although many members wear dual hats, it does not seem likely that Individuals with I/DD, Family members, or providers would openly disagree with those who fund their services or pay their agencies.
2. According to Jeffrey, “ideally, an engagement process will be built on common values and vision and characterized as ‘two way’ so that both sides have the opportunity to exchange views and information, to listen and to have their issues addressed.”

Although, it is likely that many of the stakeholders would express similar values around employment, it is also likely that those same individuals would have difficulty stating the vision of the Stakeholder Policy Group. Reviewing the minutes, because the SPG has not been involved in conceptualizing major Plans such as the Executive Orders and the Integrated Employment Plan, it appears that the vision for the SPG is to respond to the State's plans for Employment First and not to lead Employment First as the State and its experts claim.

3. An example of not providing opportunities for meaningful engagement is particularly apparent with respect to the Executive Orders that provide the overarching framework for the Employment First Initiative. Because the SPG did not exist before the drafting of Executive Order 13-04, they had no input into conceptualizing or drafting the initial Executive Order, nor did any other group, Individual with I/DD, Family member, or representative. Therefore, foundational key concepts of Employment First such as the importance of defining integrated employment as only individualized and not group services, and counting jobs and not services, were never even discussed with the very people for whom the Executive Order was allegedly designed to benefit.

At the first SPG meeting on 9/17/13, five months after its initial execution, the State gave an overview of the Executive Order 13-04 (E013-04), but did not facilitate discussion of its content or even the SPG's role under the Order, other than to be appointed. The Executive Order was not a topic for discussion again until December 3, 2014, when 20 minutes was allotted and the State shared that E013-04 would be updated to reflect changes in federal policy, changes in how policies should work due to experience with implementation, and adjustments to metrics. Although there apparently was a superficial mention of these issues, there was no meaningful discussion of what stakeholders believed should be changed in the Executive Order, what stakeholders thought about any proposed changes, and, most importantly, how stakeholders' experiences under the Executive Order should inform consideration of a new Order. The State did ask if the SPG wanted to see the updates before going to the Governor's office, but the minutes do not reflect the answer to this question. In any event, the SPG was never provided proposed language or new provisions for a revised order.

At the next SPG meeting on January 7, 2015, a brief memo listing proposed changes was distributed at the beginning of the meeting, and 30 minutes was allotted for discussion of the changes to the Executive Order. Once again, meaningful dialogue around the experiences of stakeholders in the SPG around the implementation of Employment First and how that ties to the updated Executive Order 15-01 is not apparent, and did not appear to be solicited. The SPG was never provided a copy of the full proposed order, or even the final version of Executive Order 15-01 at any time before it was issued. In fact, representatives of the DD Council who sit on the SPG only learned about the new

Executive Order when told by advocates from Disability Rights Oregon to look at the Governor's website.

4. Another example of not providing meaningful engagement is that the initial draft of the Integrated Employment Plan (IEP), a sixty-eight page document, was emailed to stakeholders on October 16, 2013, 8 days in advance of the SPG meeting, without even an explanation that it was a requirement of the Governor's Executive Order 13-04. The IEP is a complex document with a combination of text and many tables. This is not sufficient time for participants to thoroughly read and digest the materials. This is especially challenging for self-advocates that need support between SPG meetings for reading material, as well as preparing questions for the meeting. Given the length of the IEP, self-advocates may take two additional meetings outside of the SPG for this support, all which would have had to happen within a week. Note that during that same week many of the stakeholders were already previously committed to attending the statewide MegaConference.

At the actual SPG meeting, the minutes reflect that the IEP was reviewed, and there was time for comments, but it does not appear that there was an in-depth, facilitated discussion about major components of the document or key aspects, such as the huge challenge of building provider capacity. Perhaps this discussion did not occur because everyone agreed with all the work being done and because the State claiming that it was a "living document, ... subject to changes and improvements as we are informed by our implementation activities." But more likely, there was little discussion because people felt intimidated to share that it was impossible to fully understand all aspects of a nine-year plan without a more thorough discussion when the State was saying it had to be finalized and adopted by November 1st – just seven days after the meeting.

Changes to the IEP were recorded in minutes at the following SPG in December 2013. The IEP was not discussed at a SPG meeting again until September 3, 2014 when the metrics of the Plan were reviewed against the first year of employment data and performance. Although the IEP was supposed to be modified annually (by November 2014), the State cancelled the October and November meetings of the SPG. As a result, the metrics were not discussed until the December 2014 meeting. A draft of the 80-page revised IEP was distributed to SPG members the day before its next meeting, on January 7, 2015. At that meeting, state officials claimed that "there is no change to the structure or content of this plan (IEP). The basic layout is the same." The ensuing discussion focused on metrics and did not discuss other aspects of the plan, and whether progress had been made on major aspects such as the Outreach and Awareness Plan, Plan Evaluation, or Provider Capacity. Moreover, in the one area where discussion and input was allegedly sought, there was no explanation of how new numbers and metrics were derived. Given these limited discussions, to characterize that the IEP is the result of a "rich and comprehensive dialogue" of self-advocates,

families, provider agencies organizations, colleagues, consultants, and state leaders, as noted on page 3 of the revised IEP dated January 31, 2015, is just not accurate.

▪ **The State has not Supported Self-Advocates to have Meaningful Engagement in the Stakeholder Policy Group.**

Applying the general concepts for stakeholder engagement while acknowledging the unique needs of Individuals with disabilities, the National Association of State Directors of Developmental Disabilities Services (NASDDDS) has created guidelines to provide a framework for involving recipients of state-funded DD services. Contributors to this Guide included Mary Lee Faye, the former director of ODDS. The following are examples of how the State is not applying these guidelines for self-advocates on the SPG.

- The Meeting format is too tightly structured to allow ample time for discussion, frequent interruptions, and time for interactions between group members.
- Simplified reading materials with key discussion points and tables are not provided.
- Support Staff independent of participating SPG members is not provided. Note: expecting OCDD staff members to actively participate as members while also supporting the voices of Self-Advocates is a conflict of interest.

(2) Source: The Guide, The National Association of State Directors of Developmental Disabilities Services (NASDDDS) Handbook on Inclusive Meetings and Presentations, February 2006.

After almost a full year of meeting with the SPG, conversations with self-advocates regarding their experiences indicated that they felt it was important to be involved, but did not feel heard, as noted in the September 2014 Oregon APSE Newsletter article, "Why Isn't Ross Working?" (3)

In early 2015, totally frustrated with the State's practice of failing to meaningfully include them, OSAC members felt it was necessary to formalize their request in writing, for modifications to the meeting structure, and process, so that they could at least understand what was being discussed. In response to the letter, the State finally agreed to the requested modifications. But it remains questionable whether, and to what extent, the views of individuals with disabilities, their families, and their representatives will be considered and truly reflected in Employment First plans and activities.

The significance of their viewpoints cannot be overstated. Even in the face of not being fully included, Self-Advocate, Ross Ryan expresses remarkable wisdom and clarity in his assessment of the big picture of the Stakeholder Policy Group and the Employment First Initiative.

"I go to a lot of meetings and they have lots of notes and graphs (about employment), but I need to physically see first-hand that people are getting jobs and that their lifestyles are getting better." Ross Ryan (3)

(3) Source: Why Isn't Ross Working? *THE FOCUS*, Oregon APSE Newsletter, September 2014.

▪ **The History of Stakeholder Involvement Matters**

The State of Oregon prides itself in involving individuals receiving services, families and community partners in developing and implementing social policy. Over the years, several groups have been involved in policy and implementation discussions on employment services for Individuals with I/DD such as The Employment Policy and Practice Group, and the State Rehabilitation Council. During this time, the data regarding Individuals with I/DD being employed in the community remained stagnant. Advocates participating in these Stakeholder groups were troubled and voiced concerns with the system that they thought might be contributing to the problems.

For example, one major concern was VR Services. If one were to interview Advocates regarding access to and experience with VR services for Individuals with I/DD prior to Employment First, they would overwhelmingly state that there were major problems. To this day, many Individuals with I/DD who experienced those problems must be cajoled and supported to apply for VR services. At the time, the State pointed out that system checks and balances, such as the low number of Client Assistance Program complaints, demonstrated that no problems existed. However, another more likely hypothesis is that only those Individuals with I/DD with Personal Agents or Family members willing to “stick out their necks” to support Individuals with I/DD to make complaints showed up. In general, after repeated problems, most Individuals with I/DD simply gave up and walked away. The State of Oregon did nothing to examine this issue even though Advocates on groups as high as the State Rehabilitation Council were involved.

Why does that matter in 2015?

Due to a lack of response through the existing system channels, on January 12, 2012, advocates for Individuals with I/DD filed a lawsuit to challenge the segregation of Oregon's day services of sheltered workshops. Almost, simultaneously, the Employment Strategic Planning Workgroup was convened to develop a five-year plan for employment services. Their plan was supplanted, when over a year later, in April 2013, the Governor issued Executive Order 13-04, without any involvement, input, or review by the very people most affected by the Order, and then formed the Stakeholder Policy Group with two charges: 1) To recommend outcomes and metrics to the State and review the State's performance, and 2) To advise and make recommendations to the Director of DHS and the Deputy Superintendent of Public Instruction, the Governor, and Legislature regarding the on-going implementation of the Executive Order.

Indeed, people who were already participating in other employment focused efforts were excited to be appointed to a “strategic high level” group. In the opening meeting the Director of DHS acknowledged that the term “Policy” group may not have been accurately named “because policy has been set.” Rather she stated that the group needs to “stay out of

the weeds” and should be considered more of an “Executive Implementation Team.” Put simply, the actual work is the responsibility of others. For the next two years, the State has relied upon the SPG to review lengthy documents with almost no notice, no background nor explanation and absent of meaningful dialogue. This provides the appearance of oversight, engagement, and endorsement of the plans, activities, and metrics that the State has created.

It is not coincidental that the Employment Strategic Planning Workgroup and the Stakeholder Policy Group emerged after the filing of the lawsuit. It is also not coincidental that the original Executive Order was developed without meaningful engagement of the Stakeholders. This allows no room for disagreement at the most fundamental levels. It is deceptive to imply that the State’s implementation of Employment First is embraced by stakeholders via the Stakeholder Policy Group through collaborative consensus when foundational concepts such as the definition of “Integrated Employment” do not have consensus. History does matter.

Oregon Is Not Providing Opportunity for Meaningful Choice Through the Employment First Initiative

Understanding the complexities of “choice” is central to implementing Oregon’s Employment First Initiative. Consider the following two vision statements:

“We envision a society in which persons with disabilities have equality of opportunity, full participation and the ability to exercise meaningful choice.”

Disability Rights Oregon, Plaintiff

“ODDS strives to support choices of individuals with disabilities and their families within communities by promoting and providing services that are person-centered and directed, flexible, community inclusive, and supportive of the discovery and development of each individual’s unique gifts, talents and abilities. We are committed to work toward service options to assure that people with developmental disabilities have the opportunity to have lives that are fulfilling and meaningful.”

Oregon Department of Human Services, Developmental Disabilities Services, Defendant

Although representatives of the Plaintiffs and the Defendants have similar visions regarding choice, the interpretation of the way this concept is operationalized into services is quite different. The key to this difference is in the details of how “meaningful choice” is

provided. There has been much discussion in Oregon about choice, but unless people have access to quality services, then they do not have meaningful choice.

Whether through intentional planning or a lack of clear policy and leadership, Oregon has increased access to segregated services, such as sheltered workshops and day services, instead of increasing quality supported employment services that support people to have full inclusive lives. This calls into question whether Individuals with I/DD really have had the opportunity for meaningful choice. This challenge continues even during this era of Employment First and in the face of federal policies such as the Workforce Investment Opportunity Act (WIOA) and the Centers for Medicare and Medicaid Community Waivers, which prioritize recognizing the place of integrated employment services within inclusive services.

The principles of person centered planning are steeped in choice, community inclusion, and relationships leading to full inclusive lives. Yet, Oregon states that while person centered planning is being utilized in the ISP process, many Individuals with I/DD choose services that increase segregation and isolation leading to more limited lives, less access to community participation, and less contact with individuals without disabilities. Experts in person centered planning and employment services for Individuals with I/DD would be surprised by this and would question whether individuals are being given adequate support for making meaningful choices.

Because the Employment First Outreach and Awareness program has not been effective and that “quality” (as opposed to “qualified”) supported and customized employment service providers are still rarely available, Individuals with I/DD and their Families do not have the opportunity to make informed and meaningful choices. This is the crux of the problem.

▪ **The History of Choice and Employment Services in Oregon**

Self-determination and choice is a hallmark of Oregon’s most innovative service providers. Historically, this is evident in the development of provider services in the late eighties through the mid-nineties, a period that coincides with the early efforts to deinstitutionalize Fairview, and, notably, when Oregon’s employment services were flourishing. Long before the development of the brokerages, provider agencies such as United Cerebral Palsy of Oregon and SW Washington (UCP) and Community Vision were quietly developing individualized supported living services by listening to individuals receiving their services.

In 1993, following the transition of its residential services from group homes to individual supported living, UCP’s Board of Directors decided to close their sheltered workshop and committed to provide integrated employment to all individuals who desired it. In a little over three years, the UCP workshop closed, ending an era. The following year, a team of highly respected local and national disability experts led by John O’Brien interviewed some

of the individuals served by UCP, their key team members, and people who had a role in UCP's transition and future. Their seventy-page report shared with the State and community partners, Living Into the Answers, is a detailed snapshot of UCP's journey from congregate services to individualized supports and included what choice meant in those services (4)

(4) Source: John O'Brien, Katie Banzhaf, Jay Klein, Debra McLean, Celane McWhorter, Mary Romer, Jan Staehley, and Jeff Strully, Living Into the Answers, A Review of the Transition to Individualized Supports for People Served by the Community Services Department of United Cerebral Palsy of Oregon and S.W. Washington, 1997.

During this same time, Alternative Work Concepts, birthed in 1986, was demonstrating that, with quality supported employment services and innovative support strategies, individuals with significant disabilities could work. Other vocational provider agencies, such as McKenzie Personnel and Work Unlimited, were specializing in supported employment as an alternative to the existing sheltered workshops. Although all of these innovative organizations received funding from the State, it was not the ISPs led by Case Managers, but the provider's knowledge and ability to provide quality services and meaningful choice on a day-to-day basis that drove services.

While the State claims that the focus on the deinstitutionalization of Fairview detracted from their efforts to develop quality employment services, Alternative Work Concepts (Portland and Eugene), McKenzie Personnel (Eugene), Work Unlimited (Corvallis), and Living Opportunities, Inc. (Medford) were in fact, successfully serving individuals moving from Fairview. Also, a limited number of other existing provider agencies, such as SPARC (Grants Pass) and ASI (Portland), were successful in developing supported employment for a few individuals with challenging behaviors. There is no question that there was a challenge with overall capacity, but these agencies were demonstrating that creating integrated employment services at the same time and for the same individuals who were transitioning to integrated residential placements was possible and actually occurring. It was the State's responsibility, to figure out how to replicate their efforts and bring it to scale. This did not happen. The rest is history, but not, as several of the defendants' experts claim, a defensible history.

The failure of Fairview, from an integrated employment perspective, was repeated just a few years later. The State, once again, failed to develop supported employment services as part of the implementation of the Staley lawsuit that created the Brokerages and support services. Instead of the State prioritizing – with policy and funding – the development of quality supported employment services as the masses of people entered the brokerages, the development of vocational services was left up to the market of “provider choice,” which resulted in a slew of new Alternatives to Employment (ATE) agencies and existing agencies expanding this segregated day service and their sheltered workshops. It was much easier for an entity to develop an ATE service or expand their sheltered workshop than to

develop integrated employment services, since it did not require supported or customized employment expertise or the effort to collaborate with Vocational Rehabilitation Services. In some local communities, there was and continues to be a virtual nonexistence of quality supported employment providers.

Within one or two years after rolling out the brokerages, the State required Individuals with I/DD who were receiving vocational services through comprehensive services (DD54) to transfer to support services through the Brokerages. At that time, the State made an attempt to have Individuals working in sheltered workshops consider changing their services from sheltered to supported employment. This was not broadly successful, due to the lack of good information, lack of competent providers, and the very short timelines that Counties and Brokerages were given to process these transfers. At the time, if one were to ask County and Brokerage staff how this typified a state directive, they would and did say, "Change is constant and timelines are unrealistic." This obviously is not an effective or reasonable way to provide meaningful choice, yet there are some similarities to this history and what is currently happening in Employment First – the lack of good information and the lack of competent providers.

Through the continued development of support services, without the availability of quality supported employment service providers, Individuals with I/DD and their families turned to what existed – sheltered workshops, ATEs, or community inclusion activities. Although some Individuals with I/DD and their families initially sought employment services, because there were so few who had the expertise to provide quality supported or customized employment, many either didn't get jobs or got and lost their jobs within months. Thus, those who were initially interested in employment slowly drifted to join those in segregated services or simply disengaged from employment services, disillusioned with the prospect of a getting and keeping a job.

- **Lack of Provider Capacity and the Closure of Sheltered Workshops Undermines the Opportunity for Individuals with I/DD to have Meaningful Choice**

Consultants for Employment First from every perspective who have worked in the State of Oregon emphasize the need to increase provider capacity, both in quantity and quality. This is echoed by Individuals with disabilities, family members, service coordinators, personal agents, VR Counselors, service providers themselves, and training / technical assistance providers. For some, this would be considered the lynchpin for Oregon's Employment First Initiative. The State's answer for the past two years has been to sponsor many regional awareness level trainings and have providers be certified that they are "qualified," with requirements yet to be determined. It has also been decided – and formalized in state rules – that only one staff within a provider agency needs to be certified for the agency to provide long-term employment services.

On a micro level, this level of training does not begin to address the depth of knowledge and level of skill that an individual provider staff needs to provide quality supported employment services. This was evidenced repeatedly through the interviews of the plaintiffs' expert witnesses of Individuals with I/DD who demonstrated many skills, but had providers who were unable to translate those skills into getting them a job. On a macro level, this promotes incompetency system-wide, as providers that have limited skills are teaching others. It is difficult to understand how the State or their experts can claim that Individuals with I/DD have meaningful choice if they choose integrated employment services, and yet cannot rely upon their job developers to do a competent job of Discovery or translate that information into an opportunity to work in an integrated setting that fits their skills and preferences and is within a company in which they will thrive. The lack of provider capacity for competent employment specialists, job developers, and job coaches across the state is a seriously limiting factor for providing meaningful choice.

This lack of choice, and its consequences that often increase the risk of segregation, is not merely theoretical. Without timely information and sufficient support from the State about Employment First and their futures, providers are making decisions that derail the opportunity for meaningful choice by Individuals with I/DD and their families. Executive Order 13-04 confirmed that the State would no longer be funding vocational assessments in sheltered workshops as of July 1, 2014, nor funding sheltered workshop services for transition students, new Individuals with I/DD, or transfers from other services as of July 1, 2015. After this, two agencies promptly closed sheltered workshops during 2014. Neither agency nor agencies within their communities were able to provide supported employment for the vast majority of these Individuals, so they were left with limited choices: 1) Transfer within the agency to facility-based, segregated day services; 2) Transfer to other sheltered workshops; 3) Transfer to the newly identified "Employment Path" services still held in the segregated facility; or 4) Exit services and stay home. All options led to continued segregation. This is not meaningful choice.

▪ **Employment First Requires a Stronger Commitment by the State to Meaningful Choice**

If Oregon was really committed to meaningful choice, the Policy Transmittal for No New Services in Sheltered Workshops dated February 25, 2015 would have been paired with a commitment to fund and provide supported employment services sufficient to allow all individuals seeking employment to work in integrated employment settings. This would require the commitment of all DHS and ODE partners in Employment First. Although the transmittal confirms that funding for training and technical assistance will be available to providers, nowhere does the State make a commitment to Individuals with disabilities to assure the provision of integrated employment services for all those who desire it. This is an important message – and omission – from Employment First, as without this commitment, history has shown that Individuals with disabilities come up short-changed.

Historically, Individuals with disabilities have been told they need to “wait for their turn to receive supported employment services” and for many, that wait has been years. Without a definition of what “time limited” means for “Employment Path” services, Individuals can languish in poorly implemented discovery services and volunteer jobs. To assure that Individuals with I/DD have meaningful choice, the State needs to come forward and publicly state that all its Employment First partners are **committed and prepared to promptly** provide integrated employment services to all who desire it.

The Executive Order and Integrated Employment Plan Have Not Made a Significant Difference in the Employment Careers of Individuals with I/DD -

The existing and past Executive Orders and Integrated Employment Plans and their implementation are not providing meaningful outcomes that make a significant difference in the employment careers of Individuals with I/DD. Oregonians with I/DD deserve better – opportunities for integrated employment and a richer inclusive lifestyle. That should and can be Oregon’s legacy.

▪ The Executive Order and Integrated Employment Plan Are Not Focused on Meaningful Outcomes

The State and its experts point to the Executive Orders and the Integrated Employment Plan as evidence that Employment First is working. However the primary focus of these two documents is on “services” as opposed to “meaningful integrated job outcomes” and mostly measures “process and outputs” rather than “employment outcomes” and “how the employment careers and lives of Individuals with I/DD are improving.”

The State is spending millions of dollars, and employing many government employees, and yet, these officials repeatedly declare that they cannot guarantee integrated employment for Individuals with I/DD so they are not attempting to define and measure employment outcomes as core indicators of the success of Employment First. National advocacy organizations such as Self-Advocates Becoming Empowered (SABE) (5) and the Association of People Supporting Employment First (APSE) (6) disagree with the State, and agree with Ross Ryan and OSAC, that integrated employment does matter as a significant measure of whether Employment First is working. As noted earlier,

“I go to a lot of meetings and they have lots of notes and graphs (about employment), but I need to physically see first-hand that people are getting jobs and that their lifestyles are getting better.” Ross Ryan (3)

(3) Source: **THE FOCUS**, Oregon APSE Newsletter, September 2014.

(5) Source: SABE Policy Statement on Employment, October 31, 2009.

(6) Source: APSE Statement on Employment First, October 11, 2010.

Moreover, by defining integrated employment to include those in group supported employment, Oregon is not recognizing that **only individualized integrated employment** is the true avenue for Individuals with I/DD to have meaningful choice and full inclusive lives. With that lens, looking more closely at the IEP, there are only seven goals that address meaningful job outcomes:

- 1) The number of Individuals with I/DD working in individualized integrated employment.
- 2) The percentage of Individuals with I/DD working in individualized integrated employment.
- 3) The percentage of Individuals with I/DD working in individualized integrated employment and receiving pay at or above the state minimum wage.
- 4) The percentage of Individuals with I/DD working in individualized integrated employment at greater than 20 hours per week.
- 5) The percentage of Individuals with I/DD working in individualized integrated employment at greater than 10 hours per week.
- 6) The number of adults with I/DD who newly achieve employment in individual integrated employment settings.
- 7) The number of youth with I/DD who newly achieve employment in individual integrated employment settings.

These should be, but are not, a central focus in measuring whether Oregon's Employment First efforts are making a significant difference in the employment careers of Individuals with I/DD. Most importantly, these goals should be more than goals – they should be the clear expectations of the State's efforts and to which the State is accountable, and not simply aspirational statements. Finally, some of these metrics, particularly those concerning hours and the number of youth who newly achieve integrated employment, are unreasonably low and plainly insufficient.

▪ **The Data on Meaningful Employment Outcomes is Poor**

As mentioned above, there are only seven data points that are meaningful employment outcomes for Individuals with I/DD. The following table summarizes this information from the January 2015 IEP with 43% of the goals, three out of seven, that were seriously below target in bold.

Increase the percentage of Individuals with I/DD who:	Baseline	6/30/14 Target/Actual		6/30/15 Target
Are working in an individual integrated employment setting.	12%	13%	13.1%	14%
Are working in individual integrated setting that receive pay at or above minimum wage.	78%	81%	82.6%	90%
Are working in individual integrated employment settings >10 hours/week	20%	29%	21%	43%
Are working in individual integrated employment settings >20 hours/week	3%	15%	4%	21%
Working in individual integrated employment settings	1353	1403	1486	1586
Receiving ODDS/VR employment services who newly achieve employment in an individual integrated employment setting.	266	290	295	315
Youth (18-24 years old) receiving ODDS/VR employment services who newly achieve employment in an individual integrated employment setting.	137	150	134	160

"Did you know?" an article, in Oregon APSE's Newsletter, the ***FOCUS*** (3) discusses that only 13.1% of those in services are in individualized integrated jobs and noted that this figure had roughly stayed the same from 2011-2014. It also noted that some in individualized integrated employment are only working 1-2 hours per week, which greatly diminishes the impact of the data of the number of individuals who are working in an integrated setting. Being engaged 1-2 hours per week does not constitute integrated employment in most people's minds and would bring into question how much actual community integration is occurring. Indeed, the article concluded that, *"Quality assurance without quality standards is not very reassuring."*

Because of changes in data tracking and inconsistencies between major publications (i.e., the January 2015 IEP and the January 2015 Employment Data), tracking trends with historical as well as current data is extremely challenging and accountability is nearly impossible.

For example, in the most recent Employment First Data Report one cannot determine the number of unique individuals that are in individualized integrated employment because that is not in the report. In the narrative, it states that of the 5,620 service recipients, 1,258 unique individuals are working in integrated employment settings encompassing both individualized and group employment. However, in the accompanying table, the numbers of individuals served in integrated employment settings do not add up to 1,258. According to the numbers in the table, in a best case scenario, if the 573 individuals counted in integrated employment settings are “unique” individuals, then they are a total of 10.2% of the unique # of individuals served. **This would indicate an actual 2.9% decrease from the previously recorded 13.1% of Individuals with I/DD receiving individualized integrated employment over the past six months.** Footnotes indicate that individuals with natural supports are not included so perhaps that is a reason for the decrease, but that cannot be discerned from the data reported. More importantly, even if that is the reason for the significant decrease, it reveals that the earlier numbers and percentages were inflated, since they included Individuals with I/DD who secured their own employment or are working without any employment support from the State.

Community members state that the goals and outcomes for individual integrated employment are not sufficient. The State declares that they have met their 2014 goals in the percentage and number of people in individual integrated employment. However, the increase of 1% as a goal for individual integrated employment is unacceptably low. The number of 1,486 working in individual integrated employment settings cannot be found in the January 2015 Data Report as it only reports 573 in individual integrated supported employment. Although the data indicating that the actual percentages of individuals working in individual integrated employment over 10 hours and over 20 hours are substantially below the projected targets, there is nothing to indicate any corrective actions to address this critical issue in the revised IEP. Finally, that the goal for increasing the annual number of youth transitioning from school to integrated employment is unacceptably low – only 23 youth over two years, and that this number actually decreased in 2014 is alarming, yet again, there is no corrective action in the revised IEP.

The State is not assuring meaningful employment outcomes that lead to the advancement of employment careers of Individuals with I/DD are being pursued and measured. Of all the outcome measures for Employment First, integrated employment data should be the most straightforward and important for evaluating progress. By that measure, the Executive Order and IEP are having little impact on the real lives and employment careers of Individuals with I/DD. Moreover, with the constant change in the data systems and points,

it is not possible to rely upon the State's data over time, so accountability is missing and Individuals with I/DD are losing out.

▪ **The Experience of Employment First for Job Seekers**

The September 2014, Oregon APSE Newsletter, **FOCUS** led off with the article, "Why Isn't Ross Working?." (3) The story describes Ross Ryan's initiative to pursue employment and illustrates that system partner accountability is lacking. For example, although in October 2013, he participated in an employment focused person centered plan and was told that he would be referred to VR for job development services, it wasn't until September 2014, ten months later, that he entered VR services. Although he had clearly communicated his desire for integrated employment, no one had made a referral to VR and no career development planning had been initiated.

"When asked about his services, he (Ross) says, 'They (service providers and VR) care, but they don't care...They're not used to working with people like me...I hear a lot of excuses from Managers and Case Managers... They say, 'We have not found a job. We have to wait and see if there are any openings.' Then they beat around about the job.'" (3)

Ironically, within one week of the Newsletter, Ross was assigned a brand new job developer who stated that he would be meeting with him weekly. Subsequently, Ross did get a part-time job that did not fit his skill profile, but did supplement the few days per month that he works as a paid advocate for the Oregon Council on Developmental Disabilities (OCDD), a job that he got without the Provider's or VR's support. Even though Ross is underemployed and spends most of his time in a job that doesn't fit, he does not get additional job development services because he already has a job. This smacks of "any job will do." Since Ross is on the Stakeholder Policy Group and is highly involved in Employment First and public policy, some would say that his employment career experience is not typical. However, if this poor standard of partner accountability is considered preferential treatment, then one must seriously worry about the plight of others. In fact, many of Ross's colleagues from the same agency had no meaningful choice when the agency closed the sheltered workshop without developing supported employment options for them.

"This Puzzle is Tough to Piece Together" from the same **FOCUS (3)** characterized Employment First as a puzzle with the following two missing pieces: 1) The definition of Integrated Employment – Fully integrated (individualized and not group), 20 hours per week, and minimum wage or higher, and 2) Physical evidence that people are getting jobs and lifestyles are improving.

▪ **The Community Perspective**

The Defendants' experts interviewed the State's leadership, many paid staff, and selected members of the Stakeholder Policy Group, although not those representing Individuals

with I/DD, to determine that The Executive Orders and Integrated Employment Plan are working. From that perspective, the intensive activity to hire many state employees and to create plans and documents demonstrate that “process” and “outputs” are happening. However, if one takes the perspective of the broader community, including those with Individuals with I/DD who are transitioning from school to adult life and those in sheltered workshops, families of both groups, and the advocates at the grass level, their observations are that very few people are getting meaningful employment outcomes. Their collective perspective is that the Executive Orders and Integrated Employment Plan have done little to advance the employment careers for the vast majority of Oregonians with I/DD. Two community groups who have publicly shared their concerns for the EO and IEP and their implementation are the Oregon Intellectual and Developmental Disabilities Coalition, (OIDD) and the Association of People Supporting Employment First (APSE)

The Oregon I/DD Coalition is a group of approximately 30 organizations throughout Oregon that promote quality services and supports to further equality and community integration for Oregonians with intellectual and developmental disabilities and their families. After much discussion and deliberation, the Oregon I/DD Coalition sent a letter to the Employment First leadership outlining issues and solutions that they had regarding elements of the implementation of the EO and IEP. The first identified area was the *“confusion in the field regarding the long-term vision of employment” ... “timelines and implementation is confusing and unclear (to increase integrated employment).”* The letter also stated, *“We need continued clarity and training around the definition of integrated employment, employment path services, the Discovery process, how sheltered workshops will be addressed, and more education around benefits planning.”* Other identified major issues were the rates and use of the SIS assessment as well as the needed resources to increase the provider capacity especially in rural areas.

(8) Source: Oregon I/DD Coalition letter to Lilia Teninty et. al, March 15, 2015.

APSE is the only national organization with an exclusive focus on integrated employment and career advancement opportunities for individuals with disabilities. With the dissolution of the Employment Task Force (advocates who had initially drafted language that became the foundation of Oregon’s Employment First Policy), a sub-group came together to rebirth an Oregon Chapter of APSE in the summer of 2012. Since that time, Oregon APSE has grown to over 120 members comprised of Individuals with disabilities who are employees and job seekers, Family members, job developers, job coaches, students, advocates, peer mentors, teachers, employers, public employees (including of the State), and consultants working in the disability field. Oregon APSE’s leadership, the Governing Board, mirrors the inclusiveness of its membership, as well as having respected local leaders and nationally known consultants. Governing Board members are represented on the Stakeholder Policy Group as well as Employment First Teams across the State. They have the pulse of what is happening at the grassroots level.

Oregon APSE was deeply concerned with the April 2013 publication of Executive Order 13-04 and responded with ten recommendations in May with Oregon APSE's Response to the Executive Order, "Real Jobs, Real Workplaces, and Real Wages" (7) which was sent to the Director of DHS and the Employment Coordinator. Tellingly, no State official ever responded. Oregon APSE had ten recommendations for strengthening the Executive Order. The first on the list was *"Define integrated employment for individuals with disabilities as individual community jobs paying minimum wage or higher. Do not accept segregated enclaves or crews within the definition of integrated employment."* This remains a major issue of advocates as of 2015. The Response also recommended high expectations for outcomes such as *"(an) additional 195 individuals employed... and 120 competent providers to meet the targeted outcome goals by July 1, 2014."* Despite these recommendations, there are few people getting and maintaining integrated employment as defined by APSE even in 2015 and provider capacity is still seriously lacking. Recommendation #7 states, *"Prioritize clarifying and simplifying funding streams and co-investing...assure that these are not barriers to employment."* Community members complain that the current funding practices from the State are anything but clear and simple and do create barriers for sustaining integrated employment.

(7) Source: Oregon APSE's Response to the Executive Order, "Real Jobs, Real Workplaces, and Real Wages", May 2012.

The impact of the EO and IEP on youth in transition and employment training provided by public schools is similarly disappointing. Community advocates are deeply troubled by the low expectations/goals of the IEP, and the actual decrease in the annual number of youth transitioning from school to integrated employment in 2014. While the **FOCUS** article noted that the Oregon Department of Education had recently hired the part-time Transition Network Facilitators and implemented the Transition Institutes, there have been few stories of students transitioning from school to work as a result of Employment First, other than those participating in the Seamless Transition Pilots. The Seamless Transition Pilots is a demonstration project in five schools across four counties. Although the exact number of students who made the transition from school to integrated employment and continued to stay employed over a two-year period has not been published, an estimate is that it is less than twenty. School personnel in other schools and districts may have a general awareness of Employment First, but students with I/DD have yet to be affected. For example, on April 7, 2015, a panel of Washington County transition teachers and one special education director were asked to discuss school to work transition needs for Individuals with I/DD facilitated by the Transition Network Facilitator on behalf of the local Employment First Team. None of the Educators were aware of the newly unveiled policy on Discovery for transition students nor their role in it. They were thankful to obtain a copy of the policy; however, they expressed concern about how Employment First policies were being rolled out that affected them without their knowledge or involvement. Although all had heard of

Discovery, they had little understanding of its foundation for customized employment as a service option and that it could be available for their students. Whether these Educators had attended a Transition Institute is unknown.

Roberta Dunn, Executive Director of Family and Community Together, eloquently sums up the perspective of family members of youth:

"What do I need to support my son in his pursuit of employment? We've been working on it for several years... I'm learning the language, identifying potholes, pit falls and other barriers to our destination. Employment First is a monumental initiative for systems to actualize change that families have wanted for years. We are now in the throes of that change....and it is challenging: while the systems 'storm and norm'....families like myself are out there trying to navigate a system feeling blind-folded, spun around and pointed in a direction and told 'employment first!' Many are lost dazed and confused....

So when will we get there? When a well-oiled system meets families demanding employment opportunities, that's when the magic will happen. In the meantime, please remember that on the other end of these efforts is an individual ready to contribute to community his/her gifts and talents with an expectation of fair compensation." (3)

(3) Source: Dunn, Roberta, Directions, Map or Schematic?, **FOCUS**, September 2014.

Oregon's Plan for Reducing Segregated Workshops and Providing Supported Employment in Integrated Settings Is Insufficient

For the past twenty-five years, there have been a few steadfast policy makers and practitioners who have continued to focus on how agencies transition from sheltered workshop to supported employment services. In fact, Vermont APSE has co-sponsored a national organizational change forum for leaders from across the country on this topic. In the early years, this was called "conversion" while the more contemporary word is "transformation." Neither term is quite accurate as they do not emphasize that this is a process about "service delivery" and not only about what happens to an agency.

Media and trainings on organizational change are numerous in the business world. What makes the process unique for organizations operating sheltered workshops and moving to supported employment is their ability to fully embrace the tenets of integrated employment throughout their organizations as the driving force for their organizational change. It is a process of partnering with the Individual with disabilities and his/her support team, to visualize and actualize integrated employment – a process that is repeated **one by one for each Individual and cannot be compromised**. Successful organizations must be highly skilled in this process foremost. Only if this is done well by the agency, do the Individuals receiving services and the organizations thrive. If this is not done well, then

the agency and the Individuals with I/DD are at great risk. Oregon's challenge is to lead and support this effort across the state.

Unfortunately, Oregon's current plan for assuring the reduction of segregated workshops and providing supported employment is not sufficient to make this successful.

▪ **Missing Elements in the Plan**

In her 2013 presentation at the Vermont organizational change forum, "Organizational Change from Facility-based to Community-based Employment Services," national expert, Pat Rogan, describes the following critical features of states:

- Positive philosophy, policies, & adequate funding
- Capacity building & advocacy efforts
- Strong, consistent leadership
- Data based decisions
- Employment First policies & systems change initiatives

In addition, she outlines Lessons for Organizational Change:

1. Establish clear and uncompromising goals such as "By June 2014, we will place 40 people in individualized integrated jobs that pay at least minimum wage average 20 hours per week."
2. Communicate expectations to everyone often.
3. Reallocate and restructure resources such as "Focus on staff development and mentoring."
4. Just do it. Find jobs one person at a time! – such as No need to get ready - Teach in community.
5. Develop partnerships.

Finally, she identifies Tips from Those who Have Been There:

- Involve all levels in discussion of vision and values.
- Invest heavily in training.
- Use the Vision and inherent values to evaluate everything.
- Communicate, communicate, communicate,
- Use individual planning for all...tie the agency's success to your customers'.

(8) Source: Rogan, Pat, Organizational Change from Facility-based to Community-based Employment Services, power point presentation at the 7th Annual Organizational Change Forum, Burlington, Vermont, October 2013.

The following is a brief analysis of Oregon's implementation of transitioning organizations from providing sheltered workshops to supported employment in relation to Rogan's recommendations:

Critical Issues for States: In earlier discussions, it was established that Oregon's implementation plan for Employment First has deficiencies and omissions, serious issues with several of the critical issues for states including questionable or ineffective policies, leadership, data, and provider capacity. Although there is some technical assistance built into the Oregon transformation grants, it does not have the depth nor longevity to make it successful. Organizations that have made this change know it will take years of technical assistance mentoring, and Oregon has plans for eighteen months, much of which has passed.

Lessons for Organizational Change: Rogan identifies clear and uncompromising goals, including competitive integrated employment that is individualized, adequately compensated, and appropriately intensive (number of hours worked/week). She echoes what Oregon APSE has repeatedly stated that there is a need for integrated employment outcome goals with accountability. This is missing in Oregon's plans. Communication regarding Oregon's plans around organizations transitioning services from sheltered employment to supported employment is virtually non-existent. Although the community is aware that over twenty agencies are receiving up to \$150,000 for transitioning services, even the most knowledgeable Employment First Teams are wondering what is actually happening regarding actual work being done in their counties. In organizational change initiatives, momentum is vital so this delay is unfortunate. "Just do it. Find jobs one person at a time! No need to get ready" is at odds with Oregon's entire Employment Path services.

Tips from Those who Have Been There: Stakeholders have not been involved in the most fundamental discussions on vision and values. They are still unclear of the vision. "Use the Vision and inherent values to evaluate everything." Agencies that embrace community integration and using individual planning will be in conflict if they are also doing facility-based day services. The State has no plan for this serious challenge that many organizations will have to face.

Oregon's vision and scope of work is not comprehensive enough to effectively massively reduce segregated workshops and provide supported employment in integrated settings to all persons who can and choose to work. The State is already struggling with provider capacity and is not putting into place quality trained staff with in-depth skills in Systematic Instruction, Discovery, Person Centered Planning and Individualized planning, Supported Employment, and Customized Employment. Living Opportunities, Inc. and UCP of Oregon and SW Washington have demonstrated what it takes for an organization in Oregon to

make this transition from segregated workshops to supported employment in integrated settings. At its core, it begins with highly trained employment staff that can assure employment outcomes for job seekers to demonstrate to the rest of the organization, the other Individuals with I/DD seeking jobs and their families, and the general community what integrated employment really means. With few demonstrated results happening across the organizations receiving transformation grants, Individuals with I/DD and communities are not getting the vision that is needed to transform these agencies. This is not an effective way to lead what is one of the most challenging elements of Oregon's Employment First Initiative, and, for the reasons discussed above, it simply is not working for Individuals with I/DD.