

DISTRICT OF OREGON

PORTLAND DIVISION

**PAULA LANE, et al.,**

on behalf of themselves and all  
others similarly situated, and

Case No.: 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.

**EXPERT REPORT OF DR. MARY E. MORNINGSTAR**

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## **I. EXECUTIVE SUMMARY/PURPOSE OF REVIEW**

### **A. Executive Summary**

Students with intellectual and developmental disabilities ("I/DD") across Oregon do not have access to adequate or effective services and supports to make the informed choice to work in integrated employment settings. Instead, the State of Oregon programmatically relies on providing employment-related transition services using predominantly segregated settings. High schools throughout Oregon have perpetuated low expectations of youth with I/DD, particularly students with the most severe disabilities, by structuring school transition programs to focus almost exclusively on job readiness and pre-vocational skills training, where students do not have access to effective and evidence-based interventions known to promote integrated employment. Instead, students typically perform tasks common to adult sheltered workshops, like sorting, shredding, and folding laundry in classrooms and across school settings with only other students with disabilities. Oregon has not adequately or effectively provided evidence-based training and support to school districts focused on the precepts of person-centered planning, career exploration, career preparation, and work-based learning in integrated settings, including competitive, integrated employment. Moreover, Oregon has not effectively advanced critical elements necessary for the transition to integrated employment including: clear communications to families and students about state transition policies; access to integrated school-based learning experiences; training and experiences in individualized and integrated work settings; and strategies for ensuring high levels of interagency collaboration such as establishing timely relationships and connections between youth with I/DD and adult service agencies.

As a consequence of Oregon's excessive reliance on segregated transition services, and concomitant failure to provide educational staff as well as transition-age youth with I/DD with the information, services, and supports necessary to make an informed and meaningful choice to work in integrated post-secondary employment settings, youth with I/DD have been placed at serious risk of unnecessary segregation in adult sheltered workshops following exit from school.

The serious risk of unnecessary segregation imposed on Oregon youth with I/DD is not theoretical, but rather an inevitable reality, due to state agencies' limited support for developing new models of employment-related transition services at a rate sufficient to keep up with the express commitment of Oregon Executive Orders 13-04 and 15-01 to close the front door to sheltered workshops just three months from now on July 1, 2015. Transition-age youth with I/DD exiting special education services will continue to enter segregated sheltered workshops or, in the alternative, to enter segregated day programs if and when sheltered workshops are no longer available service options. Consequently, were youth with I/DD relegated to segregated day programs and alternatives to work, after the front door to sheltered workshops is closed, they would be pushed even further away from integrated and competitive work.

Oregon has long acknowledged that its youth with I/DD transition directly from schools to segregated sheltered workshops, yet two years after the issuance of Executive Order 13-04, the State has done little to stop the persistence of the problem or develop and implement a robust system to mitigate past inadequacies. Namely, the State has committed few, if any resources, to monitoring whether youth with I/DD continue to transition from school to sheltered workshops, even despite clear evidence that schools continue to support this setting as a viable post-secondary service option. Oregon also has failed to establish a baseline for the number of youth with I/DD who transition from school to sheltered workshops per year to understand the scope and depth of the problem, and has failed to impose any consequences on school districts should students continue to transition from schools to sheltered workshops after July 1, 2015. Moreover, even if the front door is successfully closed, with the absence of training and curricula related to the provision of integrated and paid work-based learning experiences while students are in high school and transition programs, few options other than students' unnecessary segregation in segregated sheltered workshops and day programs appear likely.

## **B. Purpose of Review**

The purpose of this report is to provide my analytical findings and evaluation of Oregon's youth transition system for individuals with intellectual and developmental disabilities. Specifically, I reviewed:

1. Whether youth with I/DD are at serious risk for unnecessary placement in sheltered workshops or other segregated settings;
2. If families and youth with I/DD are provided experiences while in school that lead to informed, meaningful choices for competitive integrated employment (i.e., supported, or customized and self-employment options); and
3. Whether the State is progressing toward meeting its commitments under the 2013 (revised 2015) Executive Order and Integrated Employment Plan (November 1, 2013; revised February 2, 2015) specifically as it relates to youth with I/DD.

## **II. QUALIFICATIONS**

I have been involved in training, technical assistance, and research regarding transition from school to employment, postsecondary education, and adult life for over 25 years. I am an associate professor in the Department of Special Education at the University of Kansas, and for the past 15 years, Director of the Transition Coalition. I founded the Transition Coalition to provide professional development, training, and technical assistance to secondary special educators and transition practitioners, including on employment-related transition services. The Transition Coalition has 20,000 active users engaging in training and technical assistance nationwide. Since 2005, I have also held the position of Coordinator for the teacher education program for teachers of students with I/DD and significant disabilities, working to transform special education coursework to support inclusive practices in schools and the community that promote improved outcomes. In 1990, I was Director of the community agency Full Citizenship, Inc. that collaborated with the school district and community agencies in Lawrence, Kansas to transform school- and work-based learning experiences to ensure that students

with I/DD and other significant disabilities transitioned from school to customized and supported employment. For the last ten years, I have developed and coordinated the online masters program focusing on preparing secondary educators across the country to provide transition education and services to youth with disabilities including those with I/DD.

Prior to moving to Kansas, I was a teacher for students with significant intellectual disabilities and worked to promote community-based and paid employment as part of an innovative program to transform secondary educational experiences for youth with significant disabilities. I also bring the perspective of a family member based on my experiences as a sibling of a brother with intellectual disabilities. My curriculum vitae is attached to this report as Appendix 1.

### **III. INFORMATION CONSIDERED**

Since my retention as an expert in this case in January 2015, I reviewed a variety of documents regarding state services and policies and procedures, as well as several deposition transcripts from this case. I also undertook a paper review of Individualized Education Plan ("IEP") records and engaged in a week-long in-field review of various school district transition programs for youth with I/DD throughout Oregon. Finally, I conducted interviews by phone with people knowledgeable about the history of employment-related transition practices for youth in Oregon as well as with additional school district officials and staff.

I used a multiple-step process to collect and analyze data and information upon which my findings were based:

#### **A. Review of Policies and Procedures**

I reviewed documents from this case including, but not limited to: information developed and distributed by state and local educational, rehabilitation, and developmental disabilities agencies pertaining to transition-age youth with I/DD ages 14-21. A list of documents is attached to this report as Appendix 2.

#### **B. Review and Analysis of Individualized Education Plans (IEPS)**

I reviewed IEPs for 60 students from the 15 most populous Oregon public school districts, who received services in Community Transition Programs ("CTPs") designed to provide transition education and services for youth with I/DD ages 18-21 years old and who primarily exited during the 2013-2014 school year.

#### **C. Site Visit Observations and Interviews**

I traveled to Oregon to review and observe school transition programs for students with I/DD. This week-long visit included interviews with a range of school administrators (directors of special education, secondary transition district coordinators);



CTP staff (teachers and Vocational Transition Specialists ["VTSS"]); and Youth Transition Program ("YTP") staff (teachers and VTSS).

**D. Interviews with Educational Service Districts ("ESD") and School Districts Providing Transition Services**

I contacted all 19 ESDs to determine the types of educational and transition services being provided to youth with I/DD ages 14-21. I also held two phone interviews with school districts unavailable during my February 2015 visit (Salem-Keizer School District, and Gresham Barlow School District).

**E. Informant Interviews**

In preparing this report, I spoke by phone and in person with individuals knowledgeable about employment-related youth transition practices in Oregon. These individuals included: Debra McLean, Tara Asai, David Abramowitz, Gary Chiaravelli, Roberta Dunn, and Paula Johnson.

The following sections of the report will provide a detailed examination of Oregon's employment-related transition service system and the manner in which transition-age youth with I/DD, ages 14-21, have been placed at serious risk of placement in sheltered workshops and other segregated settings. Section IV of this report provides an overview of employment-related transition service systems, including their purpose and professional standards and practices; Section V provides a background of Oregon's transition service system; Section VI describes the review of Individualized Education Plans, and the results of that review; Section VII describes the transition program review; Section VIII contains my findings, Section IX examines the effectiveness of Oregon's Executive Orders 13-04 and 15-01; and finally Section X states my summary and conclusion.

**IV. OVERVIEW OF TRANSITION SERVICES**

**A. Purpose of Transition Services**

The purpose of transition services is to support students with disabilities as they exit high school special education programs and move into the next stage of their lives, including to postsecondary employment or educational settings. Transition is both a federal mandate in place since 1990 as part of the Individuals with Disabilities Education Act ("IDEA"), as well as an organizational framework for providing high quality programs and services to meet the individual outcomes of youth with disabilities. In special education, transition has historically been a bridge between the security of school, and an entitlement to a free and appropriate public education, to the risks and opportunities of an adult life, and the adult eligibility system of services. (Will, 1984). Youth with I/DD making the transition from school to adult life often have complex support needs, especially when it comes to finding and sustaining integrated employment. Professional standards have shifted over the past few decades to include a particular

focus by secondary special educators upon the student's and family's desired post-school employment outcomes as the guiding force of transition planning. Accomplishing this shift depends upon a system of transition services that concentrates on the student's strengths, preferences, and interests; and then develops transition plans and services that address the student's unique support needs leading to inclusive and integrated adult lives including employment.

When compared with other students with disabilities, youth with severe and multiple disabilities, including I/DD, continue to experience the least successful adult outcomes among transition-age youth (Sanford et al., 2011). Frequently, youth with I/DD are supported unnecessarily to transition to segregated work settings, where they have few opportunities to interact with nondisabled peers, without first having been provided a choice to work in alternative integrated settings in the community. Given the prevalence of segregated employment-related transition services for this group of youth, and false assumptions about their capabilities and strengths, many youth with I/DD find that the innovations of the field over the last several decades are beyond their reach, including the transition services and supports necessary to support them in moving from school to a quality adult life inclusive of working in integrated community settings (Braddock et al., 2013), (Certo et al., 2006).

#### B. Professional Standards and Practices for Transition Services

The importance of providing youth with I/DD with effective and evidence-based career development and work experiences prior to exiting special education and transition services is a well-established, widely held, and professionally accepted standard. There is proof of predictive relationships between the types of employment preparation and transition services students with disabilities receive while in school and their long-term employment outcomes. Students must be provided effective preparation to make informed, meaningful choices for competitive, integrated work. Indicators of quality employment preparation have been established by the field including:

- a. Comprehensive and Person-Centered Career and Transition Assessment Approaches Leading to Expectations for Paid Integrated Work
- b. Focused Stages of Career Development Operationalized (Career awareness, exploration, development)
- c. Student Participation in Supported and Customized Employment while in School
- d. Qualified and Trained School Personnel
- e. Interagency Collaboration Among Employment-Focused Agencies (Vocational Rehabilitation ["VR"], Developmental Disability Services ["DD"], Employment Providers) (staff and long-term support) (*Guideposts to Success, 2nd Edition*).

Current professional standards for services supporting youth with I/DD in obtaining competitive employment focus on providing transition assessments that incorporate career exploration and development into the core curriculum; and more importantly, promoting the expectation that competitive, integrated employment is the first option for all youth with I/DD who select to work (Association of University Centers on

Disabilities, 2013). Since the mid-1990s, research has supported the systematic provision of a comprehensive set of integrated work experiences including volunteer, unpaid, and paid internships (including summer employment) beginning no later than age 14 and continuing until permanent paid employment is obtained (Bates, Cuvo, Miner, & Korabek, 2001; Benz, Yovanoff & Doren, 1997; Bullis, Davis, Bull & Johnson, 1995; Mechling & Gast, 1997). In fact, Carter, Trainor, Swedeen, & Owens (2009) demonstrated the efficacy of combined school and community strategies involving education and VR personnel to increase summer employment during a *summer paid work experience* for students with severe intellectual disabilities. Researchers have long established the importance of *paid* internships in integrated settings and seamless transition models for students with intellectual disabilities by incorporating high levels of interagency collaboration (Certo & Luecking, 2008; Luecking & Fabian, 2000; Luecking, Cuozzo, Leedy, & Seleznow, 2008).

Research suggests that a relatively small proportion of adults with severe intellectual disabilities, autism, or multiple disabilities access paid work experiences in their local communities (Butterworth, Smith, Hall, Migliore, & Winsor, 2010). Moreover, many work experiences — when they do occur — involve low wages, provide few hours, and take place within segregated settings. As noted by Rusch, Hughes, Agran, Martin, and Johnson (2009), without substantial changes to how youth with disabilities are prepared, the prevailing transition is really a “bridge to nowhere.” It is also clear that when examining the critical factors that influence future employment for youth with I/DD, certain employment opportunities experienced during transition services are essential. Carter, Austin and Trainor (2011) identified that paid work while in high school was a clear predictor of post-school employment; whereas unpaid school-sponsored work was not. In addition, these researchers found that student participation in prevocational classes was not a significant predictor of post-high school employment. Initially, in their analysis, these researchers found that: (a) having identified vocational skills as IEP goals, (b) job search skill instruction, and (c) spending more than twenty-five percent of the day in community work experiences were associated with increased employment. However, these factors were not statistically significant in comparison to paid employment while in high school. Providing opportunities for youth with I/DD to experience paid community work prior to exiting transition programs is one of the most influential factors leading to post-school work in integrated settings. There is no current research or evidence to support that pre-vocational or pre-employment skills programs lead to employment in integrated settings. Youth with I/DD who do not experience high quality and evidence-based employment-related transition practices are more likely to receive employment services in segregated, sheltered workshops if they receive employment services at all.

Models of successful approaches to career development and work experiences specifically for youth with I/DD have emerged over the past two decades with proven higher rates of transition to post-school integrated employment. Such models include intensive paid internships during the summer months (Carter et al., 2010); Seamless Transition Models (Certo & Luecking, 2010); and Project SEARCH (Rutkowski, Daston, Van Kuiken, & Riehle, 2006; Wehman, et al., 2014). The current evidence-based models of successful employment all used, as a foundation, earlier research supporting the effectiveness of paid employment and work experiences for youth with a range of

disabilities. Earlier research has proven that student who had two or more paid jobs during high school (Benz et al., 2000), and students who had a year-round paid job or who had a paid job at the time of exit, were five times more likely to be employed post-school (Bullis et al., 1995; Rabren, et al., 2002).

Specific indicators of career development for youth with I/DD are well established and multi-dimensional. Models of effective programs to prepare youth with I/DD for post-school employment have been established through research and development over the past few decades. Critical elements focus on first ensuring that programs focus on student-driven approaches to career assessment and job development; and second that students with disabilities have access to paid integrated competitive employment experiences prior to exiting transition services. Without such directed and explicit experiences, youth with I/DD are more likely to be at serious risk of transitioning to sheltered employment or other segregated service settings rather than to competitive, integrated employment.

## **V. BACKGROUND: OREGON'S TRANSITION SYSTEM OF SERVICES**

Over the past two decades, Oregon's system of transition services for youth with I/DD has been undermined by low expectations, segregated services, and extremely contradictory policy guidance. The State has issued numerous policies that do not translate into substantive changes in employment outcomes or clear guidance to the field. The Oregon Department of Education ("ODE"), to date, has refused to analyze existing data to determine the baseline for the number of students who transition from school to sheltered workshops each year, so as to analyze the scope of a problem that the State has acknowledged for years. Repeated and poorly thought-out policy transmittals have created confusion among schools. As a result, school transition programs have typically provided students with employment-related transition services in on-campus programs, providing ineffectual experiences. Moreover, state agencies continue to fail to collaborate and braid funding prior to age 21 even though it is a widely accepted professional standard in the field. Despite this lawsuit commencing more than three years ago, the State effort through various and constantly revised plans continues to be insufficient to rectify the serious risk imposed on youth with I/DD of transitioning to segregated sheltered workshops and other segregated settings.

### **A. 2006-2015 Policy Transmittals**

Oregon has a history of state level policies that serve as barriers to students accessing the adult service system prior to exit from school.

The 2000 Staley Settlement required Oregon Department of Developmental Disability Services ("ODDS") to make changes to services for individuals with I/DD, and such changes impacted youth exiting special education services, increasing such students' access to the Medicaid Waiver. Brokerages — non-profit organizations across the state with responsibility for managing the Support Services Waiver — were developed and began to support youth ages 18-21 to access Home and Community Based Medicaid

Waiver services (“HCBS”). These services provided flexible approaches to sharing responsibilities for work experiences. Following the Staley Settlement, schools could access Oregon Vocational Rehabilitation Services (“OVRs”) funding for job development, placement and training approximately 18 months prior to students’ exit from school, while at the same time developing working relationships with the Brokerage that included working with supported employment providers.

In 2006, however, such examples of braided funding were largely halted when the Department of Human Services (“DHS”) published three concurrent policy transmittals on July 6, 2006: SPD-PT-06-030, SPD-PT-06-029, and SPD-IM-06-057. The Policy Transmittals disallowed youth ages 18-21 from accessing Brokerage employment services while school was in session and while such students received school special education services. The 2006 Policy Transmittals remained in place for seven consecutive years without revision.

After the onset of litigation in this matter, DHS published Policy Transmittal APD-PT-13-011 on July 3, 2013, a policy pertaining to the issue of whether students in school can access the Brokerage Waiver to obtain the necessary ongoing services and supports to allow them to maintain employment in integrated settings. The 2013 Transmittal stated that it was a “further clarification” of the 2006 Transmittals and it invoked the Governor’s Executive Order 13-04 in recognizing that students may obtain integrated employment while in school and may access ongoing supports through the Waiver to maintain that employment. While the 2013 Transmittal seemed to allow flexibility in providing ODDS employment services to students ages 18-21, in reality, under the new policy, the services were only available if the integrated employment was not part of a high school transition service or program. Such programs included paid work experiences for students, internships, or similar activities generally available to other students, and designed to prepare students for long-term employment. Accordingly, as the 2013 Policy was written, virtually any employment activity initiated by a school district could be construed as not allowable. The 2013 Transmittal lacks the core attributes of collaborative and seamless transition models, including clear and concise expectations of the various agencies involved in transition (e.g. explicit language allowing braided and blended funding) to ensure that students may transition to competitive, integrated employment.

Very recently, on March 27, 2015, DHS issued yet another revised policy on the subject of whether youth can access brokerage waiver services during school: 2015 OAR Transmittal 15-011. The 2015 Policy Transmittal continued to use the restrictive language of past transmittals dating as far back as 2006, language that all but disallows employment services under the Medicaid Waiver if schools are promoting paid integrated employment. It explicitly reverted back to past policies articulating a “payer of last resort” by adding language mandating that Medicaid funded employment services are only available if the services are not available through the school/Local Educational Agency (“LEA”), as part of special education under IDEA, and also not available through OVRs. Such language followed in a long line of earlier DHS Policy Transmittals pertaining to transition that have left considerable doubt as to who or which agency is

responsible to pay for what service. Transmittal 15-011, as currently designed, will prevent an appropriate leveraging of resources across funding streams, contrary to widely accepted professional standards in the field.

The latest policy was intended to announce that Discovery, the Medicaid Waiver service, is a service that can be provided to youth ages 18-21 receiving school transition services. Prior to this policy, it was the policy of DHS, and the prevailing belief among school districts, that youth could not access Discovery. Therefore, school-age youth that previously wanted to seek the assistance of a job developer, through the adult system, to identify their skills, interests, and strengths, and to introduce them to various integrated alternative employment settings, could not do so previously.

#### B. 990 Hours of Instructional Time

In 2011, Oregon enacted HB 2283 into law obligating school districts to allow students with disabilities who receive a modified diploma, extended diploma, or alternative certificate to continue in school through age 21 and to provide those students with “a total number of hours of instruction and services to the student that equals at least the total number of instructional hours that is required to be provided to students who are attending a public high school.” (ORS 329.451) Guidance from the Deputy Superintendant stated that if schools do not provide full day programs they may be found “non-standard” and requiring remediation, discriminating on the basis of disability, or violating IDEA requirements. (Rob Saxton, Memorandum No: 004-2012-13 – House Bill 2283, November 9, 2012). Due to ODE’s guidance, some school districts erroneously interpreted this law to require 990 hours of instructional time *on a school campus* for transition-age students, and as a result discouraged work-based learning experiences for transition-age students with I/DD in integrated employment settings.

A 2012 DHS Information Memorandum Transmittal intended to clarify the interpretation of HB2283 only further confused the issue, explicitly stating “school districts are not responsible for the development of employment. Schools are responsible for helping develop the skills needed to reach the employment objectives. They are not responsible for identifying an actual paid job and providing the support in the job.” (Information Memorandum Transmittal, Implementation of HB 2283, SPD-IM-12-003, 1/18/2012) In essence, it is not the law regarding the 990 hours of instructional time that has served as a barrier to integrated employment, but the ODE interpretation of that law. This policy stance and the subsequent Policy Transmittals issued by DHS in 2013 and 2015, explained in Section V(A), explain why districts have reported that the “990 Rule” is a barrier to employment. The policy has created a “catch-22”: ODE has stated that ORS 329.451 prohibits any school involvement in employment activities and that it will not count any outside agency support for employment as part of school instruction time, while DHS has made clear that schools are the provider of employment services up to age 21.

### C. 2012 Stakeholder Workgroup Plan

In the recent past, the State has plainly acknowledged the problem of youth transitioning from school to sheltered workshops. In 2012, the State, including ODDS, convened the Employment First Strategic Planning Workgroup to assist ODDS in building a five-year plan to address three objectives, one of which was “decreasing the number of individuals transitioning from school into sheltered workshops.” One recommendation to achieve this goal was to:

“Work with OVRS and ODE to implement changes in policies, practices and expectations that clarify roles of education, vocational rehabilitation and Support Service Brokerages to best support a wrap around service that results in students leaving schools with fully discovered work interests, goals and assessment that results in community based employment. Stop the practice of schools using sheltered workshops as a component of the school transition program.” (2012 Stakeholder Workgroup Plan, June 14, 2012, Page 4).

Furthermore, the goal for Objective 1 of the Stakeholder Workgroup Plan was to reduce the percentage of youth ages 20-23 in sheltered workshops from 10.9% of the total Brokerage population to 5.5% in 2014, and 2.2% in 2015 and 0% in 2016.

The workgroup was convened from January – June 2012 after the state protection and advocacy organization, Disability Rights Oregon, indicated that it intended to file a class action lawsuit in this matter. However, it was eventually disbanded, and the Workgroup Plan was replaced by Executive Order 13-04 in April 2013, and then Executive Order 15-01 in January 2015. Despite the numerous plans, metrics, and stated commitment to closing the front door to sheltered workshops for students, the number of youth with I/DD in sheltered workshops has remained steady, if not increased, throughout the past three years from 2012-2015. Based on the most recent Employment Outcomes System (“EOS”) data from September 2014, reflecting the statewide sheltered workshop census, among those participants ages 20-23 who are receiving Brokerage services, 12% were reported to be receiving services in sheltered workshops.

### D. Transition Models Introduced over Past Decades

As models of effective and seamless transition have emerged from the research nationally, programs such as Project SEARCH have been presented as alternatives to sheltered workshop placements for youth with I/DD in transition; however, such programs have yet to be endorsed or supported by ODE. In particular, a lead consultant for Project SEARCH who moved to Portland in 2005 reported that she repeatedly communicated with ODE, asking for permission to jointly implement this highly effective model of integrated employment preparation for youth with I/DD. However, for seven years, ODE showed no movement or receptivity to implementing this model despite that it is currently being implemented in hundreds of school districts across 42 states, and over 30 school districts in England, Ireland, and Canada. In 2013, on its own accord, the business community took the lead in supporting a Project SEARCH site in the

Portland metropolitan area, at Kaiser Permanente Hospital in Hillsboro, Oregon, without State sponsorship, support, planning, or interest. Interestingly the model, a collaboration between Kaiser Permanente, a foster care non-profit, and Project SEARCH, was designed for eight youth with I/DD who already exited special education services at age 21, specifically because of a lack of ODE and LEA support for implementing the program to address students who were still in school. Hillsboro School District showed no interest in engaging in the model, even despite research demonstrating its benefits, and after several presentations to the district and regional ESD. The stakeholder seeking to advance Project SEARCH in Oregon was not aware that Project SEARCH was listed in the State's Integrated Employment Plan as a major activity addressing innovation in supported employment and job development. It was not discussed with her prior to being included in the Plan that Project SEARCH would be mentioned by the State. She notes that to date the State still has taken no formal steps to support Project SEARCH across Oregon school districts.

#### E. Seamless Transition Pilot Project

One of the few State efforts designed to reverse Oregon's long history of contradictory policies and procedures pertaining to youth transition services has emerged from the four Employment First ("EF")-sponsored Seamless Transition Pilot Programs. While implementation of the model appears to have yielded some positive results, a lack of leadership and involvement at the state level has been clearly demonstrated. In July 2014, the EF pilot teams discussed the importance of "paid employment in authentic workplace" as a predicator of successful adult outcomes for youth with I/DD. The 2015 exiting students were identified to achieve the "optimum seamless transition outcome of an individualized, competitive job of choice with supports in place before school exit." The state workgroup committed to implementing the pilot clearly understands that paid employment is essential prior to exiting school to ensure postsecondary outcomes in competitive, integrated employment settings. Yet ODE leadership and staff continue to maintain that it is not the role of school districts or school staff to participate in linking youth with I/DD with paid work while in school or after such students exit school. Indeed, the workgroup noted that "Education [ODE] should capture the results of the project and use it to assess how teachers are doing at creating post-school employment goals, community based work experiences and effective adult agency linkages."

It has taken Oregon approximately two years to roll out the Employment First Seamless Transition Pilot Project despite only serving approximately 40 youth with I/DD in the program statewide. While the model appears to have demonstrated some successful results for the first small group of students exiting the program, it is not sufficiently supported by ODE, OVRs and ODDS. The project has largely been supported by the will of local stakeholders who have adopted the model and want it to work. Such stakeholders have had to strongly and persistently advocate to state agencies for sufficient resources and support, including for access to discovery services for student participants of the pilot. In fact, among the year one student exit group, as of September 2014, six of ten students exiting in 2014 were currently in competitive, integrated employment at school exit. (See Oregon's Employment First Seamless Transition Project Year One Outcome



Report October 2013 – September 2014, LAN\_DDS\_779616). According to a senior ODE official, approximately 491 students exited special education services during the 2013 school year with disabilities in the categories of “intellectual disability, autism, other health impaired, and emotional disabilities,” the educational terms most closely associated as a whole with the designation of I/DD in the adult system. In viewing this number as a ballpark for special education students with I/DD each year, the students placed in the pilot program in 2014 would only constitute approximately two percent of the total number of students exiting transition services in any given year. While such a limited remedial measure shows promise, it will require substantive system-wide changes to fully support, sustain, and replicate the program to ensure that youth with I/DD have acquired the skills and experiences that they need, along with the necessary supports and linkages, to exit transition services and access competitive integrated employment outcomes rather than be relegated to sheltered workshops and other segregated settings.

## **VI. THE REVIEW OF INDIVIDUALIZED EDUCATION PLANS (“IEPS”)**

### **A. IEP Review Methodology**

The purpose of the IEP review was to examine the transition-related records of a representative sample of youth with I/DD who exited Community Transition Programs during the 2013-2014 school year to assess the serious risk of unnecessary segregation in sheltered workshops imposed upon such students. Some records also reflected students who exited during the 2012 and 2013 school years. To this end, I completed an IEP analysis of 60 students attending CTPs from the 15 most populous school districts in Oregon, comprising approximately 50% of the public school population statewide. CTPs are transition programs designed to serve youth with I/DD ages 18-21 years old and typically provide services to students after they have completed high school curricula but prior to such students’ exhaustion of special education services at age 21. Exiting CTP students were selected for the IEP review to provide a sample of students with I/DD who exited from programs of similar structure and at similar ages across school districts. However, as explored in greater depth below, CTP programs are just one of three primary kinds of employment-related transition programs throughout Oregon.

The 60 students’ records were selected and provided to me from 199 IEPs provided to counsel for the United States after random selection by methodology expert, Dr. Sally Rogers. Specifically, counsel for the United States provided me with the records of 60 students provided to them from the total list of 80 randomly selected students selected by Dr. Rogers. Counsel for the United States retained an extra 20 students’ records and held those records in reserve should any of the first 60 students’ records show deficiencies that would preclude my ability to critically evaluate the record (e.g. illegible hand-writing, missing pages, etc.). One extra record was used because counsel for the United States received incomplete records for one of the first sixty students that was randomly selected. Accordingly, counsel for the United States replaced that student’s records with the 61st student’s records, as randomly selected by Dr. Rogers. Importantly, counsel for the United States provided me with records from two school years for each of the 60 students selected.

To conduct the IEP review, I trained, assisted, and provided oversight to a team of five research assistants who, under my supervision and instruction, applied a protocol that I developed for examining and evaluating the serious risk of unnecessary segregation in sheltered workshops imposed upon youth with I/DD. In evaluating the serious risk imposed upon students, among other things, I examined the IEPs to determine if there was evidence of programmatic efforts to support youth with I/DD to make meaningful and informed choices to participate in competitive integrated employment settings rather than default service options like sheltered workshops and other segregated settings. It is typical in my field to rely upon research assistants to implement protocol instruments of this kind. All researchers involved in this review currently provide professional development and technical assistance to schools, districts, and state educational agencies specific to secondary special education and transition, and are particularly familiar with transition planning procedures, postsecondary employment outcomes, and IEPs. I developed the protocol based upon research and national standards focusing on effective transition planning and services resulting in improved employment outcomes for youth with I/DD (Test et al., 2009).

The IEP Employment Review protocol examined elements of each IEP for specific information regarding employment-related goals and services: (a) attendees at the meeting; (b) measurable postsecondary goals for competitive, integrated employment; (c) present levels of functional and academic performance targeting career development and competitive, integrated employment; (d) IEP goals and transition services focused on career development and integrated work experiences; and (e) evidence of interagency collaboration and provision of support services for integrated employment prior to exiting special education services. It was not designed to evaluate Indicator 13 compliance under IDEA regulations for transition IEPs, but rather, as mentioned, it was intended to examine IEPs to determine if youth with I/DD were supported in making meaningful choices to participate in competitive, integrated employment settings rather than default service options like sheltered workshops and other segregated settings. An iterative process was used whereby after developing the protocol, it was piloted using a small sample of IEPs. In this way, the protocol was tested and refined. Two trainings were held among the researchers to confirm the purpose and use of the protocol. I supervised all data analysis and was available for questions about the review process to ensure consistent procedures. I completed the final analysis and summary findings.

## **B. IEP Review Results**

I premised the IEP review on the core employment-related elements of widely accepted professional standards for youth in transition. I examined IEPs as a baseline to determine the level of effort across Oregon school districts to support youth with I/DD, including a large percentage of youth with autism, to obtain employment in integrated settings, including competitive, integrated employment.

**Sample.** A total of 60 complete IEPs were reviewed and analyzed. Among these IEPs, 25 were youth with I/DD (41%); 33 were youth with Autism (ASD, 54%) and 3

IEPs included students with emotional disabilities, autism plus other health impairments, and autism plus specific learning disabilities (3%). The majority of IEPs were from students exiting 18-21 year old Community Transition Programs during the 2013-14 school year.

**Summary of Results.** The results provide strong evidence that, contrary to professional standards, competitive, integrated employment was not emphasized across the 15 most populous school districts in Oregon, both as measurable outcomes to be achieved, and as specific skills foci for transition planning. Even when analyzing records broadly to include poorly and vaguely worded phrases for “working” or “work,” it is clear that paid-integrated employment is not widely promoted or supported for youth with I/DD across Oregon school districts. The IEPs analyzed lacked research-based indicators more likely to lead those students with I/DD who would like to work to competitive, integrated employment as opposed to sheltered workshops or other segregated settings. For the most part, the students’ strengths, interests, and preferences were not prevalent in the IEPs or in the determination of post-school employment goals or outcomes within those records. Few IEPs reported comprehensive transition assessments tied to outcomes and services. Across school districts, youth with I/DD were not appropriately supported to obtain competitive, integrated employment or to access long-term supports to sustain such employment, and the IEPs reflected that school district staff lacked knowledge about the objectives of Employment First, the benefits of competitive, integrated employment, or the process for identifying students’ strengths, preferences, interests, or needs as applied to employment.

**Results.** I have summarized the results of the IEP analysis across eleven major areas of focus:

1. *IEP Meetings Often Failed to Include all Relevant Agency Representatives, and Therefore Lacked an Opportunity for Families and Youth to Make Strong Connections for Continued Services.*

Research has demonstrated the importance of the presence and availability of all relevant parties, including adult agency staff, at students’ IEP meetings to accomplish successful transitions from school to postsecondary integrated employment settings. For the records reviewed, overall, parents and students attended the IEP meeting held during the last year of special education services, prior to exiting to adulthood. 85% percent of parents (52 out of 60) attended; and 85% of youth (52) attended. OVRs counselors, however, attended much less frequently, with only three out of 60 (5%) reported as attending the final IEP meeting prior to a youth with I/DD exiting special education services. Such low attendance is contrary to best practices for VR agency personnel to ensure seamless transitions to competitive, integrated employment.

It is evident that for the majority of students with I/DD, OVRs counselors rarely attend meetings, and therefore lack an opportunity to meet families and youth to make a strong connection for the continued services needed for competitive and supported employment. Unless OVRs is involved in planning outside of IEP meetings, not attending the transition IEP meeting in the year prior to exiting school could be especially

detrimental to ensuring a seamless transition to employment. This was clear when further examining IEPs for evidence of linkages to outside agencies, whereby ongoing connections and services from OVRs were not found in sufficient numbers to be considered effective.

Youth with already established ODDS case managers were more likely to have staff at IEP meetings; with 21 case managers reported in attendance out of a total of 32 students for whom it was clear they were currently receiving ODDS services (62%). Unfortunately, due to incomplete IEPs, there were another 15 students for whom it was not clear whether ODDS services were actually being received. Accordingly, it appears that ODDS case managers were more likely to attend IEP meetings than OVRs case managers, yet they were still absent from over a third of IEP meetings for known ODDS service recipients.

2. *Linkages to Employment Services and Adult Service Agencies were not Established Prior to Students' Exit from Special Education Services, Leaving Insufficient Time for Students to Identify Potential Opportunity and be Placed in Competitive, Integrated Employment.*

Next, we conducted a second and deeper level of analysis to examine the IEPs, paying particular attention to the notes, summary of performance, and present levels of academic and functional performance for information pertaining to referral and provision of employment services by OVRs and ODDS. The results indicated that, for the majority of youth, linkages to employment services had not been established prior to exiting special education services. Few referrals to adult service agencies, vocational assessment, or the provision of services were put in place within six months prior to students' exit from transition services (57% of the IEPs were held between December and May of the final year of services, with 20% completed between March and June of the exit year). Ensuring linkages in services, particularly linkages to employment service agencies prior to exit is a professionally accepted standard and a research-based practice proven to lead to improved employment outcomes. This statement is echoed in a report by the Federal Partners in Transition Workgroup, composed of representatives from the U.S. Department of Education, the U.S. Department of Health and Human Services, the U.S. Department of Labor, and the Social Security Administration, recently published the *2020 Federal Youth Transition Plan: A Federal Interagency Strategy*. In that report, the Federal Partners in Transition articulate that access to supports for effective transition, along with strong cross-agency collaboration, is essential to postsecondary outcomes. Providing continuity of services for youth through cross-agency coordination is imperative to ensuring that youth with I/DD have access to integrated postsecondary employment settings.

Significantly, the majority of students for whom records were reviewed were not supplied with sufficient time to establish linkages with the adult service agencies necessary to receive the services and supports designed to assist individuals to identify and be initially placed in competitive, integrated employment.

3. *Only a Small Number of Students Had Open OVRs Cases or Were Referred to OVRs, While Many Other Students Still Needed Referrals or Demonstrated No Connection to OVRs Services.*

After examining the IEPs for linkages to adult agencies, it was revealed that only a relatively small portion of students had open OVRs cases or were referred for OVRs services, and other students still required referrals or appeared not to have been connected with OVRs services. Among the 33 IEPs where further evidence was available related to OVRs services, only 11 (33%) of youth were identified as having an open OVRs case. Two more were noted to have completed the referral process, but it was not certain if services had been opened. The majority of IEPs included statements that a referral to OVRs was needed (20, or 60%), but it was not clear if such a referral occurred, and it is highly unlikely that the process was immediately initiated, given that OVRs staff were not present at meetings.

4. *Very few, if any, IEPs Reviewed Demonstrated that Transition-age Students Were Receiving ODDS Employment Services During Their Last Year Before School Exit.*

Very few, if any, IEPs reviewed actually demonstrated that transition-age students with I/DD were receiving ODDS employment services during their last year of school services. For example, among the 52 IEPs where information was noted regarding ODDS services, 32 of the IEPs indicated students were already receiving ODDS services; 15 (28%) of students' information was too vague to ascertain specifically what services had been offered; or the IEP noted that a referral for services was still needed. In addition, another 5 (9%) had a referral for ODDS in process but not yet completed. While ODDS case management services were more likely to be in place than OVRs services, it was not evident from the records that students were typically engaged in job development or the process of initial placement in integrated employment through waiver services.

5. *The Majority of Students did not Receive Job Development, Discovery, Career Planning, or Job Coaching Until the Last Year of Special Education Services, if at all.*

Overall, baseline data showed a low level of collaboration and often the absence of existing linkages to outside employment services and state agencies in the last year of special education transition services for youth with I/DD. OVRs was not engaged or involved in providing services prior to the majority of the students' 21st birthdays, and in a large percentage of the IEPs, OVRs was not engaged or involved with students less than six months prior to their exit from transition services. In some IEPs it was noted that VR services would not be appropriate or the student would not be eligible, without having completed the referral or eligibility process. While ODDS case management services were more likely to be in place, and about a third of case managers attended the IEP meetings, it was not evident from the records that job-related services such as job development, discovery, career planning, or job coaching were available to youth in their last year of school services. For youth with I/DD who exited CTPs, the records revealed that linkages were not in place, and these youth were at serious risk of being

unnecessarily placed in sheltered workshop and other segregated settings, as was evident when examining expected employment outcomes.

6. *Students' Measurable Postsecondary Goals for Employment were Vague and Incomplete; Few IEPs Articulated an MPG that Included Paid, Integrated Employment.*

IDEA is explicit that transition planning is predicated upon the long-term post-school outcomes of youth. All transition services are to be identified based upon the expected measurable postsecondary employment goals (MPGs) to be developed based upon age-appropriate transition assessments.<sup>1</sup> Apart from being required by federal law, it is a widely accepted professional standard for IEPs to clearly articulate measurable postsecondary employment goals, including the goal and expectation for work, including work that is paid, in integrated settings. Therefore, I examined the degree to which IEP measurable postsecondary goals focused on integrated employment for youth, with the understanding that IEPs without such clearly articulated goals risk a lack of focus, coordination, and resources committed toward the goal of competitive, integrated employment.

Unfortunately, the measurable postsecondary goals found in the 60 IEPs I reviewed were often incomplete or so vague as to make it difficult to determine a clear employment focus. For the most part, it was extremely difficult to determine if the focus of the student's transition plan and services was driven by the identification of a postsecondary goal of employment. This contravenes professionally accepted standards, as IEPs should be driven by a clearly articulated goal from which all appropriate transition services and supports for a given student are derived. In general, very few of the IEPs explicitly described a measurable postsecondary goal that included an expectation for paid, integrated employment, with just 57% describing any form of paid work (i.e., individualized employment, enclaves, and mobile work crews). Among the percentage of IEPs with some mention of work-related outcomes, a significant number were too vague to determine if the "paid work" listed was focused on competitive, integrated employment or geared toward segregated settings, including sheltered workshops.

While all IEPs included some form of statement as a measurable postsecondary goal, and therefore met the minimal compliance requirements of IDEA, the expectations that these youth with I/DD would work in integrated settings was much less clear. Overall, the quality of the MPGs was poor when compared to professional norms, with most containing overly vague, generic statements of "paid work" that lacked any specificity for career options, interests, or strengths. For a student exiting special education, the last IEP would be expected to reflect several years of work experiences,

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<sup>1</sup> The IDEA regulations are clear in that a student's IEP must include: "appropriate measurable postsecondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate independent living skills." (20 U.S.C. § 1414(d)(1)(A)(VIII) (2005)). Measurable postsecondary goals (MPG) focusing on employment are required to be in IEPs for youth beginning in the IEP prior to youth turning 16 years old.

and at that juncture, schools should have a clear understanding of the types of jobs and careers a student is interested in and those that meet his or her strengths and capabilities. However, only a small number of IEPs from specific districts included career options in the required MPG. For example, three IEPs from one district included more specific and student-tailored outcomes of working in: auto body repair, a thrift store, and a gas station. For other IEPs, however, the possible career options listed appeared to be too generic to be meaningful. In fact, the MPGs from another district appeared to be consistently the same, as if they were copied and pasted across student files: "volunteer in area of interest such as food services, laundry, dining room service." Moreover, it would seem that many districts conflate "volunteering" with "employment." Finally, five of the 60 students were listed as being served in a district YTP program, and therefore, were not likely to be youth with I/DD at serious risk of unnecessary segregation, because, as described more fully in Section VII, the YTP program has historically underserved individuals with I/DD and individuals with the most severe disabilities.

7. *School Staff Appeared not to be Knowledgeable about Identifying and Articulating Clear Employment Goals as part of an IEP's Measurable Postsecondary Goal.*

It appeared that school staff completing IEPs did not employ a shared lexicon that would enable them to identify whether the goal for employment included work in a typical workplace in the community that included interaction with non-disabled peers or in a facility-based setting that allowed only interaction with other students with disabilities. This concern was substantiated during the further analysis of other sections of the IEPs, which will be described later in this report. Some IEPs used phrases such as "supervised employment settings" which could very well be a euphemism for sheltered workshops. However, because of the difficulties in coding the majority of vague MPGs, I report below a summary of employment goals grouped into more generalized and broader categories:

- Sheltered workshops – 3 (5%) students explicitly identified this outcome in the MPG.
- Paid work (including individualized integrated employment, enclaves, and mobile work crews) – 35 (58%) of MPGs.
- Paid or volunteer work – 5 (8%) For the most part, these 5 MPGs were written without a clear expectation for work, given that the statements included both "will obtain paid or volunteer work" as a postsecondary goal.
- Volunteer work – 5 (8%) expressed that the employment goal was to volunteer. Clearly such MPGs do not articulate a clear employment outcome.
- Alternatives to employment/generic services – 7 (12%) reported in the MPG that the student would not seek employment, but instead would transition to ATE options.
- No employment MPG reported – 5 (8%)

8. *IEPs Evidenced Exceedingly Low Expectations of Students with Disabilities, with Almost Half of Students not Expected to Work in Integrated Settings as part of the Measurable Postsecondary Goal.*

Based on the data provided above, and understanding that the review allowed the widest interpretation of what is considered “paid work” in its analysis, 42% of all students who exited services by 2014 were expected as their stated goal to not work at all, to volunteer, or to work in sheltered settings. In addition, if we exclude the students known to be served in YTP programs, as YTP has historically underserved youth with I/DD and individuals with the most severe disabilities, again, as described more fully in Section VII, only one out of every two students served across the transition programs reviewed were even expected or planned to transition to any form of paid, integrated employment. Given that Oregon has had an Employment First Policy since 2008, it is unusual to see so few students with even the expectation of postsecondary work in integrated employment.

9. *Students’ Measurable Postsecondary Goals Often Had Little Relevance to Students’ Actual Post-School Outcomes of Work in Segregated Settings.*

In addition to a review of the measurable postsecondary goals for employment, I directed research staff to further examine each IEP to collect data related to employment outcomes from the Present Levels of Academic and Functional Performance, the Summary of Performance (SOP) and IEP Meeting Notes, when available. Often, what was found in the MPG conflicted with information found elsewhere in the IEP. For example, results from one district indicated that while none of the 17 students had a measurable postsecondary goal of sheltered work, upon further examination, at least four IEPs explicitly noted that, following exit from school, students would be working in sheltered workshops or alternatives to employment; one IEP reported that a student was seeking volunteer work; and five IEPs that included both paid and volunteer “work.” Thus just over half of the 17 IEPs (10, or 58%), while not reporting segregated employment in the MPG, did indicate some form of segregated or unpaid employment outcome. This level of contradictory information was found throughout the IEPs, resulting in reduced integrated work outcomes, even though many of the same students intended to make paid employment their measurable postsecondary goal, as evident in the table below.



### Comparing MPGs to Further Information in IEP

	Sheltered Work	Paid Work (individual, enclave, crew)	Paid and Volunteer	Volunteer	ATE	No MPG
MPG	3	33	5	5	7	3
Employment Outcomes in IEP	8	25	7	4	8	NA

The internal inconsistencies also sometimes appeared as the reverse: IEPs listed a planned postsecondary transition to sheltered work or ATE in one part, and "paid work" in another. Typically references to paid work were often vague and it was just not clear if this work was to take place in integrated employment or segregated work settings where workers are paid. In one IEP, it was noted that a student was involved in Employment First, yet in a separate section, it was determined that a segregated day program was the most appropriate outcome. Among the IEPs that listed actual career options, the majority were generic, with little direct evidence of highly individualized outcomes. One student was reported to have an interest in being a teacher, but his IEP reported that he could volunteer in a public library. Most often the following generic career options were reported: working with animals, helping positions, thrift stores, laundry, food services, and grocery stores. The only district where unique jobs were identified within the IEPs to correspond with a wide range of student interests and preferences was a district whose students participated in a YTP program that listed such areas of employment as: culinary arts, bio-tech, videography, office clerical, and language translation.

#### 10. *Most IEPs Were Conducted Without the Use of an Established Transition Assessment Tool to Identify Students' Preferences, Interests, and Strengths.*

When examining the transition assessment portion of the 60 IEPs, only 25% (15) of the IEPs reported assessment data from an established transition assessment measure (e.g., Picture Interest Career Inventory, Transition Behavior Scale). This provides considerable context for why MPGs across the IEPs were vague and lacking in their reference to students' individualized preferences, interests, needs, and strengths ("PINS"). Assessments are fundamental to identifying students' PINS as part of transition, and it is a recognized standard in the field to employ a research based tool to conduct assessments. However, the most commonly reported assessment measure, as determined by examining the IEPs included the use of informal interviews. The assessment data follows:

- 37% (23) “informal interview” or “informal observations”
- 27% (17) No mention of any form of assessment or reported career/transition data
- 3% (2) Employer/Supervisor Work evaluation

For the most part, information about students’ strengths and PINS related to employment outcomes were overly vague and only listed the job experiences, if any, students had engaged in up to that point, while omitting any data related to their skill development or preference for that particular type of work experience. In certain instances, the information reported for transition assessment conflicted with what was listed in the MPG. For example, one student’s MPG described a paid position in cosmetology yet her transition assessment report focused on a job in a preschool or fast food restaurant. This trend is inconsistent with best practice and casts into doubt whether the job experiences were based on any effort to first solicit student interests and aptitudes for certain careers, and then design work experiences to meet their preferences and strengths. As evidenced by the IEPs, the types of jobs reported as interests for students were often, in actuality, the only type of jobs such students had the opportunity to experience, and were already established program experiences, not identified based on the individual student’s preferences or assessment results. This was further corroborated by my field visit to several of the school districts for which I reviewed IEPs.

11. *IEP Annual Goals Failed to Focus upon the Skills Identified by Research to be Essential to Ensuring Post-secondary Employment in Integrated Settings.*

As part of the transition planning process, annual IEP goals are developed to support student growth and development so that students are more likely to achieve their goals. Facilitating the movement toward a student’s measurable postsecondary goal is required under the IDEA. As described previously, there is strong evidence that providing specific types of curriculum and instruction is positively correlated to competitive employment outcomes for youth with I/DD. The annual IEP goals were analyzed to determine how closely aligned the goals and objectives were to students’ long-term outcomes. If special education and transition services are provided that adhere to the research, evidence, and national standards for transition and employment, then one would expect to see annual IEP goals that address the essential skills and experiences necessary for work-based learning approaches such as those delineated in the “Handbook for Implementing a Comprehensive Work-based Learning Program According to the Fair Labor Standards Act” (3rd Edition) as well as from the established “Guideposts for Success,” (a) career exploration, (b) career assessment, (c) work-related training, and (d) cooperative work experiences (i.e., paid internships).

The analysis of the IEP annual goals focusing on employment demonstrated a variable quality and completeness of the 60 IEPs. It was often difficult to ascertain exactly where certain work-related skills were acquired, given that the annual goals were vague and/or incomplete and contrary to professional standards. The below summarizes the annual goals of the records reviewed in four basic categories:

• Unpaid school-based work experiences	18 (26%)
• Unpaid community-based work experiences	35 (57%)
• Paid community-based and integrated work experiences	2 (3%)
• No IEP goals address work or employment	13 (21%)

For the most part, the IEP annual goals were very general. Some of the more specific annual goals focused on “employability” or pre-employment skill development. These typically targeted skills related to independence at work, skills needed to find a job (resumes, job applications), communicating with co-workers and employers, and following established work standards. However, more often, the goals were broadly stated and lacked any direct focus on skills that have been identified as essential to ensure post-secondary integrated employment. These goals included statements such as, “increase employability by completing two volunteer work experiences” or “improve ability to participate in vocational activities” and lacked any specificity in what skills are to be the focus of instruction. Other IEPs were less directed, and in one district, the IEP goals were consistently the same, with no variation based on individual students. In another instance, it was noted that the student “chose not to work,” without evidence that the student was given any frame of reference for work, and therefore IEP goals were not included. A different IEP included annual goals for the student to visit alternatives to work: “Given the opportunity to visit an alternative to employment center with vocational opportunities, student will interview people at the site and then answer 3-5 questions regarding his thoughts about each site.”

## **VII. TRANSITION PROGRAM REVIEW**

### **A. Methodology**

Apart from the IEP review, as mentioned, I spent one week in February 2015 visiting employment-related school and transition programs across Oregon. The districts that I selected to visit were largely districts from which I reviewed IEPs as part of my paper review. Moreover, the school districts that I visited were: (1) from among the top fifteen most populous districts in the state, with the exception of one district that was visited because it was an Employment First Transition Pilot program, and (2) were districts that voluntarily permitted me access to observe their programs and to speak with staff. Consequently, I visited eight (8) school districts across the state during the week of February 23, 2015. During the field review, I spent time observing programs and interviewing staff. Following completion of the field review, I interviewed two additional school districts by telephone that were unavailable during my February 2015 visit (Salem-Keizer School District, and Gresham Barlow School District), and a team of research assistants working under my supervision conducted phone interviews with 12 of the 19 Educational Service Districts.

## 1. *Site Visit Protocol*

For the purpose of conducting a field review across school district transition programs, including CTPs, YTPs, and school-based youth transition programs, I developed a series of questions to explore the presence or absence of the serious risk of unnecessary segregation in sheltered workshops and other segregated programs, on transition-age youth with I/DD. I consulted Mr. Curtis Richards, Director of the Center for Workforce Development at the Institute for Educational Leadership, about the formulation of these questions. The questions also assisted in determining the particular impact, or absence thereof, on statewide transition service provision by Executive Order 13-04 and Executive Order 15-01. Specifically, the questions enabled me to assess whether the Executive Orders served to abate the serious risk of unnecessary segregation imposed on students with I/DD exiting from school. To assess the impact of the Executive Orders on youth in transition, among other factors, I focused on understanding how the State was supporting districts to improve transition services and practices including the major domains of transition identified by research as positively correlated to integrated employment outcomes.

It is well established that embedding school-based and work-based learning as elements of career experiences in IEPs is essential to effective employment-related transition programs. This is supported by national standards such as the "Guideposts for Success," developed by the National Collaborative on Workforce and Disability, a national center funded from the U.S. Department of Labor, Office of Disability Employment Policy. Mr. Richards, one of the developers of the "Guideposts for Success" provided consultation regarding standards for student engagement in a range of work-based exploration activities (e.g., site visits and job shadowing) as an essential first step toward career development. As explicated by NCWD and supported from existing research, short-term visits to employment settings should be based upon the strengths, interests and preferences of youth with I/DD through individualized and person-centered career assessment and planning. In addition, multiple on-the-job training experiences (both paid and unpaid) linked to a specific program of study and tied to specific occupational skills and career pathways is supported by considerable research as the gold standard of employment-related transition. To formulate a six domain protocol, I used critical domain areas that are widely recognized in the field, supported by substantial research and evidence, and known to positively impact competitive, integrated employment outcomes for youth with I/DD: (1) training and support provided by ODE; (2) school-based learning and preparation for employment; (3) connecting activities leading to employment; (4) career preparation and work-based learning; (5) family involvement and engagement during transition; and (6) youth development and leadership. *See Attachment A for the transition field review site visit summary.*

I requested visits to programs within the eight school districts based on the types of students served, primarily focusing on youth with I/DD; and based on the availability of program staff to speak with me and to give access to observations.

## 2. *Transition Programs Reviewed*

Oregon divides its employment-related transition services into several program types: (1) high school based programs; (2) community transition programs; (3) youth transition programs; and (4) educational service district transition programs. As described below, each of the transition programs serve different types of students with disabilities. I also visited two Employment First Transition Pilot programs, one serving students from a CTP and one from an ESD classroom. For a more detailed summary of the various programs visited during the February 2015 transition program review *see* Attachment B.

### a. High School Transition Programs

Programs for youth with I/DD ages 14-21 years old in Oregon typically consist of district and ESD programs operating primarily in high schools. School districts determine the types and locations of special education and transition services provided to youth with I/DD who are receiving a modified or alternative diploma, or certificate of attendance (i.e., are not eligible for a high school diploma) and who will receive special education services through age 21. Among the 15 districts serving approximately half of all students in Oregon, the predominant model to support youth with I/DD between the ages of 14-18 years old is life skills instruction (e.g., pre-vocational “soft skills” training on attitude, hygiene, timeliness, and money management skills) in high school programs; while supporting older youth, aged 18-21 in some type of community transition program. However, some schools serve youth with I/DD aged 14-21 in high schools exclusively.

For the most part, high school programs for youth with I/DD consist of classroom-based learning focusing primarily on functional life skills, pre-employment training, and community access skill development. The location of services is typically separate special education classrooms, with only other students with disabilities, with students accessing general education coursework to varying degrees.

The following lists the high school transition programs that I visited in February 2015: Putnam High School/North Clackamas School District; South Eugene High School/Eugene School District; South Albany High School/Greater Albany School District; and Thurston High School/Springfield School District.

### b. Community Transition Programs

CTPs are designed to serve students with disabilities who completed high school with a modified or extended diploma or certificate of attainment. CTPs primarily, but not exclusively, serve students with more significant disabilities including I/DD. CTPs serve youth aged 18-21 years old and while most operate in settings outside of high school (e.g., community college campus, community building, on district property), some provide services to students remaining in high school until age 21 years old. Less clear are the types of services and goals of CTPs across Oregon, with each district operating CTPs in different ways, based on a mission of being as “independent as possible.” Some are more explicit about the goal to achieve supported employment (e.g., Springfield

School District), whereas other CTPs do not express a specific employment outcome or expressed goal, instead resorting to terms such as “learning vocational skills” and achieving “alternatives to work.” From among the 15 districts in Oregon serving approximately half of all students for which district descriptions of CTP programs were found, the majority primarily focus on:

1. Accessing and participating in the community
2. Developing independent living skills
3. Increasing access to social and leisure activities
4. Making referrals to adult agencies including living, education, and job options
5. A range of work-related activities such as, vocational training, prevocational skills, soft skills, work experiences, supported employment, and alternative work opportunities

The following lists the CTPs that I visited in February 2015: Green Thumb Community Transition Center/Portland Public School District; Portland State University CTP/Portland Public School District; Adult Transition Program Classrooms at Sadin-Schellenberg Professional Technical Center/North Clackamas School District; Springfield CTP/Springfield School District; Centennial Transition Center/Centennial Public School District; and Greater Albany CTP/Greater Albany School District.

c. Youth Transition Programs

One of Oregon’s earliest statewide transition programs, the Youth Transition Program, was established in 1990 to promote improved employment outcomes. YTP is primarily funded through OVRs with matching funding from schools. YTP is a partnership with OVRs, ODE, and local school districts to prepare youth with disabilities requiring time limited OVRs services to obtain competitive employment or career-related postsecondary education or training (“Frequently Asked Questions about YTP”). While the YTP materials espouse serving all students with disabilities, over the past two decades, as reported in “Twenty Years of the Youth Transition Program” from the University of Oregon, the predominant disability categories include: Specific Learning Disability (65%); Other Health Impairments (19%), Emotional or Behavioral Disability (14%); Speech and Language (13%), Autism (10%), Mental Retardation [Intellectual Disabilities] (10%), and Other Disabilities (8%). Given the focus on competitive employment that presupposes long-term services, and required reporting benchmarks, YTP generally does not serve many youth with I/DD, including many individuals with more significant and long-term support needs. While YTP is well established and appears to be an effective program, it is not intended to serve students needing extensive supports to obtain competitive, integrated employment, including through supported, customized, or self-employment. This limitation was reiterated by all of the YTP coordinators whom I interviewed. Due to the current configuration of the program and reporting requirements of the OVRs grant, few school district staff reported the ability to expand services to support youth with more significant disabilities, including more youth with I/DD, who needed extensive supports associated with preparing for employment. My field observations supported the distinction, that the majority of the small portion of youth with I/DD served by the YTP program, including youth with autism, appeared to be high

functioning and capable of transitioning to competitive, integrated employment with time limited and intermittent supports.

The following lists the YTP programs that I visited during February 2015: Tigard-Tualatin YTP/Tigard-Tualatin School District; Connections Program/Lane Community College; and Youth Transition Garden Project/Springfield School District.

d. Educational Service District Transition Programs

Educational Service Districts provide regional educational services to component school districts. Currently, there are 19 regionally located ESDs serving 36 counties across four categories of services, one of which is special needs children. ESDs are funded through multiple sources, including property taxes, state and federal contracts, grants, and local district membership and contracts. In addition, ESDs receive general revenue from the Oregon State School Fund (<http://www.oregon.gov/transparency/pages/esdtransparency.aspx>). Services provided by individual ESDs vary depending on the expressed needs of local districts in the ESD region. Because each ESD responds to the direct needs of local districts, there is diversity in the types of secondary special education and transition services provided to youth aged 14-21 with significant disabilities. However, it is clear that many ESDs provide such services to students who are identified as having the most significant and low incidence support needs, including youth with I/DD who are at serious risk of segregation in sheltered workshops. I was able to visit an ESD program that was participating in the Employment First Transition Pilot, the Clackamas ESD Employment First Transition Pilot Classroom.

e. Interviews with ESD High School and Transition Programs

As I was unable to visit sufficient numbers of ESD programs while in Oregon, I developed an interview protocol, and then trained and supervised my research assistants as they contacted all 19 ESDs and held telephone interviews with those that agreed to participate. Of the 19 contacted, 12 agreed to participate (Douglas, Grant, Lane, Malheur, Northwest Regional, Region 18, South Coast, Southern Oregon, Clackamas, Columbia Gorge, Harney, Intermountain, and Linn-Benton Lincoln), and among these 12, nine had high school and/or transition programs (Douglas, Grant, Lane, Malheur, Northwest Regional, Region 18, South Coast, Southern Oregon, and Clackamas). A short interview was held with each program to better understand details of each program, including: the types of in-school and community work experiences to which students are exposed, the programs and services to which students transition, and the level of outreach and training from the ODE regional Transition Network Facilitators. Finally, we captured any concerns or challenges facing ESDs related to new employment policies.

## VIII. FINDINGS

### A. Overview

My evaluation of school-based, employment-related transition programs throughout Oregon, through an IEP paper review, a weeklong in-field review, as well as follow-up interviews and a comprehensive review of state policy documents and other artifacts associated with this case, was undertaken to assess the serious risk of unnecessary segregation imposed on youth with I/DD across Oregon transition programs. In preparing this report, I have considered over 30 years of existing research and national standards of practice in the field of transition focusing on supported, customized, and competitive employment. I have also considered widely accepted professional standards and research regarding the elements of transition that must be in place to ensure that: (1) youth and their families are prepared for post-secondary competitive, integrated employment, and (2) youth with I/DD can make meaningful and informed choices to receive the services and supports necessary to engage in integrated employment settings prior to exit from school and transition programs, thus dramatically increasing the chances that they will work in such settings long term. Given the established understanding of the means necessary to effectively address students' complex support needs, in school and in transition to adulthood, it is clear that Oregon has not made sufficient progress. Oregon has failed to take appropriate actions to change policies, practices, methods of administration, funding, or staffing to support youth with I/DD who are exiting Oregon's school transition programs to transition to competitive, integrated employment settings in the most integrated setting appropriate rather than sheltered workshops and other segregated settings.

In particular, the majority of transition programs do not provide transition-age youth with I/DD with evidence-based interventions. As a result, the programs are not adequate to result in youth with I/DD who select to work having had the experiences necessary to obtain competitive, integrated employment and to avoid Oregon's default employment service setting for youth with I/DD: sheltered workshops or other segregated settings. Oregon's system provides limited attention to evidence-based training and support to school districts, has a lack of clear communications to families and students about state transition policies, has an absence of school-based learning and preparation for real work settings, fails to demonstrate vital connections with, and interagency collaboration among, adult service agencies, and, importantly, has an absence of person-centered planning, career exploration, career preparation, and work-based learning in integrated settings, including competitive, integrated employment. Given these circumstances, youth with I/DD remain at serious risk of unnecessary segregation in sheltered workshops and other segregated settings upon exiting transition services.

### B. Systemic Findings

As described in greater detail below, based on my education, training, and experience, and on my review of information and interviews regarding those programs and services currently offered to transition-age youth with I/DD ages 14-21 in the state of



Oregon, it is my opinion that the State, including the Oregon Department of Education, programmatically relies on providing employment-related transition services using predominantly segregated settings; and this reliance places youth with I/DD at serious risk of entering segregated sheltered workshops to receive employment services upon exiting secondary school.

Moreover, if the front door to sheltered workshops is successfully closed by July 1, 2015, an eventuality that is currently still the subject of considerable doubt, the State will have failed to take the actions necessary to prevent the unnecessary transition of youth with I/DD into other segregated settings after that date, including into day activity services or ATE. Allowing such trans-institutionalization of youth with I/DD would plainly contravene established, evidence-based practices and professional standards in the field, and would do nothing to abate the serious risk of unnecessary segregation imposed on youth that can and want to work.

In particular, because of the State's limited systemic focus, training, resources, and full-time personnel, including vocational rehabilitation counselors and case managers, devoted to supporting individual paid integrated employment experiences for youth with I/DD while in school, the majority of transition programs do not provide students with evidence-based, work-based learning interventions proven to lead to competitive employment following exit from school services. Therefore, school-based programs throughout Oregon are not sufficiently robust to result in significant numbers of youth with I/DD experiencing the opportunities necessary to make informed and meaningful choices to work in competitive, integrated employment and avoid placement in segregated sheltered workshops, or — if the front door to sheltered workshops is closed — placement in segregated day programs or ATE. Consequently, youth with I/DD who intend to participate in postsecondary employment, but who require services and supports to do so, have an increased likelihood of receiving employment services in segregated sheltered workshops, if they receive employment services at all.

Moreover, the majority of programs and services that I visited and reviewed were not consistently aligned with national standards and evidence-based practices known to support youth with I/DD to transition to competitive, integrated employment. Critically, school district and transition program staff were not provided sufficient access to training and technical assistance from state agencies to make necessary program changes. The training and technical assistance that such staff were given was often not reflective of the most effective, contemporary, or evidence-based research available to assist youth with I/DD to make meaningful or informed choices to work in competitive, integrated employment. In particular, among the ESDs that provide high school and transition services to youth with severe I/DD, the prevailing perspective by ESD staff was to support sheltered workshops as a viable alternative. In fact, almost half of the ESDs interviewed believed Oregon's new policies, including the Executive Orders 13-04 and 15-01, would result in more students remaining at home because the doors to the sheltered workshops were closing. They had not been provided with any training, guidance, or information describing an alternative to replace sheltered work, such as competitive, integrated employment.

Given these circumstances, the serious risk of unnecessary segregation imposed on youth with I/DD upon exiting high school and transition programs is an undeniable reality, especially among youth with I/DD with the most severe disabilities. State agencies' limited support for developing new models of employment-related transition services is insufficient to keep up with the express commitment and deadline of Executive Orders 13-04 and 15-01 to close the front door to sheltered workshops just three months from now. Inevitably, this will cause youth with I/DD exiting transition services to continue to enter sheltered workshops or, in the alternative, to enter segregated day programs if and when sheltered workshops are no longer available service options.

In addition, the State has committed few, if any resources, to monitoring whether students continue to transition from school to sheltered workshops. Oregon refuses to identify and keep data about the scope or persistence of the problem, and the Assistant Superintendent of ODE has plainly stated that there will be no penalty should students continue to transition from schools to sheltered workshops after July 1, 2015. Moreover, even if the front door is successfully closed, with such an absence of training and curricula related to the provision of work based learning experiences while students are in school, it is likely there will be few options other than students' unnecessary segregation in day programs and facility-based employment path services.

Further, an abundance of research has clearly demonstrated that a sufficient level of collaborative planning and service delivery is necessary to ensure seamless transitions from special education to paid work in integrated settings. However, my review revealed that collaborative planning and service delivery is lacking in Oregon, as observed at the operational level across various school districts and transition programs. In particular, this problem was most pronounced among state agencies responsible for providing and paying for transition-focused education, and employment-related services and supports, and for maintaining those services into adulthood (i.e., ODE, OVRS, and ODDS), even despite both Executive Orders, the Integrated Employment Plans, and the State Agency Memoranda of Understanding (MOU). Two years after Executive Order 13-04 was developed and issued, my review revealed that few measures are currently in place across state agencies and school districts to ensure that students with I/DD receive employment services in the most integrated setting appropriate to their needs either while they are in school or once they exit secondary and transition programs. It was evident in my review that widely accepted models of collaborative engagement have yet to be employed by ODE, the State Education Agency, and other relevant state agencies responsible for transition, nor has the necessary training and technical assistance been provided that is needed to ensure secondary transition programs and local education agencies understand and have the skills necessary to ensure seamless transitions to competitive, integrated employment as students with I/DD exit school. Given such limited opportunities for collaborative planning and services, youth with I/DD remain at serious risk of transitioning to segregated sheltered workshops to receive employment services, as they are rarely exposed to paid, integrated alternatives prior to exit from school and do not presently have access to information or experiences that would provide them with a

meaningful opportunity to choose to work in postsecondary competitive, integrated employment settings.

ODE has failed to articulate and distribute clearly delineated state policies and procedures about employment-related transition planning among individual school districts and supported employment providers. Additionally, there are limited service agreements in place across school districts for early and shared planning of employment services and ongoing supports for competitive employment immediately upon exit from school transition programs. These practices diverge from widely accepted professional standards in the field. There also have been few efforts identified at the state level to train and provide technical assistance to local entities as to how to improve practices and programs to allow youth with I/DD to make the meaningful choice to transition to competitive employment and not to segregated sheltered workshops as the default.

While I was able to identify pockets of excellence during my review, particularly associated with certain initiatives and individual programs, these efforts were either directed toward youth with disabilities other than I/DD, or were pilot programs impacting only a small number of youth with I/DD, and with limited resources devoted to bringing such efforts to scale or to sustain such efforts over time. Importantly, the majority of transition stakeholders did not have the knowledge, skills, or opportunities to transform transition programs from current conduits for direct placement into sheltered workshops to individualized and person-centered school- and work-based learning experiences leading to paid, postsecondary competitive, integrated employment. In particular, the newly minted state system for providing training and technical assistance to transition and employment providers, the Transition Technical Assistance Network ("TTAN"), as set forth in the Executive Orders, is not adequate to address the scope and depth of Oregon's current lack of statewide technical assistance on employment-related transition, offering only introductory information, with few no evidence supporting the statewide and intensive technical assistance and coaching necessary to change transition practices and instill evidence-based models that will lead to competitive employment. It would appear that current State efforts are not sufficient to resolve statewide deficiencies or to abate the serious risk imposed upon youth with I/DD of long-term unnecessary postsecondary segregation.

### C. Specific Findings

1. *Finding 1: Models of Transition Services for Youth with I/DD Exist in Which Students Are Not Being Prepared for Competitive, Integrated Employment and the Only Expected Outcome is Participation in a Sheltered Workshop or Other Segregated Setting.*

The IEP review, field review, numerous interviews, and a comprehensive review of documents, has revealed that the educational services provided to Oregon transition-age youth with I/DD, including students with more severe intellectual and developmental disabilities, frequently include separate special education services provided in high school classrooms that include "life skills" and "life enrichment" curricula and programs. These classrooms and programs demonstrate a significant reliance on "pre-vocational"

skills delivered through in-school activities, like sorting, shredding, and folding, while also focusing on isolated “soft skills,” like timeliness, personal hygiene, and money management skills. The prevocational and soft skills training curriculum have typically been provided in classrooms with only other students with disabilities except school staff, and out of context from real jobs in the community and non-disabled peers.

High schools throughout Oregon have perpetuated the ingrained expectation that certain youth with I/DD, particularly students with the most severe disabilities, are destined for sheltered workshops and such youth are frequently limited from receiving effective and evidence-based interventions known to promote integrated employment. ODE informally surveyed school districts to identify the type, presence, and availability of employment-related transition services across Oregon after Executive Order 13-04 was issued, and the results confirmed the use of school instruction and curricula that emulate activities typically performed in adult sheltered workshops.

For example, Eugene School District reported to the Oregon Department of Education that teachers “acknowledged that services at a sheltered workshop might be discussed at an IEP meeting, and that this was most likely to happen if the student had had an assessment from an adult agency that deemed the student not capable of working independently.” (LAN\_DDS\_315762). Beaverton School District reported examples of CTP classroom work environments as “limited school run businesses,” where they sort school supplies and prepare backpacks “to assess student skills while vocational experiences are being organized.” Youth with I/DD also perform tasks at school for a local printing company that pays the program and funds go to the student body account. (LAN\_DDS\_315764). At Beaverton School District, students who do not transition to CTP programs can remain in high school classrooms, where teachers “describe having students do jobs such as delivering items in the school, recycling, and living skills such as laundry and cleaning,” and “having students do assembly type tasks ... [such] as prevocational and fine motor routines.” (LAN\_DDS\_315763). In North Clackamas School District, “most vocational activities are done in class, and include at this time a laundry routine from a neighboring school and packaging type activities.” (LAN\_DDS\_315772). Teachers previously reported using “mock sheltered workshop type activities in the classroom.” (LAN\_DDS\_315772). North Clackamas has also facilitated visitations to sheltered workshops. In Hillsboro School District, teachers bring tasks to the classroom, which have included “assembling label pins and mailers.” (LAN\_DDS\_315768).

In fact, nothing in the OARs prohibit schools from continuing non-contractual relationships with sheltered workshop providers, as evidenced by Portland Public School District, which “has cooperative (non-contractual) relationships with Port City and Portland Habilitation Center.” (LAN\_DDS\_315775). Portland teachers “felt most comfortable” with designating these places sheltered workshops. (LAN\_DDS\_315775). Finally, Salem-Keizer School District reported that Garten, a sheltered workshop, has accessed classroom programs to promote summer job opportunities, typically for custodial or landscaping work, and teachers there expressed concern about options for youth with I/DD if they cannot obtain a “sheltered job.” (LAN\_DDS\_315777). In

addition, some Salem-Keizer teachers operate “school run businesses as one option for job experience,” such as doing laundry for child care. (LAN\_DDS\_315776).

During my 2015 transition field review, it was further confirmed that schools rely significantly on work opportunities, instruction, and curriculum that emulate the tasks and activities most prevalent in adult sheltered workshops. By chance, as I arrived at one high school classroom, the teacher noted that three of his students with I/DD were heading to unpaid training at Goodwill, Inc., where they work in the warehouse as part of the transition program. All of the other workers at the Goodwill warehouse are adults with disabilities. The teacher was not aware that this model of transition-related work experience was inconsistent with Executive Orders 15-01 and 13-04. I also visited three high school programs for youth with I/DD aged 14-18 years old. In two of the three high schools, the focus was on school-based work experiences, where students primarily rotated through laundry, janitorial, food services (coffee cart/shop) and gardening work. The third school district appeared to have a more inclusive focus for student learning, and the majority of students were engaged in general education coursework.

Other school districts have contracted with sheltered workshops for assessment purposes, including one district that reported that they maintained two half-day slots for transition at the Edwards Center, an adult sheltered workshop, during the 2013 school year, but also had one student assessed at a sheltered workshop as part of the Employment First Pilot Project. (Transition Pilot Data Collection District Narrative Hillsboro, LAN\_DDS\_315768). Sheltered workshops have long played a substantive role in Oregon’s transition service delivery system as a purveyor of extended assessments for transition-age youth during school hours. There appears to have been an implicit acceptance of this model by ODE officials. ODE has also acknowledged that such assessments led to long-term sheltered workshop placements. One ODE official acknowledged that youth with I/DD historically have participated in assessments in sheltered workshops while still in school and then stayed in the workshop for long-term employment. And while this official further described that there is now a prohibition on vocational assessments taking place in sheltered workshops, she also acknowledged the confusion among sheltered workshop providers about these new rules. From my interviews with ESDs and extensive review of documents and other materials, it is apparent that notifications to the field of a new prohibition on assessments in sheltered workshops and written correspondence to school districts has been insufficient to change practice.

The lack of individualized focus upon career awareness, exploration, and development in integrated employment settings — and the primary focus upon the training of students to perform work in segregated settings — across Oregon school transition programs for youth with I/DD is best exemplified by McMinnville High School in McMinnville School District. McMinnville is a high school transition program that applied for and received a certificate to pay youth with I/DD subminimum wages in exchange for work performed on school premises. In the McMinnville program, which is ongoing, students perform laundry tasks in a facility on school property, including washing, drying, and folding towels, with only other students with disabilities.

McMinnville held a 14(c) certificate for a period of approximately 12 years until the Fall of 2014. For instance, one student earned \$1.73 per hour in the McMinnville program in 2012, whereas the Oregon minimum wage during that same period was \$8.95. The prevailing wage for laundry workers doing the same or similar tasks in Yamhill County was \$9.27. (See McMinnville 14(c) Waiver Renewal Application, USDOJ008585). The Deputy Superintendent and Assistant Superintendent of ODE acknowledged not knowing about the McMinnville program or its payment of subminimum wages to students with disabilities, until the Fall of 2014. According to an ODE official, after learning of the program, ODE staff visited the school and advised McMinnville staff to stop the payment of subminimum wages. It appears however that, to date, ODE has made no other recommendations for how the program can provide alternative integrated transition services to McMinnville students, including through individualized, work-based learning experiences in integrated settings based on students' preferences, interests, needs, and strengths.

Moreover, to date, ODE has not surveyed other school districts to see if they issue checks to pay students for in-school activities or pay students sub-minimum wages in exchange for the performance of tasks performed on school premises. During the field review, I observed a life skills classroom at South Albany High School where in-school work experiences for youth with I/DD include mostly janitorial tasks such as cleaning desks, cleaning the school van, and cleaning the high school campus grounds. In addition, at South Albany High School, students work in the in-school recycling program, and like the program at McMinnville High School, students also work in a school laundry facility. Students receive payment of \$1.00 per day for their work from District funds.

The review of ESDs revealed that all of the ESDs that support transition programs (other than YTPs) for students with severe I/DD described the expectations that students have, will, and should transition to sheltered workshops. Among the seven ESDs that provide transition services for youth with I/DD, five articulated an expectation that their students should transition to sheltered workshops. One coordinator expected that among the eight students exiting services, 75% would transition to a sheltered workshop and that the remainder would stay at home. In fact, she identified that about 25% of students served in YTP programs would transition to sheltered workshops. These views were prevalent among ESD staff despite the belief by ODE officials that all schools have ceased sending students with I/DD to sheltered workshops upon exit from school. Other ESD staff expressed the fear that with the planned closure of the front door to sheltered workshops on July 1, 2015, as set forth in Executive Orders 13-04 and 15-01, graduates will remain at home, as sheltered workshops are the only service available to them. Certainly, the State has not provided sufficient alternatives through either training or service delivery models to rectify such concerns, particularly among the rural communities and communities outside of the greater Portland metropolitan area. Even despite the State Transition Network Facilitators' efforts to visit and communicate with school districts, Oregon's goal of closing the front door to sheltered workshops is not balanced by sufficiently robust efforts to train and advance pertinent curriculum, instruction, and new models regarding customized and integrated transition options among school districts.

2. *Finding 2: Oregon Transition-age Youth with I/DD Primarily Experience Career Exploration Within Segregated Special Education Classrooms or at Pre-selected Sites, in Groups of Other Students with Disabilities, Where they Work Without Pay.*

Based on observations made through both the IEP review and field review, it is evident that Oregon transition-age youth with I/DD primarily experience career exploration within the confines of special education classrooms or preselected, fixed sites in the community, where students travel mostly in groups to participate in employment-related activities without pay. Most often, students rotate through in-school work experiences without school staff taking into consideration their preferences, interests, and strengths for working. Other students typically go out to job sites in large groups of up to 12-13 students as a "work crew," most often to clean businesses, as a "job tryout." For example, transition-age youth with I/DD at Putnam High School leave the school premises to participate on a work crew, where ten students with I/DD complete janitorial tasks at a laser tag center. All students on the work crew participate without pay with only other students with disabilities. Across all programs, typically when students are engaged in community work sites, they are in a group of other students with disabilities; few, if any, students are engaged in work-based learning in individualized, supported employment approaches. Moreover, it is not evident whether group experiences on pre-selected employment sites tie back to individual students' programs of study.

Across all programs, the stated focus of the high school programs and transition programs visited and reviewed was job readiness, soft skills, and prevocational skills, which are not supported by research as leading to improved post-school employment outcomes. Across Oregon, youth with I/DD spend extensive time in high school on functional living skills such as simulated cooking in the special education classroom. Unfortunately, there is little evidence that learning simulated tasks such as cooking in a classroom is transferable to generalized skills in a culinary or food service job or even in home settings, particularly for students for whom limited generalization is a characteristic of their disability. Yet there exists a pervasive over-reliance on simulated functional and life skills in special education classrooms throughout Oregon, rather than in "real life" settings, even though research has confirmed over the past 30 years that students with I/DD are more likely to generalize learned skills after acquiring them in typical community settings. Also, as mentioned previously, there is currently no evidence of prevocational skills instruction predicting post-school employment outcomes, and in fact, it has been found to be an insignificant factor.

3. *Finding 3: Oregon Transition-age Youth with I/DD Often Perform Stigmatizing, Demeaning Work as part of Transition that is Rarely, if ever, Offered to or Required of Non-Disabled Peers, Creating False Presumptions About Such Students' Competency Levels.*

It is evident from the IEP review and transition program review that transition-age youth with I/DD frequently perform demeaning and stigmatizing work tasks in high schools. These tasks include janitorial tasks, including collecting trash and recycling, on school premises or school laundry services such as cleaning gym towels for non-disabled

peers; tasks that only youth with I/DD perform. From the review of ESD programs, in-school work experiences included doing dishes, cleaning the cafeteria tables, yard work on the high school grounds, and delivering coffee to teachers. The only job experiences that mirrored what other students without disabilities might participate in while in school was delivering mail. Such work creates devalued presumptions of competencies among youth with I/DD. Youth with I/DD performing these tasks are implicitly viewed by others as less than competent, rather than as valued, competent members of the school community and individuals capable of work in integrated settings. The expected professional standard among quality school-based work experiences is for students to only perform jobs and tasks that students without disabilities in the school perform (e.g., student office aide, teachers aid, etc.). Accordingly, the stigmatizing work that Oregon students perform as part of transition is contrary to professional standards in the field, and likely an impediment to students being viewed and valued by the school community as future employees in typical workplaces.

4. *Finding 4: Transition Programs Demonstrate Few Opportunities for Transition-age Youth With I/DD to Interact with Transition-Age Youth Without Disabilities in Peer to Peer Networks.*

Transition programs across Oregon demonstrate limited use of inclusive practices and supports for the engagement of youth with I/DD with peers without disabilities. Few programs described examples of peer mentors, integrated work experiences alongside peers without disabilities, or other opportunities to engage with peers without disabilities in employment-related skill development and training. One program utilizes peer tutors in the special education classroom; however, it is an artificial teacher-student relationship, whereby the same-aged peer without disabilities “instructs” the youth with I/DD, rather than engaging in a reciprocal and meaningful learning experience.

5. *Finding 5: No Comprehensive, Person-Centered Career and Transition Assessment Approaches are in Place Across School Districts.*

Across all observations and interviews, and throughout the 60 IEPs analyzed, it was evident that no pattern of deliberate and person-centered career development is in place. Most youth with I/DD rotated through a series of previously identified, district-wide unpaid job sites, with limited attention to finding experiences that matched their preferences, strengths and interests. Such programs run contrary to evidence-based practices, extensive research, and professionally accepted standards. While districts shared lists of job sites that youth with I/DD could experience, for the most part, the predominate community employment experience focused on pre-selected locations typically within thrift stores, grocery stores, recycling centers, restaurants, and gardening locations. All were unpaid sites, focusing on job-readiness or soft skills, and in most of the placements students did not maintain an employer-employee relationship. Few if any job experiences were associated with systematic models of increasing career development and job skills, starting with career awareness, exploration, and finally to career and job preparation. Formalized approaches to implementation of person-centered planning and career planning were also not evident during most of my site visits. A few programs



reported a cursory implementation of person-centered planning with evidence of one-page personal profiles; others determined it was not appropriate to implement person-centered planning during school because that was something ODDS did, and finally one school implemented a person-centered process too late in the students' transition program.

6. *Finding 6: ODE Has Failed to Provide Sufficient Training to School Districts to Support Comprehensive, Person-Centered Career and Transition Assessment Approaches Across School Districts.*

Districts have not received sufficient training from ODE to develop systematic programs for comprehensive, person-centered career and transition assessment approaches across school districts. CTPs that are substantially more segregated, with activities limiting students to preliminary work readiness skills, and demonstrate the lack of training and adoption of service models that include comprehensive person-centered planning. For example, Portland Public School District was reported to be serving about 90 of approximately 160 youth with I/DD ages 18-21 just at the Green Thumb, one of two large CTPs. The Program Administrator, who is relatively new to her position, described her vision for transforming the current program to one in which only students with a strong interest in and preference for urban farming would attend the center. However, currently such individualized and person-centered approaches are not in place. Accordingly, many students who may not be interested in urban farming participate in the program because the Green Thumb is one of only two transition programs in Portland that is set aside for youth with I/DD and its programs are not individually matched to students' interests.

In addition to work in the greenhouse and outdoor garden, the Green Thumb program offers approximately 15 different unpaid community work sites in which students go out in small groups of two or three for "work readiness" experiences, rather than intensive job training. One young man I met had completed a job sample at a radio station, which was a strong preference for him. However, it was reported that only "more independent students" go to community job sites.

When asked to describe the transition assessment methods used to determine job preferences, one VTS indicated that the assessment was mostly informal, and revolved around interviews with parents and paraprofessional observations. When asked by the State's expert witness, Kim Osmani, about who provides training on transition assessments, the VTS responded that she has not received any training specifically from the State, however she had attended several workshops and conferences, supported by her employer, and she noted that she was adapting a worksite evaluation tool as a new evaluation measure. She also stated that she attended the YTP Conference that is held every year and is partially supported by ODE, however, this conference is not aimed toward programs serving youth with I/DD. This same VTS reported that she had been trained as a person-centered planning ("PCP") facilitator to complete PCPs during a student's final year with the district as part of the handoff to ODDS services. Research has shown, however, that completing a PCP *when students enter* transition programs is a standard approach throughout a majority of community-based transition programs across

the country (Gaumer, Morningstar, & Clark, 2005; "Guideposts for Success"). Launching a student's entry into a transition program through a person-centered meeting approach provides valuable information about the student and family preferences, interests, and strengths that can then be used to support student experiences leading to integrated employment. Completing a PCP at a student's exit from school, however, is significantly less impactful for the purpose of designing individualized work experiences, as the time the student will have spent in the transition program has typically passed before the plan is written.

The current configuration of classrooms and work experiences at centers such as Green Thumb challenge the capacity of the State to move toward meeting the requirements of the Executive Order and Integrated Employment Plan, given the highly segregated nature of services provided on the campus, the lack of individualization and personalization of services, and, accordingly, the strong likelihood that such students' will continue to be segregated long term, as they have received none of the skills that are positively correlated to postsecondary employment in integrated settings.

7. *Finding 7: ODE Has Failed to Advance Effective Transition Service Models that Embrace the Significance of Paid Work in School, Including Supported or Customized Employment, and the Impact of Such Work on Post-secondary Employment.*

State agencies have failed to issue clear guidance regarding the expectation of transition programs to include paid employment as an outcome for youth both prior to and following school exit. In part, this may be the result of ODE leadership's view on the importance, or lack thereof, of paid employment for transition-age youth with I/DD who are in school. The Assistant Superintendent, Office of Learning, Student Service Unit at ODE ("Assistant Superintendent") is primarily responsible for supervising state agency staff implementing transition services. In addition, as stated, her core responsibility under Executive Orders 13-04 and 15-01 is to execute the educational goals and to collaborate with other agencies. The Assistant Superintendent specifically reported, "the requirement is not to find a public school student a posi -- a job; that we are to provide as many opportunities and support them as they learn employment skills, preemployment skills or participate in internships and things like that." When then asked to define what it means to have a job, the Assistant Superintendent responded that this could include a "volunteer position or paid position." Certainly, the leading researchers in the field do not consider unpaid volunteer work as a job, and especially not when that volunteer work is conducted inside school classrooms or on school premises. Furthermore, the Assistant Superintendent reiterated her position that it is not the responsibility of ODE to find students jobs: "In terms of the IDEA, the requirement of public education and the development of the IEP does not require that the outcome be specifically a job for the student." The IDEA, however, is very explicit in defining employment expectations as part of mandated transition services:

"a coordinated set of activities for a student that –  
(A) is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability

to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, *integrated employment (including supported employment)*, continuing and adult education, adult services, independent living, or community participation.

For most youth with I/DD, if the expectation (and measurable postsecondary employment goal) is paid, integrated employment including supported employment, then providing services that facilitate this movement to paid employment while a student is still in school is not only required but most essential to setting a clear pathway to the goal. Nearly twenty years of established research explicitly identifies school-sponsored paid employment for youth with I/DD as a critical factor influencing post-school employment in integrated settings (Carter, et al., 2010). And while there may be more than one way to facilitate a student's movement to postsecondary integrated employment, including through mentorships, peer to peer networks, job shadowing, and internships, failing to provide adequate or sufficient opportunities for transition-age students with I/DD, who can and want to work, to access typical paid employment settings in the community as part of school transition significantly limits the opportunities available to those same students to make the informed choice to work in such settings after exiting school services. As is evident from existing research-based models, finding and supporting paid employment during transition is a collaborative effort among schools, vocational rehabilitation, and community developmental disability agencies. When state agencies do not collaborate effectively to support the presence or availability of paid employment opportunities, including competitive employment, youth with I/DD are placed at serious risk of segregation in sheltered workshop settings and other segregated settings.

Almost unanimously, the full range of professionals with whom I spoke reported that it was not their responsibility to find paid integrated employment for youth with I/DD. In fact, one long-time VTS who had been in the field for over 20 years reported that in the past, there was a much stronger emphasis placed on supporting youth to find, obtain, and maintain paid work. Due to budget cuts and the passage of certain state laws, such as Oregon Revised Statute § 329.451 requiring 990 hours of instructional time for students with disabilities, the focus on paid work as part of transition instructional time has been restricted. He reported that his program now spends more time in classes created specifically for students in the transition program housed on a college campus. The district coordinator present at the time of the interview confirmed this restriction due to interpretation and guidance regarding the 990 hours of instructional time requirement. In another district, however, the restrictions associated with ORS § 329.451 were interpreted by the District VTS as including work experiences in calculating 990 hours of instructional time. However, conflicting policies regarding whether more individualized services are allowable was identified as a concern by this district special education director. Inconsistencies in interpreting state laws, especially related to instructional time have restricted educators from expecting and pursuing paid employment experiences.

8. *Finding 8: ODE and School Districts Excessively Rely upon Unpaid Volunteer Work as the Predominant Form of Work-based Learning Experiences Rather than Paid Work.*

The predominant and almost exclusive form of work-based learning for students with I/DD in Oregon schools is “volunteer work” (in some cases, unpaid work for up to one year in the same setting, often with groups of other youth with I/DD) both as a service delivery model and an anticipated outcome. This trend was consistent across the 18 programs and work experiences reviewed in person and was substantiated by the IEP review. This practice contradicts research that continues to support the ineffectiveness of prevocational or work-readiness programs. In other words, if youth with I/DD have IEP goals focusing only on *prevocational* or *job-readiness* skills, they are more likely not to be employed in integrated settings following school. For youth most at risk of placement in sheltered workshops, if not given opportunities to learn real work skills while in school in individual and integrated work settings, with the expectation of paid work, students will have an increased likelihood of transitioning to segregated sheltered work settings or day habilitation programs following school exit. Work skills are most effectively learned and experienced during transition in typical, integrated employment settings, where a student is given an individual set of responsibilities and possesses an identified relationship to an employer, and not simply where a student maintains a relationship with a provider or school staff. In this regard, the alignment of programmatic practices across Oregon transition programs to national standards was not evident across multiple programs visited, notwithstanding a few more innovative program approaches. More importantly, there was little evidence that the State was administering a sufficiently robust and systematic approach to training and technical assistance to support programs to change and improve practices to be statistically more likely to ensure facilitation toward the expected outcome of competitive, integrated employment.

Oregon’s significant over-reliance on volunteer work as part of transition is evident in data collected through interviews of transition staff: excluding youth with I/DD observed within YTP programs, only five youth with I/DD out of 13 community transition programs visited across nine school districts were reported to have paid positions prior to exiting school, with family members obtaining most of these positions. This is despite years of research pointing to the inter-relationship between paid employment experiences while in high school and post-secondary competitive employment. For certain programs visited, students were holding paid positions, but these were students with disabilities other than I/DD, such as those with learning disabilities, or students with high functioning autism who were enrolled in YTP programs. As mentioned earlier, the YTP model is a joint program funded by ODE and OVRS and is driven by specified employment outcomes. However, this program is not associated with, nor in its current configuration, capable of supporting competitive employment experiences for most youth with I/DD. Several of the YTP coordinators were adamant on this issue; and one stated that there was a recent meeting of YTP programs to discuss expanding the program to include more students with I/DD. She underscored that including youth with more intensive support needs for employment would require a

fundamental shift in YTP reporting timelines, requirements, and procedures given the needs of such youth to find and keep a job.

The North Clackamas School District reported piloting a “YTP Plus” model that included more students with I/DD, however, the outcomes for this program were not yet evident. Among the 20 students (with and without I/DD) exiting services in the Adult Transition Program at the Sadin-Schllenberg Professional Technical Center in North Clackamas in 2015, 13 students out of 20 were not employed or engaged in any job development, discovery, or employment services four months prior to exiting special education services. Given what is known about the time needed for customized and person-centered discovery and job development, it is highly likely these 13 students will exit the transition program without competitive employment, and will be relegated to a facility-based program including sheltered workshops or day placement such as alternatives to employment or paths to employment.

9. *Finding 9: School Transition Staff Lack Access to Adequate or Effective Statewide Training Necessary to Inform them about Oregon’s Employment Policies, Including the Executive Order, or Professional Standards in the Field.*

a. Lack of Training Regarding Statewide Employment Policies

High school special education teachers across Oregon have limited access to training and technical assistance to assist them in introducing integrated employment-related transition services to youth with I/DD. When specifically asked about their knowledge of the Executive Order, including certain provisions directly applicable to transition, including closing the front door to sheltered workshops, high school teachers mentioned that they had heard about it (either from someone in their building, or they attended the State-sponsored Educator Institutes on Networking and Transition (“Educator Institute”). However, all high school teachers with whom I spoke were advocates for sheltered workshops and indicated concern that if sheltered workshops closed as an option for exiting students, there would be nowhere for their students to go. Indeed one long-time teacher reported that she did not attend the Educator Institute specifically because she heard it was only to inform people that workshops would be closed to exiting students, with which she disagreed. These teachers were not aware of alternative options to sheltered workshops, and among those who had attended the Educator Institute, teachers reported that they had not learned of models of supported or customized employment through this training. The lack of State-sponsored information and training regarding new and innovative models of integrated employment-related transition services, including supported and customized employment, combined with the information presented only about closing down an avenue of service delivery, has potentially fueled a backlash among schools and families.

b. Lack of Training Regarding Other Professional Standards

Only two districts out of the nine that I visited and the additional districts that were interviewed by phone reported knowledge of and adherence to the comprehensive

work-based learning requirements of the *Fair Labor Standards Act Training Agreement for Comprehensive Work-Based Learning Programs*. This joint agreement between the U.S. Department of Education and Department of Labor specifies procedures so that youth with disabilities who engage in non-paid career exploration, career assessment, and work-related training activities are not considered employees of the business. When schools and employers engaging in work-based learning activities adhere to all of the guidelines, they do not violate the employment relationship provisions of the FLSA. Of primary importance are the guidelines related to the amount of time a student may remain on any one unpaid worksite completing specific job duties (i.e., five hours of career exploration, 90 hours of career assessment, 120 hours of work-related training). This means that if you leave a student in a single unpaid job site for an entire year as was described as an approach used by some district transition coordinators, and provided as an example of legitimate school-based work experiences by the ODE Assistant Superintendent and ODE Transition Coordinator; not only will students be significantly limited in opportunities to participate in a range of career experiences, but also, it is highly likely that businesses in that community will not be adhering to the provisions of the FLSA.

10. *Finding 10: There Lack of Interagency Collaboration Between Agencies that Serve Transition-age Youth with I/DD Is Pervasive.*

a. Effective Models of Interagency Collaboration

Models of well-established, collaborative partnerships among education, adult agencies, and employers to support paid internships for students were not present in any schools visited during my week long review (“Engaging Youth in Work Experiences,” 2011; Luecking & Fabian, 2000). Other models of short and intensive unpaid work experiences such as Project SEARCH (Rutkowski, Daston, Van Kuiken, & Riehle, 2006; Wehman, et al., 2014) with high rates of paid employment outcomes were also not found or indicated. As mentioned earlier, Project SEARCH has only recently been introduced in the Portland area; and the program was not instituted there through any support, whether formal or informal, from the State or its agencies.

b. Oregon’s Barriers to Interagency Collaboration

There appears to be an overall lack of clearly delineated procedures, memoranda of understanding, and service agreements resulting in the early and shared planning of employment services across school districts. In addition, efforts to ensure that youth with I/DD exiting transition programs have obtained ongoing supports for competitive employment is limited, leading to the unnecessary and serious risk for placement in sheltered workshops immediately upon exit from school transition programs.

Throughout the site visits, one consistent trend identified was substantial barriers to integrated employment due to a lack of collaboration between state agencies serving the employment needs of youth with I/DD, primarily ODE, OVRS, and ODDS. This finding is supported by the results of the IEP analysis that found little to no involvement of OVRS during IEP transition planning meetings. There was a marked discrepancy as

compared to the high and collaborative nature of OVRs involvement for youth with more mild disabilities and disabilities other than I/DD through the YTP model. Representation from about one-third of the ODDS case managers during IEP meetings was a slightly more positive finding from the IEP analysis. However, the confusion and contradictory policies and procedures associated with ODDS services have continued to create significant barriers to employment for youth exiting transition services. One major barrier reported by participants related to redundancies associated with OVRs and ODDS eligibility requirements, and a lack of understanding of state policy relating to the use of Brokerage services in schools. For example, one ESD maintained an ongoing practice of waiting until a student exited transition services before applying for Brokerage services, based on the misperception that this was the required procedure. The consequence of limited collaboration is that employment services are not established prior to exiting special education services, thereby relegating students to waiting at home for services or being relegated to sheltered workshops, facility-based day programs, or facility based "employment path" services.

(1) OVRs does not Adequately Collaborate with School Transition Programs for Youth with I/DD.

Overall, administrators and coordinators working in YTP programs spoke highly of the quality of collaboration with OVRs. Because of the responsibilities of OVRs to support the YTP grants, the level of involvement from OVRs counselors was high. All YTP programs reported that an OVRs counselor was specifically assigned to their district to work directly with YTP youth. These OVRs counselors regularly attend monthly meetings with YTP staff, come to school program settings to complete VR eligibility intake procedures with youth and families; and one program coordinator indicated that their OVRs counselor assists with teaching an employment class. Another YTP coordinator indicated that their program "front loads" the intake process with transition assessment results to avoid having a student found to be not competitively employable, and therefore, not qualified for YTP services. However, some YTP coordinators had concerns with certain OVRs counselors who were not as engaged as YTP-designated counselors. One coordinator was particularly frustrated with an OVRs on-the-job evaluation for a student who was assessed in a community job that was outside of his strengths and preferences, and then deemed not ready for paid employment. The program staff had to advocate on behalf of the student with OVRs to re-evaluate the young man by placing him in a job site similar to the career track in which he was interested and had been trained. The reevaluation process delayed the student's approval for OVRs employment services. Luckily in this circumstance, the student had been referred to VR early enough so that the long delay did not hold up his chances of working once he exited from the program.

Of greater concern were barriers to OVRs services and involvement among youth with I/DD served in CTPs. Program coordinators and administrators reported significantly less involvement with VR, with the majority (four of the five CTP programs responded while one supplied no information) reported that less than half of the students with I/DD exiting services at 21 years old had begun the eligibility process for VR services. This was substantiated by the IEP analysis where very few VR counselors were

involved during planning. Most school staff had heightened concerns that there was, at the time of the transition review, essentially four months left of the school year, and given the intensive support needs of students for job development, placement, and support on the job, that they were running out of time to ensure that such students could make a meaningful choice to work in integrated settings. When program administrators from one large urban district were asked by the State's expert witness, Kim Osmani, about OVRs' level of involvement, several barriers were expressed including large caseloads among OVRs counselors who could not provide the needed level of individualized attention to students at serious risk of entering sheltered workshops. Program administrators expressed concerns with OVRs evaluations that deemed students not competitively employable based on a single job site evaluation; and that OVRs was only available to begin the intake process six months prior to students exiting special education services. Providing intake services only six months prior to student exit is contrary to evidence-based and effective practices. Further, even though the district coordinator submits a forecast of students exiting services to OVRs, many of the students never participate in the intake process or make sufficient connections to OVRs offices. The general concern is that OVRs must be involved sooner and make a more concerted effort to engage with students and families.

In speaking with the two transition coordinators associated with two of the four Employment First Seamless Transition Pilot programs, both coordinators highlighted emerging collaborative practices related to developing the seamless approach to transition services, like the ability to open VR caseloads earlier than is typical, rather than waiting until the Spring of the students' last year. One coordinator shared that among her five students who are participating in the Employment First Pilot and exiting services July 2015, four were successfully making a seamless transition to integrated employment: one was working, one was targeted for a vocational evaluation, one was interviewing for a job, and one had an interview but did not get the job. The fifth student was denied access to integrated employment due to difficulties with her ODDS case manager. While the Employment First pilot students were making progress toward integrated employment, the coordinator's primary concerns were for her students not involved in the Employment First Pilot. All had either been declared ineligible for employment services from OVRs or the process, through OVRs, for providing the services and supports for competitive employment had not yet begun.

Similar concerns were raised by the coordinator of the second Employment First Pilot site, who expressed that while it was great to work with the OVRs counselor with expertise in supporting individuals with I/DD, OVRs was not opening cases for students with I/DD in transition program classrooms outside of those in the Employment First Pilot. The coordinator stated that OVRs considers the non-Employment First Pilot students to be ineligible for employment services, regardless of similar disability characteristics and labels to the students in the pilot program, because of the severity of the students' disabilities. It can be inferred from this that only youth in the pilot program are currently being preferentially selected for screening or eligibility for OVRs services, whereas the general operating procedure has been for OVRs to exclude other students with I/DD based on the severity of their disabilities. The coordinator expressed his



concerns that without the Employment First Pilot, the district has “no clue” about processes or options for students with significant disabilities. From his perspective, there has never been a model in place for students with significant I/DD in Oregon and his confidence with the State’s capacity to sustain the Employment First Seamless Transition model and to bring it to scale was not strong for the following reasons: (1) Oregon has a history of not following through with initiatives; (2) the policies of the State on transition are confusing to stakeholders, (3) even though the capacity may be present to supply students with integrated transition services through a pilot, the State has yet to explain integrated alternative services to families, or inform them of the benefits of supported employment, to garner broader support or to make those services available on a larger scale; and (4) many families only know sheltered workshops, and fear that the service system will move quickly from “something to nothing” by taking sheltered workshops, as a service option, away from exiting students, thus fueling a potential backlash to systems change. Others involved in transition services have expressed similar concerns.

Accordingly, while the YTP programs generally benefitting youth with disabilities other than I/DD demonstrated effective interagency collaboration, it was evident across school districts that OVRs has failed to collaborate effectively with school transition programs for youth with I/DD.

(2) ODDS does not Adequately Collaborate with School Transition Programs for Youth with I/DD.

Among the eighteen programs that I visited, program staff reported a lack of collaboration from ODDS services. Some programs describe ODDS case managers as coming to IEP meetings when asked, but most indicate that typically ODDS representatives attend IEP meetings only about half of the time. Such trends were similar to those found in the IEP analysis. One innovative district reported reaching out to ODDS and has organized a group intake process within the CTP to ensure students get the services that they need. All district programs reported that students with Brokerage case managers typically received more responsive services, including job development and employment services, than students with county case managers through the Comprehensive Waiver. The two Employment First Transition Pilot programs indicated receiving high quality services from the Brokerage case managers, but only for students enrolled in the Pilot programs. Other students, and even one of the Employment First students being served by a County DDS case manager were reportedly denied the opportunity to access integrated employment because of the limited role the case manager had taken by failing to attend IEP meetings, and by taking few, if any, steps to link students with employment services prior to school exit.

ODDS eligibility requirements were reported by several school districts to be a particular barrier to increased collaboration. According to staff from several different school districts, ODDS’ re-evaluation procedures require a full scale IQ and standardized adaptive behavior evaluation from an ODDS licensed evaluator in order for youth to be determined as having a developmental disability. This evaluation substantially slows down the process of receiving ODDS employment services. It was also reported to evidence an extreme level of redundancy, given that after 21 years of receiving special

education services, it is not necessary to reevaluate young adults to confirm disability labels such as I/DD or autism. Furthermore, no one I spoke with indicated knowledge of “My Annual Declaration of My Employment Goals for my ISP Year” that was instituted for transition-age youth with I/DD within one year of exiting high school or high school transition programs (DHS transmittal APD-AR-14-043, 7/18/2014). According to the policy, all youth exiting special education services during the 2014-15 academic year should have had such a declaration in place. Training and information appropriate for educators has not been distributed to schools regarding this policy.

11. *Finding 11: There is a Consistent Lack of Communication Regarding State Law and Policies Impacting the Employment of Transition-age Youth with I/DD.*

Most schools reported considerable frustration with conflicting policies and procedures associated with ODDS services. Several reported that at trainings such as the Educator Institute, the ODDS presenter publicly acknowledged that they were not sure of the policies and procedures related to employment supports for youth with I/DD. To those in attendance, this seemed especially true with regard to conflicting policies related to when ODDS Discovery could take effect for students. Most schools understood that ODDS could not initiate Discovery until students exited from special education services at age 21; regardless of the revisions to policies (OAR APD-PT-05-011). Even ODDS case managers were unaware of any substantial changes on the horizon related to Discovery and Case Management, even though Discovery is a vital service necessary to youth with I/DD to assist them to identify career interests, skills, and goals. Districts described training and information about ODDS collaboration during transition as “kind of fuzzy” with policies constantly changing. Two years after the initial Executive Order, it was repeatedly reported that there remains considerable confusion regarding the availability of ODDS services for transition-age youth with I/DD, and that no one seemed to know the answers to numerous questions pertaining to students’ access to ODDS services. Most school personnel were asking for specific and clear policies and procedures to ensure that youth with I/DD were supported to make the transition to paid, integrated employment. One high school teacher, who was especially concerned about the lack of clear guidance from ODDS, requested that ODDS develop guidelines for services and noted that it is the responsibility of ODDS case managers to communicate directly with families and teachers. He also mentioned that in order for students whom he serves to be successfully employed, more supported employment agencies were needed statewide.

It is not surprising that there is such heightened confusion regarding ODDS policies. In a selected review of policies most closely aligned with promoting employment for students exiting transition, I noted several inconsistencies related to the policy associated with no longer funding services in sheltered workshop settings for individuals newly eligible for services, such as those youth with I/DD exiting special education and transition services. The DHS Policy Transmittal (APD-PT-15-007, 2/25/2015) states in relevant part:

“Only individuals who use Employment Path Facility services for support in a

Sheltered Workshop setting as of June 30, 2015, can receive authorization to continue using Employment Path services in the Sheltered Workshop setting after July 1, 2015.”

This transmittal ensures that students who are exiting special education services at the end of this school year (June 2015) can still transition to sheltered workshop services if they become enrolled in employment path facility services by June 30, 2015. Given this transmittal, it appears that DHS, and ODDS, as a matter of policy, have decided to continue to allow youth with I/DD, including youth exiting school during 2015, to enroll in sheltered workshops prior to the July 1, 2015 deadline by which the front door to sheltered workshops is expected to be closed to students. This policy exists even despite that ODE has taken the position that placements at sheltered workshops for transition-age youth have not been allowed since revisions to the Oregon Administrative Rules were made in December 2013 (OAR 581-015-2930). Nowhere in this transmittal does DHS or ODDS articulate a plan or set of procedures or services that can be offered to off-set enrollment in traditional sheltered workshops under Employment Path Facility, and to encourage access to the services and supports that are likely to lead to competitive, integrated employment. Instead, the Policy appears as a tacit acknowledgment that the services and supports necessary to place students exiting during the 2014-2015 school year into integrated employment have yet to be brought online, that employment path facilities are designed to mirror the employment services historically offered in Oregon sheltered workshops, and that students and families should avail themselves of such services before the front door to sheltered workshops closes.

Moreover, the ODDS policy transmittal pertaining to the specific services provided under “Employment Path Facilities” (APD-PT-15-006) also lacks clarity and supports that employment path services are generally consistent with traditional sheltered workshop services. The definition of “Employment Path Facilities,” as stated in OAR 411-345-0025(9)(d), is:

(d) EMPLOYMENT PATH SERVICES:

- (A) To provide learning and work experiences, **including volunteer work**, where an individual may develop **general, non-job-task-specific strengths and skills** that contribute to employability in competitive integrated employment settings. Producing goods or services may be incidental to this service but the **primary purpose must be to develop general employment skills** that may be transferred to an individual integrated job.
- (B) Are expected to occur over a defined period of time with specific outcomes to be achieved, as determined by the individual and his or her service and supports planning team through an ongoing person-centered planning process.
- (C) Requires that an individual have an employment-related goal in his or her ISP. **General habilitation activities accessed through employment path services** must be designed to support such employment goals.
- (D) Employment path services are a **facility-based service if delivered at a fixed site operated, owned, or controlled by the service provider and where the**

**supported individual has few or no opportunities to interact with people who do not have a disability except for paid staff.**

Found at [http://arcweb.sos.state.or.us/pages/rules/oars\\_400/oar\\_411/411\\_345.html](http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_411/411_345.html) (emphasis added).

Specific terms used in the above definition rely upon general, non-job specific skills that are not designed to lead to employment outcomes in integrated settings, do not conform to professional standards, do not adhere to evidence-based practices or align with predictors of employment, and are not consistent with national standards for employment outcomes. Without further specificity and consistency with national standards in its service definition, youth with I/DD, including youth exiting during the 2014-2015 school year, who receive “employment path facility” services will continue to be shunted into traditional sheltered workshops services, receiving skills training proven not to lead to employment outcomes in integrated settings.

12. *Finding 12: School Transition Staff Demonstrate Little Knowledge of how to Link Transition-age Youth with I/DD with Integrated, Work-based Learning Experiences Based on Their Interests and Preferences.*

Across school districts, school transition staff members excessively rely upon existing pre-selected school worksites for student work-based learning experiences *in lieu* of providing job development, job carving, or job placement with a person-centered approach for youth with I/DD to be placed in work-based learning experiences that correspond to their interests. For instance, during the transition review, two high schools were supporting bike repair shops inside of special education classrooms where youth with I/DD repaired bikes including for teachers and staff. Participation in the bike shops was only available to youth with I/DD, and such students were not paid. There was no evidence that the teachers and transition staff at those sites had been trained in a service model or curriculum that would help to facilitate those same students transitioning into internships or paid work experiences in bike shops in the community either prior to exit from school services or following school exit. School transition staff demonstrated a lack of knowledge about how to link school instruction to eventual placement in integrated work settings.

13. *Finding 13: Many School Transition Programs Include In-school Businesses that do not Generalize to Real Work Settings.*

The Transition Review revealed numerous in-school businesses where youth with I/DD supplied services to either the general school community or the special education teachers and staff, but where only other youth with I/DD participated in the business. None of the schools sites that were observed were integrated, as they did not include participation by non-disabled students, and most were housed within the special education classrooms, and/or near the special education wing. For example, all three high schools visited operated coffee shops run by youth with disabilities. Two of these shops were located in the special education classroom, rather than in or near the school cafeteria. The one coffee shop that was located in the high school cafeteria only allowed youth with disabilities to work there. Students’ lack of interaction with non-disabled

peers in in-school businesses make the employment training received there far less transferable to actual employment settings in the community and, as mentioned throughout this report, such experiences are not supported by research to lead to such students' ultimate postsecondary participation in integrated employment settings. Moreover, such practices condition students to use the interaction with only other students with disabilities while performing isolated tasks as *a point of reference for what work is*—depriving such students of the knowledge and information necessary to make meaningful and informed choices to work in integrated settings in the community.

14. *Finding 14: Oregon Transition Programs Utilize Community College Campuses but Often Fail to Allow Students with I/DD to Benefit from the Full Range of Opportunities to Fully Integrate with Non-disabled Peers.*

As observed during the transition review, the majority of youth with I/DD who receive services through transition programs on community college campuses spend time in classes created by the programs to address transition-focused skills and the programs are typically only available to youth with I/DD. College campuses have been found to possess prevalent and naturally occurring opportunities to fully integrate with same-aged peers without disabilities. Recent research has reported a strong relationship between students with I/DD enrolled on college campuses and positive supported employment outcomes (Hart, Grigal, Sax, Martinez, & Will, 2006). However, the continued segregation of youth with I/DD on postsecondary campuses, without exposure to individualized career awareness, exploration, and development activities in integrated settings, creates impediments to such students' transition to competitive employment by depriving students of the significant opportunity to engage with same-aged peers without disabilities and to learn critical problem-solving, social, and communication skills among peers.

Unfortunately, the proliferation of “transition classes” in Oregon, in which only youth with I/DD are enrolled combined with programs designed for students to work their way through “employability” skills in a stair-step fashion, have resulted in few opportunities to pursue paid employment or to engage in career awareness, exploration, and development in integrated employment settings on college campuses. The “stair step” transition methodology, tackling one work readiness skill or activity after another prior to eventual placement in employment settings, as described and endorsed by ODE, is not supported by research and runs contrary to professional standards. (See Large School Summary, LAN\_DDS\_315738–LAN\_DDS\_315739). Research strongly supports the elimination of work readiness criteria for students with I/DD. Effective transition planning and supported employment services, in general, begin with the presumption that a youth with I/DD can receive supports in an integrated employment setting without having to first establish certain competencies, pre-vocational skills, or that they are “ready” to do so. The most effective window for skill acquisition for transition-age youth with I/DD has been found to be after such students are placed on the job in an integrated setting, not before.

It was also revealed during the transition review that Oregon community college programs have been used, as part of transition, in a manner that possesses the attributes of segregated sheltered workshops and mobile work crews. During an interview with a Vocational Transition Specialist, the VTS actually referred to the Lane Community College's Specialized Support Services program as a "sheltered workshop" where students with disabilities work during transition. In reviewing the website (<http://www.lanecc.edu/sss/eligibility>), it is clear that only individuals with disabilities can be employed through this program. The Lane Community College program's employment sites appear to focus exclusively on mobile crews of individuals with disabilities and "in-house time-limited positions" such as assembly, packaging, recycling, and shredding – which are considered in the field to be sheltered workshop-type tasks. Like McMinnville High School, the Lane Community College, also has maintained a certificate to pay transition-age students subminimum wages for the performance of laundry and recycling work, and other such tasks as part of the transition program. (See Lane Community College 14(c) Certificates, DOL\_WHD\_04443; DOL\_WHD\_04433; DOL\_WHD\_04423). For example, in 2012, one student earned \$1.46 per hour performing recycling tasks in the community college program at Lane Community College. DOL\_WHD\_04426. Lane Community College Specialized Support Services did not respond to a request to visit.

15. *Finding 15: Transition-age Youth with I/DD Lack Access to Effective Communication in Transition Programs to Assist Them in Expressing Their Employment-related Preferences and Experience Difficulty Expressing Their Employment-related Preferences.*

During the transition review, across programs, it was observed that transition-age youth with I/DD have limited access to adequate or effective methods of communication. There appeared to be a lack of access to augmentative communication methods even despite the apparent severity of students' disabilities. Communication supports are, in many instances, a necessary first step toward ensuring that youth with I/DD are able to make choices and communicate preferences, including employment and career preferences and interests. The use of augmentative communication strategies was only observed in one classroom throughout the entire transition review across nine school districts.

## **IX. OREGON'S EXECUTIVE ORDERS 13-04 AND 15-01**

Former Governor John Kitzhaber's Executive Orders 13-04 and 15-01 have not, and will not, ameliorate the serious risk imposed upon youth with I/DD of postsecondary placement in segregated sheltered workshops or day programs.

- A. Executive Orders 13-04 and 15-01 Fail to Define the Expected Outcome of Employment-related Transition Services.

Executive Order 13-04, issued April 10, 2013 and revised February 2, 2015 through Executive Order 15-01, did not clearly articulate an expected outcome for youth

exiting special education and transition services. Section X: Education Provisions defined the Executive Order 13-04's education goals:

“(1) [f]amilies, students and educators will have the expectation that individuals with I/DD will work in integrated, community-based settings; (2) [s]tudents transitioning to adult services through OVRs or ODDS will be prepared to transition to integrated work experiences; [and] (3) [s]tatewide systems will be coordinated to reach the goal of integrated employment opportunities as an outcome of students' education.” (Executive Order, 13-04, Page 9, Section X(2)(a)(1)-(3)).

However, nowhere does Executive Order 13-04 define “integrated community-based setting,” “integrated work experiences,” or “integrated employment opportunities.” It is unclear whether “integrated community-based setting” even includes an employment setting. It is also unclear why the expectation built within families, students, and educators (for “integrated work experiences”) would be different than the actual planned for outcome within the system (“integrated employment opportunities”). Executive Order 13-04 was in place, without revision, and was presumably driving Oregon's employment-related transition services for over two years, from April 10, 2013 through February 2, 2015; yet, the expected outcome of Executive Order 13-04 for transition services was unclear, if not indecipherable, during that entire time period.

The failure to define the expected outcome of transition services within Executive Order 13-04 left room for an expected outcome other than competitive, integrated employment. Professional standards dictate that the success of employment-related transition services be measured by the number of youth that attain postsecondary competitive employment. It appears that Oregon has long understood this, despite its failure to provide such a measure expressly for youth with I/DD, as it participates in the collection of data through the annual Postsecondary Outcome Survey (“PSO”) that includes the number of students with disabilities that attain postsecondary competitive employment, as a way to evaluate the effectiveness of its transition service system. Yet, Executive Order 13-04 failed to articulate competitive employment as the expected outcome of employment-related transition services for students that entered the adult system and, accordingly, provided no benchmark for measuring the effect of its employment-related transition services.

Likewise, even though Executive Order 15-01 revised the education goals of Executive Order 13-04 nearly two months ago, the revisions did little to clarify Oregon's goals for employment-related transition services. Executive Order 15-01 states the education goals as:

“(1) [f]amilies, students and educators will have the expectation of work in Integrated Employment Settings. (2) Students transitioning to adult services through VR or ODDS will be prepared to transition to integrated work experiences. (3) Statewide systems will be coordinated to reach the goal of

Competitive Integrated Employment opportunities as an outcome of students' education." (Executive Order, 15-01, Pages 13-14, Section X(3)(a)(1)-(3)).

The revised goals demonstrate that Oregon is willing to define what families, students, and educators should *expect* – Integrated Employment Settings, as defined in Section I(10) to include competitive, integrated employment or Small Group Employment – however, it is unwilling to define with the same degree of specificity what students transitioning into the adult system will be *prepared for*, as it states that students will be “prepared to transition to integrated work experiences,” while providing no definition for “integrated work experiences.” In this regard, the plan provides for an obvious disconnect between the expectations built among families, students, and educators for employment services, and how students actually will be prepared to accomplish those service expectations (e.g., also the level of preparation provided for students to transition to integrated settings).

By defining the goals for employment-related transition services in Executive Order 15-01 to include building the expectation of small group employment for exiting youth, their families, and educators, Oregon has failed to make its education goals reflective of a service system in which competitive, integrated employment is the primary service delivery expectation. The very nature of groups of individuals with I/DD working together, typically with a staff person, restricts the opportunity for interaction with non-disabled peers. This is especially true in Oregon where groups of up to eight individuals are permitted to work together in small group employment. Small group employment is not the equivalent of individualized integrated work, nor should it be the expected, first or priority service outcome.

Finally, Oregon's revised goals for transition in Executive Order 15-01 curiously state that statewide systems will be coordinated to reach the goal of “Competitive Integrated Employment opportunities” as an outcome of students' education, but, as described in more detail below, nowhere in Executive Order 15-01, or the revised Integrated Employment Plan, does Oregon commit to collect data about the number of transition-age youth with I/DD that actually attain Competitive Integrated Employment as a result of the Executive Order or the number of youth with I/DD that continue to transition to sheltered workshops or other segregated settings.

**B. Executive Orders 13-04 and 15-01 Provide no Assurance that Youth with I/DD Have Received or Will Receive Employment Services.**

Under Executive Order 13-04, Sections IV(3)(a)-(i), it was expected that ODDS and OVRS would provide Employment Services to “at least 2000 individuals” over nine years, where — according to Section IV(4) — approximately half of the persons would be working-age individuals with I/DD and approximately half would be transition-age individuals with I/DD who are found eligible for ODDS and OVRS services. However, after over two years of service provision under Executive Order 13-04, the Assistant Superintendent stated that she did not know how many transition-age individuals, to date, have achieved employment in competitive integrated settings as a result of the Executive



Order and that she had never even asked for that information. Moreover, under the newly revised Executive Order 15-01, even despite that the number of employment services that ODDS and VR are expected to provide has increased to 7,000 individuals with I/DD over nine years, under Section IV(3), there is now no assurance, or even expectation, that even a single youth with I/DD will receive employment services, as Executive Order 15-01 delegates the authority to the Executive Order Policy Group to "review" the distribution and proportionality of delivery of employment services, as between working age individuals with I/DD and youth with I/DD who are eligible for the adult system. The Assistant Superintendent underscored that the Executive Order Policy Group is merely required to review the proportionality, but not to determine it, and that there is no known date when they will do this. Accordingly, it is not presently known whether any youth will receive employment services under Executive Order 15-01, and as such, youth with I/DD continue to remain at serious risk of unnecessary segregation, as they are not assured to receive the services and supports necessary to access integrated employment settings following exit from school services.

C. With no Monitoring System in Place, School Districts are not Assured to Adhere to the Requirement that the Front Door to Sheltered Workshops be Closed, and Oregon has Failed to Provide Technical Assistance, Out-reach, and Education, to Prevent Students from Continuing to Transition to Sheltered Workshops.

EO 13-04 stated, in Section III(2)(a) ("front door provision"), that by July 1, 2015, ODDS and OVRs shall no longer purchase or fund placements in sheltered workshops for transition-aged youth with I/DD who are newly eligible for services. In December 2013, ODE issued OAR 581-015-2930 prohibiting the placement of students with disabilities in sheltered workshops as an "alternative placement" to meet the needs of children with disabilities for special education services. Executive Order 15-01 restated the requirement that, by July 1, 2015, the front door to sheltered workshops would close to transition-age youth.

ODE leadership have taken the position that this single rule change, along with the front door provision of the Executive Order, is sufficient to effectively and permanently close the front door to sheltered workshops for youth exiting special education services. However, no safeguards have been put in place to monitor the implementation of this new approach, and no data has been or is planned to be collected to measure the number of students who transition from schools to sheltered workshops, even though examples have emerged of Districts that are not adhering to the front door rule or policies. Moreover, ODE has no policies in place to penalize Districts that are out of compliance or who continue to support relationships with sheltered workshops for assessment or placement purposes.

Instead, ODE takes the position that the primary mechanism in place to monitor whether students continue to transition from schools to sheltered workshops, or are assessed in sheltered workshops, are the eight part-time Transition Network Facilitators, positions developed as a result of the Executive Order's Transition Technical Assistance Network. The Deputy Superintendent of ODE stated that the existence of the Transition

Network Facilitators was sufficient to monitor the front door to sheltered workshops, although he has also acknowledged that ODE may withhold school funds from non-compliant districts, but he has not communicated this fact to school districts or exercised this power to date.

More recently, in March 2015, the Assistant Superintendent of ODE acknowledged that while there is confusion among Districts regarding this front door policy, it is her belief that no one will enter sheltered workshops after July 1, 2015 simply because the policy, and accompanying change to the Oregon Administrative Rules, is in place. In fact, she admitted that Klamath School District knew about the policy and rule change yet refused to comply until ODE contacted them approximately a year and a half after the entry of Executive Order 13-04. When asked what penalty might be imposed on a District, like Klamath, that knowingly violated the requirement, the Assistant Superintendent stated that there are not policies or procedures for either monitoring or penalizing districts in place. Moreover, when asked whether, after discovery of the policy and rule violation, a Network Transition Facilitator provided Klamath with any training and technical assistance about how to introduce integrated alternative services to its students, the Assistant Superintendent said that she could not answer what the Network Transition Facilitator for the region did after discovering that Klamath was out of compliance and that she did not know specifically. Certainly, the results of the ESD survey conducted in preparation for this report, as well as the school surveys completed by ODE during the 2013-14 school year, reveal that several school districts reported that they have maintained non-contractual relationships with sheltered workshops for both assessment and placement purposes as part of the students' special education services and have done so after the issuance of the Executive Order. To date, there appears to be no efforts in place for Transition Network Facilitators to affirmatively collect concrete, up-to-date information about districts' practices, and the only way it appears that ODE is notified of problems is if one of eight part-time Transition Network Facilitators happens to identify the problem among Oregon's 197 school districts during their communications to and with the assigned schools.

D. Oregon has Failed to Introduce Information About Integrated Service Options to Students in Anticipation of the Closure of the Front Door to Sheltered Workshops so that they can Make a Meaningful Choice to Work in Integrated Settings.

If the front door to sheltered workshops is successfully closed, it is likely that students who traditionally would have transitioned to sheltered workshops will transition to alternatives to employment or other segregated day services options, as too few integrated alternatives will be available to them. Few if any training and technical assistance materials or efforts are in place to engage teachers in changing expectations about future employment for students with I/DD to prevent students from transitioning to still other segregated settings. In fact, the transition review and survey of ESDs conducted in preparation for this report, as well as my review of ODE's school survey documents, have revealed the prevalence of practitioners and administrators across the state that believe that sheltered workshops are a viable and essential service option for certain students, and that without such services in place, students will remain at home

after exiting school services or enter segregated day programs, like ATE. In fact, one teacher whom I interviewed advocated for the establishment of *more* sheltered workshops. Too few of these same practitioners and administrators were aware of integrated work-based learning experiences, supported employment, and customized employment strategies.

To date, ODE has merely provided written information, attended meetings with special education directors, and held informational trainings such as the Educator Institutes to ensure that students will not transition to segregated service options. ODE has not demonstrated the level of commitment to training and technical assistance necessary to ensure that students who are presently at serious risk of unnecessary segregation are introduced to meaningful information about integrated alternative service options prior to exit from secondary education services.

E. The Transition Technical Assistance Network Does not Possess an Adequate Plan for Systematic Professional Development.

Executive Orders 13-04 and 15-01 described several strategies assigned primarily to ODE for implementation of Section X. of the Executive Order (Executive Order 15-01, Section X(4), Executive Order 13-04, Section X(3)). Among the strategies are the establishment of a statewide Transition Technical Assistance Network “to assist high schools in Oregon to provide Transition Services” and to “seek to ensure that the Education Goals of [the Executive] Order are implemented in assessment, curriculum, and instruction for students of transition-age, particularly students with I/DD....” (Executive Order 15-01, Section X(4)(c)).

Since the issuance of Executive Order No. 13-04, in which the State established the TTAN, ODE’s training and technical assistance goals and activities identified for the TTAN have, for the most part, not changed (with one exception regarding data collection that is discussed below). As stated in Executive Order No. 15-01, Section X(c):

Transition Technical Assistance will be aimed primarily at students with I/DD in Section II.2.a of the Education Target Population, and will include professional development and technical assistance for teachers, administrators, and other educational service providers that include:

- (1) Transition-related curriculum and instructional approaches which are consistent with the Education Goals.
- (2) Outcome-based transition planning approaches that use precepts of discovery and person-centered planning.
- (3) Implementation of transition-related instructional approaches, such as those that are community-based, and which can include authentic experiences such as internships, mentorships, youth work experiences, job skill related instruction, and job shadowing.

- (4) Facilitation and management of interagency teams and resources to help ensure students and families can utilize resources from ODDS, VR, and local education agencies.
- (5) Encouraging the implementation of Transition Services in the schools that are consistent with the Education Goals.

Interpreting the aims of the TTAN in conjunction with the stated ODE strategies, it is evident that the intention is to develop a statewide network of training and technical assistance to implement transition-related curriculum and interventions so that "Statewide systems will be coordinated to reach the goal of Competitive Integrated Employment opportunities as an outcome of students' education" (Executive Order 15-01, pg. 14). In fact, an essential strategy articulated in both Executive Orders is systems-change efforts in schools and communities through local capacity development. Given that this kind of systems change has been ODE's stated objective under the Executive Order for over two years, it would be expected that through the work of the TTAN, a well articulated plan for systematic professional development would be not only framed but launched with intensity and fidelity, especially since systemic change is needed urgently due to the July 1, 2015 deadline for no new admissions to sheltered workshops. In fact, the 2015 Integrated Employment Plan status updates regarding Plan Goals, Actions and Activities, for Goal 1.3 Enhance internal capacity of DHS and ODE to support Employment First Agenda, states: "5. ODE will designate staff specialists to focus on systems-change efforts, data quality and tracking, local capacity development, and work with local education agencies to help ensure that education goals are reflected in transition services." The Plan reveals that the following was done: "Secondary Transition Liaison and 8 Network Facilitator positions were added and filled."

However, as revealed by the transition review and IEP review, very little progress or effort has been put forth by ODE to develop a comprehensive system for improving the presence and availability of school-sponsored, school-based, and work-based learning experiences in integrated employment settings. In particular, the current State system for providing training and technical assistance to transition and educational providers is minimal, offering cursory and introductory training, with few opportunities for the kind of intensive technical assistance and coaching necessary to change transition practices and instill evidence-based models leading to competitive, integrated employment outcomes. The TTAN, the professional development network, was not designed from evidence-based practices for training and technical assistance (e.g., coaching/mentoring) that will lead to changes in practices among school personnel and adult agency staff. Ample evidence indicates that the core features of training and technical assistance necessary to bring about individual and systems change include: (a) a focus on content knowledge, (b) opportunities for active learning, (c) collective participation of practitioners in a cohort model, and (d) sustained duration of the training and technical assistance (Lambert, Wallach & Ramsey, 2007; Darling-Hammond & Baratz-Snowden, 2007; Garet, et al., 2001; Killion, 1999). A feature of effective training and technical assistance is connection to other aspects of school and organizational change (vonFrank, 2009; Neufeld & Roper, 2003) and that administrative structures support the involvement of practitioners in instructional, programmatic, and systems decisions (Wei et al., 2009).

In fact, attention to systems factors within training and technical assistance is critical to its overall success, and in particular, to bring to scale evidence-based practices and predictors of success, practitioners (e.g., educators, service providers, and transition stakeholders) need to know not only what to do and how to do it, but must consider the context within which new interventions are implemented (Fixsen, Blasé, Horner & Sugai, 2009).

1. *TTAN's Training and Technical Assistance has been Far too Limited in Scope to Meet Present Service System Demands.*

Given what is known about effective and systems-focused training and technical assistance, it is clear that the TTAN model does not adhere to national standards for professional development (cf., National Staff Development Council, [www.nsdc.org/standards/sai.cfm](http://www.nsdc.org/standards/sai.cfm), for delineated leadership and innovative configuration standards). In the past two years, the scope of the TTAN's training and technical assistance was to develop only an introductory overview of the Executive Order and introductory presentations from OVRs, ODDS, and the parent information and training center, Family and Community Together ("FACT"). Sixteen months after the Executive Order was signed, eight part-time trainers have been hired. While it was noted in an announcement on the ODE website that "the new Transition Network Facilitators will contact each district during the month of September [2014] to review the new OARs, and provide support to you and your programs" (LAN\_DDS\_441036-LAN DDS\_441037), a systematic approach to contacting regional districts was not followed. This was evident during site visit interviews. One of the first questions asked during the transition review while on site at schools was whether the educator knew the name of their Transition Network Facilitator and in what ways has the Transition Network Facilitator provided information, technical assistance, and coaching to districts.

Some districts reported that their Transition Network Facilitator had just contacted them "within the last two weeks," in early February, just prior to my expert visit, even though ODE policy stated that this would occur during the month of September 2014. Other districts did not know the name of their Transition Network Facilitator. Overall, the level of information provided by the TTAN and Transition Network Facilitators has been reported by district staff to be primarily introductory with opportunities for Transition Network Facilitators to speak at Special Education Directors' meetings and through email correspondence. Only one of the districts reported that their Transition Network Facilitator staff members were providing ongoing training specifically related to PCP and Discovery approaches, and some expressed appreciation with the contact that they had received from the Transition Network Facilitators.

Across school districts, the single most commonly reported method for obtaining information and training was through presentations from the ODE Transition Coordinator, at Administrator meetings and System Performance Review & Improvement ("SPR&I") conferences. Others talked in detail about the Oregon Association of Vocational Special Needs Personnel Conference (or "OAVSNP") and YTP conference held each year as a source for transition and employment information. However, these conferences do not specifically address the needs of youth with I/DD at

serious risk of entering sheltered workshops. Furthermore, no district described or identified any coordinated state-level efforts to proactively contact and support school districts by pushing out technical assistance for systems-level change. In general, other than emails to the field and attending special education directors' regional meetings to discuss policy level changes, little comprehensive information, training or technical assistance is provided to transition practitioners and educators in the field. Most districts indicated that the ODE Transition Coordinator was responsive and willing to assist with questions or requests to attend meetings and events hosted by districts, but concern was raised across school districts that there are not sufficient resources present through the TTAN and the part-time Transition Network Facilitators to provide impactful training and technical assistance to Oregon's 197 school districts.

Over the past year, the TTAN has developed and hosted regional Educator Institutes. These one-day trainings were offered to "provide a basic overview of agencies that assist with the transition from school to employment or postsecondary training." Primarily, the Educator Institutes offered teachers an opportunity to hear about Executive Order 13-04, Oregon adult agencies, parent advocacy resources, and transition-related curriculum. Based on the Educator Institute survey results, the most consistent concern was for the lack of training on how to apply new approaches. Among the thirty-one educators that I interviewed across school districts, among those who attended the Educator Institute, their predominate concern was that the focus of the information was on closing the front door to sheltered workshops without sufficient examples or models for replacement of segregated services with integrated and competitive work supports.

2. *The TTAN has Failed to Advance Effective Models of Curriculum and Instruction under the Executive Orders and Integrated Employment Plans.*

My review of the OVRs, ODDS, and ODE presentations from the Educator Institute revealed the absence of models of integrated employment-related transition services and integrated employment services. For example, the ODDS presentation consisted of an overview description of ODDS as an agency, a review of the eligibility requirements, the referral and application procedures, responsibilities of CDDP and Brokerages, and a brief description of the MOU, Career Development Plan, and Declaration of Employment. Nowhere in this training were examples of supported employment, the Employment First pilot programs, or ways in which Brokerages and other agencies could support integrated and competitive employment. The OVRs presentation was more detailed, with a timeline of when youth can apply to OVRs and the services that they can receive. However, it did not include examples of how OVRs can work with youth who traditionally would have transitioned to sheltered workshops and how OVRs services can and will support such youth to receive integrated employment. A common complaint among the participants of the Educator Institute was that the presenters were not familiar with current policies on transition, and this often resulted in heightened confusion during the training.

There were noticeably few, if any, presentations from ODE staff describing models of evidence-based work experiences among the documents proliferated to school

districts by the TTAN and reviewed in preparation for this report and discussed in interviews. Moreover, the ODE Assistant Superintendent reported being unaware of the name of a curriculum shared at the Educator Institute or whether it was an evidence-based employment curriculum such as Project SEARCH or a Seamless Transition model. Even though the State's Transition Liaison reported that the Educator Institute included a section on curriculum and instruction, the transition review, interviews, and document review revealed no evidence of the types curriculum and instruction advanced at the Educator Institute.

The *Transition Together Manual*, created and distributed by ODE, is another resource described by participants during site visit interviews. Some administrators noted that the manual was policy-focused and not as useful to practitioners. In the review of the most current manual, there exist few examples of youth with I/DD and significant disabilities working in integrated employment. For one student with significant disabilities, the sample IEP depicted in the manual did not include paid work as a measurable postsecondary goal for employment. Strikingly, there was the inclusion of an evaluation instrument to review functional limitation statements considered to be impediments to employment rather than focusing on students' strengths and preferences. In fact, Oregon's definition of transition services, including in the Executive Orders (13-04 and 15-01) and Integrated Employment Plans (November 1, 2013 and January 31, 2015), omits the term, "strengths," even despite that the word "strengths" appears in the federal definition of "transition services" under the IDEA. The evaluation of "strengths" is noticeably absent from transition planning efforts, even in examples set forth in *Transition Together*.

ODE did not initiate its training and technical assistance efforts through the TTAN until over a year after Executive Order 13-04 was issued. The efforts to provide evidence-based practices to the field have been far "too little, too late," with too few training resources and staff in place, especially considering the number of school districts in Oregon, the size of the state, the lack of prior training and technical assistance on the subject, prior confusion around state-level transition policies, and the impending deadline to close the front door to sheltered workshops. As described by one administrator: "No one knows the answer to what it's going to look like, when we don't have sheltered workshops... Will we have a continuum of options? What are we talking about?" All educators I spoke with were taking a "wait and see" attitude about ODE efforts.

F. ODE has Failed to Monitor Progress Under the Executive Orders and Integrated Employment Plans Using Data and the Reporting of Outcomes.

In formulating and implementing Executive Orders 13-04 and 15-01, Oregon, including ODE, has failed to measure the progress of its efforts to provide employment-related transition services, and has consistently disregarded the importance of the measure of employment outcomes for youth with I/DD, even despite that the measurement of outcomes is a professional standard in the field used to determine the success of employment-related transition services. Consequently, ODE officials do not know, or cannot readily report, how many students with I/DD have achieved competitive,

integrated employment as a result of the Executive Orders. Moreover, even despite the requirements of Executive Orders 13-04 and 15-01 and the Integrated Employment Plans (November 1, 2013 and January 31, 2015) to collect data, Oregon has failed to specifically report the number of transition-age individuals that have received “employment services,” as a result of those plans. In addition, because Executive Order 15-01 changed the target population definition for “[t]ransition-age individuals” to include youth up to 24 years old, and as young as 14 (Executive Order 15-01, Section II(1)(b)(1)-(2)), the data that was previously collected under Executive Order 13-04 cannot be neatly cross-walked with newly collected data under EO 15-01.

Further, in the over two years since Executive Order 13-04 was issued, Oregon has failed to make any attempts to measure the total number of students with I/DD statewide that transition from school to sheltered workshops, and no plans are in place to measure this number now or in the future. At the end of March 2015, the Assistant Superintendent confirmed that no steps have been taken to create this baseline, and she plainly stated that there is no reason to make such a baseline because such a practice is now prohibited, and so she concluded that the metric “was not needed.” However, the Assistant Superintendent also admitted to knowing of at least one school district that failed to abide by the front door requirement. Even despite evidence that there are still youth with I/DD transitioning from school to sheltered workshops, Oregon has made no effort to collect baseline data.

Furthermore, as Oregon historically has made no efforts to collect the baseline for the number of students that transition from school to sheltered workshops, Oregon has also made no recent efforts to identify, analyze, or even re-create the historical baseline for this systemic problem to understand its scope and the system’s capacity and service planning needs. This is even despite that the state-sponsored stakeholder workgroup as far back as 2012 sought to reduce the number of students transitioning from school to sheltered workshops.

Moreover, it appears as if ODE officials’ views about data collection have evolved even since Executive Order 13-04 was issued. In the summer of 2014, the Assistant Superintendent wanted “to really grapple with and come up with some ideas [for] the whole data tracking system; the tracking of individuals.” Executive Order 13-04 set forth as an education strategy, that “ODE will partner with OVRS and ODDS to ensure that individuals with I/DD who are in the Education Target Population are individually tracked so that the effects of these activities can be assessed.” (Executive Order 13-04, Section X(3)(d)). In 2014, however, the only strategy considered for such data tracking was to have the eight part-time Transition Network Facilitators develop relationships with school districts, and monitor services for students in that way.

By February 2015, the individual tracking of youth with I/DD was removed from the Executive Order as an education strategy altogether and replaced in Executive Order 15-01 with far less of a commitment to collect individual level data, stating instead, “ODE will partner with VR and ODDS to review the post-secondary outcomes of students in the Education Target Population...” (Executive Order 15-01, Section



X(4)(d)). Furthermore, when the Assistant Superintendent was specifically asked about developing a baseline to measure whether the State is making progress toward transition-age youth with I/DD meeting employment outcomes; no clear strategy was described. The Indicator-14 Post-School Outcomes (PSO) Survey would be a likely source for such information. It is a required survey, under IDEA, as part of the Annual Performance Report. However, ODE officials have taken the position that the PSO survey cannot disaggregate employment data to specifically identify the number of students sampled who are entering sheltered workshops. In examining the actual survey that is used in Oregon to collect the PSO data, it is clear that there is indeed an item on the survey that asks specifically about employment outcomes, including whether a given student was in sheltered employment. Therefore, while it is not currently a federal requirement to report such data to the U.S. Department of Education, it is clear that the data exists within the state and could very well be disaggregated as a baseline indicator for Oregon to be able to identify the parameters for the percentage of exiting youth with I/DD who are at serious risk of sheltered workshop placement.

Repeatedly, ODE leadership have refused to consider ways to measure and analyze the number of students transitioning from school to segregated sheltered workshops and the number of students that have achieved competitive, integrated employment as a result of the State's planning efforts, thus ignoring the size and scope of the problem, or whether any progress has been made to rectify the problem. The consequence of this has been that there exist neither standards for accountability nor the monitoring of outcomes. Consequently, the State is unable to know whether its Executive Orders, Integrated Employment Plans, or other Employment First efforts are effectively working, or whether they are abating the serious risk of sheltered workshop placement imposed upon transition-age youth with I/DD. Moreover, no effort was made between April 2013 and March 2015 to develop, adopt, or refine a tracking system for transition-age individuals, as was originally required by Executive Order 13-04. After March 2015, however, with the issuance of Executive Order 15-01, it appears to be Oregon's position that such information is no longer necessary to obtain and no longer required to be collected. The lack of a data collection system that provides accountability for post-school outcomes runs contrary to professional standards in the field.

G. Oregon Has Failed to Use Professionally Accepted Metrics for Measuring the Effectiveness of Employment-related Transition Services.

As mentioned, Oregon has failed to use professionally accepted standards for transition-related performance measures and metrics. For instance, the November 1, 2013 Integrated Employment Plan failed to state a single performance measure or metric for the services received by transition-age youth with I/DD even despite providing for numerous measures and metrics for adults with I/DD. Nearly two years after Executive Order 13-04 was issued, the January 31, 2015 Integrated Employment Plan introduced the following metrics within its "Strategy #2: Focus on School Age Services" (January 31, 2015 Integrated Employment plan, Page 70), constituting the first youth-related measures or metrics introduced since Executive Order 13-04 was issued:

- Increase the number of community partnerships with Local Education Agencies (LEA) and VR branch offices, Community Developmental Disability Programs, and Support Service Brokerages;
- Increase the number of parent and student advocacy training opportunities;
- Increase [the] number of 18 to 21 year old individuals enrolled in ODDS services found eligible for VR services;
- Increase [the] number of 16-21 year old students enrolled in ODDS;
- Increase [the] number of community-based work related opportunities while in school.

Only a few of these metrics have existing baselines established, as the State has not formerly collected the information. Noticeably absent from this list is any measure of the number of youth with I/DD that obtain postsecondary competitive, integrated employment or the number of students that participate in integrated employment settings as part of transition. Moreover, “community-based work related opportunities” are not defined in the Integrated Employment Plan, and so the plan does not assure that information will be collected sufficient to know where “community-based work related opportunities” are experienced by students, whether on school campuses or off, and whether they are provided in settings where youth with I/DD will have the opportunity to interact with non-disabled peers. Moreover, “community-based work related opportunities” as invoked in the plan does not include information about whether and what wages are paid, the number of hours students work, or whether the opportunity is an individual or group work experience. Accordingly, Oregon currently has no way to know from the information measured under its plan whether the services provided to youth with I/DD under its new policies are actually effective in allowing such youth to transition to the most integrated employment setting appropriate. Not measuring the number of students that transition to integrated employment settings runs contrary to professional standards, and increases the likelihood that students will continue to be placed at serious risk of postsecondary segregated settings including sheltered workshops.

## **X. SUMMARY & CONCLUSION**

I was retained to evaluate the serious risk of unnecessary segregation imposed on transition-age youth with I/DD across Oregon, and whether the Executive Orders 13-04 and 15-01 and the Integrated Employment Plan (November 1, 2013, revised January 31, 2015) provide an effective plan to ensure that youth with I/DD are not at serious risk of unnecessary segregation in adult sheltered workshops. It is my conclusion that two years after the issuance of Executive Order 13-04, three significant system barriers exist: (a) a limited capacity to prepare and support youth with I/DD to work in integrated and competitive employment settings; (b) the lack of availability of comprehensive services to effect system-level change; and (c) the failure to provide necessary evidence-based components to integrated work-based learning experiences for transition-age individuals who are in school. As a result, youth with I/DD are placed at serious risk of sheltered workshops, and should the front door to sheltered workshops effectively close, such youth risk placement in other segregated settings, including alternatives to employment.

The overall lack of leadership from ODE is clear, and the strategies delineated in the Executive Orders and Integrated Employment Plans have not been developed or implemented with fidelity, leading to sporadic and variable implementation, often as a result of the discretionary decisions of state officials rather than a systems approach to change.

The comprehensive review was undertaken by myself, and my research assistants, across several sources including a review of state policies and documents, an analysis of 60 Individualized Education Programs for youth with I/DD exiting special education, interviews with service providers including Educational Service Districts who support transition services for youth with significant disabilities, and a week-long site visit that included observations of 18 programs as well as interviews with 31 practitioners. The results of this review indicated that Oregon's plan to develop supports and services to ensure that youth are transitioning from school to integrated employment is of insufficient scale and impact to meet the service system's needs and immediacy for implementing Executive Orders 15-01 and 13-04 and for preventing the serious risk that students will transition to segregated sheltered workshops and other segregated settings. ODE has been limited in its ability to support critical systems level changes, and among the models of potential success, such as the Employment First Seamless Transition Pilot, the funding, staffing, and support is not scalable or sustainable, as currently supported and implemented by the State.

Significantly, more resources must be devoted to systems improvements if the State is to make progress toward meeting the transition needs of youth with I/DD and for youth with I/DD to transition to competitive, integrated employment settings rather than to segregated sheltered workshops or other segregated settings. In addition, the overall expectations of ODE leadership must change to embrace ODE's responsibility for ensuring that youth receive preparation for work in integrated settings as part of transition. As evidenced repeatedly and throughout all records and documentation, ODE has abdicated responsibility for ensuring that youth with I/DD leave school ready to work in real world settings, instead it appears that ODE sees its primary obligation as promoting soft skills and pre-employment activities, rather than ensuring that students have developed the very skills, experiences, and training most pertinent to work in typical employment settings. Instead, ODE has promoted training in schools often reflective of tasks performed in segregated sheltered workshops.

Also, system-wide strategies to improving employment-related transition services for youth with I/DD are absent even though required under the State's own Executive Orders. For example, the TTAN and Transition Network Facilitator strategy has been insufficiently staffed or supported. Since the TTAN's introduction in Executive Order 13-04 in 2013, the TTAN has nearly singularly relied upon just eight part-time staff to serve all 197 school districts across Oregon. As was clear across all interviews, Districts understood that while the individual Transition Network Facilitator staff were all of good intentions, the capacity to improve systems was just not possible with so little time and resources devoted to the efforts. Thus far, other than a few outlier examples of more detailed trainings and technical assistance, the primary focus of the TTAN has been to

develop a single, introductory workshop providing basic information about the Executive Order and sharing basic information about OVRs and ODDS. Most participants surveyed after the training indicated there was not sufficient training about how to actually implement strategies included during the day. Across school districts visited, the Transition Network Facilitators were often described as having minimal levels of involvement with districts and lacking in impact on services and follow through with technical assistance.

Finally, few if any examples of models of effective school-based and work-based learning were evident from the training materials reviewed or the practices observed during this expert review. While some practitioners fully supported the closing of the front door to sheltered workshops, others clearly expressed their preference for sheltered workshops as a service delivery model, including one district that wanted to violate state policies to establish an independent relationship with a local sheltered workshop. Given the significant and profound changes imposed upon many long-time practitioners and family members by systems change, it is irresponsible for state leadership to focus on the "closing the front door" to sheltered workshops without sharing established and evidence-based practices to replace segregated, sheltered workshops as a service option for exiting students with alternative integrated services and support. In general, little evidence was found that state agencies were prepared to implement the sweeping systems-level capacity building needed to ensure success, let alone to introduce effective and evidence-based models of service delivery for work-based learning experiences.

It was clear that limited examples of collaborative engagement among schools, OVRs, and ODDS were in existence. Model programs such as YTP exhibit evidence-based practices, however this program service model does not actually serve very many students with I/DD. A few of the districts visited during the review had high quality programs in place and it was evident that these programs understood and were implementing evidence-based practices for work-based learning. More often, however, the programs visited exhibited poor quality and highly segregated approaches to in-school and work-based learning experiences, thereby increasing the likelihood that youth with I/DD are at serious risk of unnecessary segregation. Also, the State has been slow to develop models of seamless transition leading to postsecondary employment, and in fact, ODE has repeatedly dismissed or not pursued established models such as Project SEARCH. In addition, the Employment First Seamless Transition Pilot program is showing evidence of its effectiveness as a service model, however, it is underfunded and too small in scope to make substantive impact on overall change. Unless serious and systematic investments in system-level changes are put into place, youth with I/DD will continue to be relegated to segregated sheltered workshops and day programs and employment paths that lead to nowhere but continued facility-based segregation.

Further, staff in high schools are not aware of the policy and practice implications of the Executive Orders, with staff continuing to advocate for youth with I/DD accessing sheltered workshops, primarily because no other options for paid integrated work are available or being shared. Many are fearful of the closure of the front door to sheltered workshops because no new models have been identified or installed; and it is expected

that this will lead to a backlash among schools and families. There have been some efforts to provide families with information about establishing high expectations for work, for instance, through FACT, however, outreach to families through FACT training is not sufficient.

Most importantly, the State is not monitoring implementation of its own efforts and has actively blocked any efforts to collect meaningful data and metrics. The State has failed to establish the baselines most pertinent to measuring progress under the Executive Orders or the effectiveness of those plans at eliminating the serious risk imposed upon transition-age youth with I/DD. For example, ODE has repeatedly stated that the Post-School Outcomes Survey data cannot provide the granular employment data required to meaningfully track students with I/DD, however, the survey itself does collect such data, and could easily be disaggregated for baseline considerations.

Oregon youth with I/DD have been placed at serious risk of unnecessary segregation in sheltered workshops and other segregated settings. Without significant systems change, transition-age youth with I/DD across Oregon will continue to be deprived of the meaningful choice to work in postsecondary integrated employment settings due to statewide transition programs that lack the essential skill development, including person-centered planning, discovery, career development, and integrated work experiences, that are proven to be most likely to lead to postsecondary competitive, integrated employment.

## **ATTACHMENT A – TRANSITION FIELD REVIEW SUMMARY**

### **Transition Programs Visited**

#### **8 School Districts** –from among the top 15 most populous districts in Oregon

1. Portland Public Schools
2. Centennial School District
3. North Clackamas School District
4. Springfield School District
5. Lane County Schools, Eugene
6. Greater Albany Schools
7. Clackamas County Educational Service District
8. Tigard-Tualatin Schools

#### **18 Transition Programs & Work Experience Settings**

##### A. Community Transition Programs

1. Portland Public School District CTPs:
  - Portland State University campus (1 classroom),
  - Green Thumb Community Transition Center (4 classrooms, greenhouse)
2. Centennial School District Community Transitions (1 classrooms; Employment First Pilot program)
3. North Clackamas School District Adult Transition Program
  - 2 ATP classrooms
  - Culinary program at Sadin-Schellenberg Center
4. Springfield School District CTP Center
5. Greater Albany School District CTP
6. Clackamas ESD Employment First Pilot Program

##### B. Youth Transition Programs

1. Tigard-Tualatin YTP program at Portland Community College (3 worksites)
2. Eugene Connections Program at Lane Community College
3. Springfield Youth Transition Farm

##### C. High School Classrooms serving students aged 15-18, primarily.

1. North Clackamas High School transition program (classrooms, coffee shop, bike repair)
2. South Eugene High School (Coffee Shop; ESD Life Skills classroom)
3. South Albany HS (Basic Life Skills classroom)

##### D. Unpaid Work Sites

1. Day care (N. Clackamas)
2. Laurel Hill (Springfield)
3. Value Village (Springfield)
4. PPSD training site (coffee cart at BESC)

E. Other

1. Meeting with PPSD Secondary/High school Coordinators
2. Meeting with Brokerage agency representative involved with EF Pilot program
3. Meeting with retired VTS coordinator Eugene

**Interviews (31 Individuals)**

- 4 Director of Special Education
- 2 Assistant Director of Special Education
- 5 District secondary/transition coordinators
- 4 Youth Transition Program (YTP) Coordinators/Vocational Transition Specialists
- 8 Community Transition Program (CTP) Vocational Transition Staff
- 4 Secondary/High School Special Education Teachers

**Others**

- 1 Paraprofessional
- 1 Teacher on Special Assignment (VTS role)
- 1 Other
- 1 Brokerage/EF Pilot partner

## **ATTACHMENT B – TRANSITION FIELD REVIEW SITE VISIT DESCRIPTIONS**

### **High School Transition Programs**

#### Putnam High School, North Clackamas School District

The Structured Learning Classroom (SLC) at Putnam High School serves students aged 15-18 with I/DD for initial transition services. Eighteen students ages 15-18 are served at Putnam High School in the SLC and are engaged in transition activities such as school and work experiences, functional academics, and daily living skills. I visited the coffee shop located on the school premises in close proximity to the special education classroom, and the bicycle repair shop, also on the school premises, that were both used to support work preparation only for students with disabilities. Students in the program also leave the building in a work crew of ten students with I/DD to complete janitorial tasks at a laser tag center. None of the students earned wages for participation in the program. All students participated in the program for the entire school day, enrolling in the program all year. The director of special education noted that the school district contracts with the Clackamas ESD to provide educational services in the form of the Life Enrichment and Education Program ("LEEP") at seven school campuses throughout the district. LEEP provides services to students ages five to 21 years old in self-contained classrooms, with only other students with disabilities, where students receive instruction focused on "personal management, communication, practical living skills, vocational skills, leisure and recreation activities, and social skills."<sup>2</sup>

#### South Eugene High School, Eugene School District

The Life Skills Classroom at South Eugene High School is a collaborative partnership between Eugene School District ("4J") and the Lane County Educational Service District ("ESD"). I spoke with the special education teacher, hired under contract from Lane ESD to teach in the Life Skills Classroom at South Eugene High School. The 13 students in his classroom are considered to have the most severe I/DD and challenging behavior and were expected to move onto the Lane ESD Transition Program (see below for further description) after exiting the program, rather than participate in the District CTP programs. The students were reported to participate in work experiences such as school recycling, delivering newspapers, working in restaurants (setting tables, vacuuming, busing tables). In addition, students from the program volunteer at the Goodwill Industries warehouse, a location in which all employees have disabilities, and Reality Kitchen, where 60% of the workers have disabilities.

#### South Albany High School, Greater Albany School District

At South Albany High School, I visited one of two classrooms serving students with I/DD. Students are divided between the classrooms based on student IQ scores, and I

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<sup>2</sup> See Clackamas Educational Service District, <http://www.clackesd.k12.or.us/specialed/leep.html>



specifically observed the students in the classroom designated for students with lower IQ scores of 50 or below. The classroom places heavy emphasis on life skills instruction and job skills. Students also participate in general education classes to varying degrees. In-school work experiences include mostly janitorial tasks such as cleaning desks, cleaning the school van, and cleaning the high school campus grounds. In addition, students work in the school recycling program and the school laundry facility. Students receive payment of \$1.00 per day from a District funding source.

#### Thurston High School, Springfield School District

At Thurston High School, I observed two classrooms for students aged 14-18 years old with mild I/DD and other disabilities. I observed a functional academics class and a social skills class as well as the coffee shop which was not open at the time.

### **Community Transition Programs**

#### Green Thumb Community Transition Center, Portland Public School District

The Green Thumb was reported to serve approximately 90 students ages 18-21 with significant disabilities. The goals of Green Thumb is to integrate youth into the community, increasing social and leisure activities, making appropriate referrals to relevant agencies, and building links to community colleges and vocational training programs. The focus at Green Thumb is predominantly agricultural in nature. It was reported that attendance is primarily based on distance from home. In addition to work in the greenhouse and outdoor garden, the program offers approximately 15 different unpaid community work sites in which students go out in small groups of two to three for "work readiness" experiences, rather than intensive job training. I visited the greenhouse and four classrooms serving students with significant I/DD including a classroom with medically fragile students.

#### Portland State University ("PSU") CTP, Portland Public School District

The PSU program, located in a building housing the Graduate School of Education, was primarily located in two classrooms. The program serves students ages 18-21 with mild-moderate I/DD. Students participate in different classes throughout their day (finance, literacy, daily living skills, healthy relationships, and community access), primarily in the special education classrooms, however, three students are currently enrolled in PSU classes. Interactions with PSU students without disabilities only occur in the cafeteria. The program provides individualized services with the goal of obtaining two to three work experiences prior to exiting the program. The goal of the program was reported to be job readiness and not to find paid employment for students while in the CTP program. Among the 17 students exiting the program, about half are working or in job development through funding from OVRs and ODDS. At 21 years old, students can access ODDS employment services for job development, person centered plans, and ongoing supports.

Adult Transition Program ("ATP") Classrooms at Sadin-Schellenberg (SS)  
Professional Technical Center, North Clackamas School District

The ATP transition program serves 42 students with I/DD, supported by two teachers, four educational assistants and a job coach. I observed students in two classrooms as well as a student in a work experience in the day care program on the SS campus. While services are located in the special education classrooms on the SS campus, it was reported to me that students also can enroll in the general education technical class and in the past have enrolled in radio broadcasting, cosmetology, culinary arts, auto mechanics and land lab. A school district job coach sets up work experiences for groups of students as a group "job try out." The transition coordinator expressed that the program's goal is to get students hired. The YTP and ATP volunteer work experiences utilize a range of community job sites. A special grant to extend YTP services to youth who are high functioning I/DD and also those with emotional disabilities was recently awarded to the district from OVRs. Among approximately 20 students exiting in June 2015, it was reported that 3 had open VR cases, three had paid positions, one individual had a job try-out for 90 days through OVRs, and 13 had not yet started a referral process.

Springfield CTP, Springfield School District

The Springfield CTP serves about 30 students with a range of disabilities, with 85-95% of these being youth with mild to moderate I/DD. Springfield students with significant I/DD are provided transition services through a contract with Lane ESD (described below) and therefore, are not served by the Springfield CTP. The CTP main office is in downtown Springfield and the major domains of services include: vocational/work experience, independent living, community participation, and postsecondary education. The predominant model of work experience is small groups of two to four students with one staff member. Students are dispersed throughout the work setting and the staff member supports students only as needed. The CTP and YTP programs are highly collaborative and have office space for the YTP VR Counselor to visit once a week. This arrangement benefits all students due to increased proximity to students on a regular basis. Currently among the 30 students enrolled in CTP, 13 are exiting services. Among these 13 students, two have paid positions obtained through family members and not by the CTP program. The rest of the students were reported to have been referred to VR within five months of exiting, and were visiting supported employment agencies and making progress toward paid employment but were not yet employed. During my visit, I observed students working at the Transition Farm, Value Village thrift store, and Laurel Hill/Sweep Optometrists. I also visited the CTP center.

Centennial Transition Center ("CTC"), Centennial Public School District

The CTC is housed in a building with two classrooms, a meeting space, and a kitchen. The students who attend CTC-One are those with more significant I/DD while the students in CTC-Two have mild I/DD and other disabilities. One of the students from

CTC is participating in the Employment First Transition Pilot program. The program focuses on work experiences, functional academics and community access.

Greater Albany CTP, Greater Albany School District

The Community Transition Program serves 38 students with a range of disabilities from learning disabilities to I/DD and autism. I visited the program at the West Albany High School modular (between the middle and high school buildings). The program provides transitional and functional life skill instruction and supports to students in both classroom and community settings.

**Youth Transition Programs**

Tigard-Tualatin YTP, Tigard-Tualatin School District

The Tigard-Tualatin YTP program is based out of a portable classroom on the high school campus, where about 35 students with mild-moderate I/DD spend the morning working on academics and cooking skills. They then travel to Portland Community College where they eat lunch and participate in work experiences on the campus including: data entry, custodial, warehouse, and library shelving and stage crew. Primarily, the students' work experiences are as a part of a mobile work crew, however, some students are dispersed within one location and working independently. I observed students working in the library computer center and the stage crew. Students with more significant disabilities remain in high school life skills classrooms until 21, and do not participate in community job experiences unless the student expresses a desire to work. From among the five or six students exiting from the district with more severe I/DD, it was reported that half of the high school program students will be transitioning to ATE settings.

Connections Program, Lane Community College (LCC), Eugene Oregon

The YTP program at LCC serves between 35-50 students with a range of mild disabilities, with minimal numbers of students with I/DD (only one or two) and approximately 25-30% of students with high functioning autism. The program has two locations: students spend three days a week at an old educational building (Building 2120) working on employment skills, and two days a week taking specially designed classes at LCC. These classes are only for the YTP students, with less than 10% of the students having enrolled in classes at LCC. The work skills program is designed to be "stair step" in approach, with younger students in their first year focusing on cleaning skills two hours per week while remaining at Building 2120 to practice the soft skills learned during classes. During subsequent years, students first experience job rotations among four sites (Restore – a home improvement thrift store, Salvation Army, and Next Step - a computer recycling center) in groups of up to six students per site. In their final year, students are connected with OVRs for job development and to participate in a paid summer assessment.

### Youth Transition Garden Project, Springfield School District

The Transition Garden Project is YTP funded and provides work experiences in job-related gardening skills at a garden located in Springfield, as well as soft skills associated with the farmers market and selling produce. A Job Club is held one day a week in conjunction with the gardening experience. The site is also used for targeted vocational assessments during the summer, whereby students spend up to 100 hours working on the farm and are paid by OVRs. Most students spend their mornings working in CTP and visit the farm in the afternoons.

### **Education Service District (ESD)**

#### Clackamas ESD Employment First ("EF") Transition Pilot Classroom

I visited the Life Enrichment and Education Program classroom in Estancia, OR, and because it was an early release day, I was not able to observe any of the students. I did, however, see pictures of the students in community work experiences, and toured the classroom. The students have significant I/DD and behavioral challenges. The curriculum is highly individualized to meet the needs of students. Students had high levels of access to methods of communication including sophisticated communication boards and technology. The teacher operated with high expectations for her students, including the express expectation that they would exit school with a paid job through the support of the interagency team associated with the Employment First Pilot Seamless Transition Program (schools, family, OVRs, and Brokerage). Without the Employment First Pilot, there would be essentially no options for working with students associated with the LEEP Program within the Clackamas ESD, as there has never been a model for employment-related transition services for students with significant disabilities there before, nor have students typically had access to interagency teams or to discovery as a Medicaid waiver service.