

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**PAULA LANE**, et al.,

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

on behalf of themselves and all  
others similarly situated, and

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

Plaintiffs,

v.

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

all in their official capacities,  
Defendants.

**UNITED STATES OF AMERICA**,

Plaintiff- Intervenor

v.

**STATE OF OREGON**,

Defendant.

**REBUTTAL REPORT OF JO-ANN SOWERS**

**I. REPORTS AND ISSUES ADDRESSED**

I have reviewed and am responding to the reports of Cathy Anderson, Brian Lensink, James Nicholson, and Ric Zaharia, and to the opinion statement of Lilia Teninty.

Among other issues, I will focus on the following questions:

- A. Whether Oregon can simultaneously implement multiple desegregation initiatives?
- B. Whether employment outcome measurements should be used when providing employment services to individuals with I/DD?
- C. What are private employers' attitudes toward hiring individuals with I/DD?

- D. Whether it is possible during an economic downturn to expand supported employment and find jobs for people with I/DD?
- E. Whether sheltered workshops are necessary in rural areas and whether it is possible to find jobs in rural areas for individuals with I/DD?
- F. Whether Oregon has a plan for expanding supported employment services that will be effective?

## **II. EXPERTISE**

I have a PhD in Special Education and Rehabilitation from the University of Oregon, a Master of Arts in Psychology and Applied Behavior Analysis from Drake University, and a Bachelor of Arts in Psychology from Mary Washington College at the University of Virginia.

I recently retired as a Research Professor at the Regional Research Institute (RRI) for Human Services at the Graduate School of Social Work at Portland State University. Between 2004 and 2006, and again from 2008 to the present, I have been the principal and co-principal investigator of multiple grant-funded projects based at the RRI addressing school-to-work transition and post-secondary education and life for youth with disabilities and workforce development for adults with disabilities.

Between 1998 and 2004, I was co-director of the Center on Self-Determination at the Oregon Institute on Disability and Development at Oregon Health & Sciences University, where I also was an associate professor in public health. I also was the principal investigator on transition-related grants and model research projects at the Oregon Research Institute from 1984 to 1992. As the executive director of Alternative Work Concepts (AWC) in Eugene, Oregon, between 1986 and 1991, I developed a model supported employment agency for individuals with disabilities. I began my career at the University of Washington in the early 1970s during which time I was a key player in the development of one of the first supported employment programs in the country for people with intellectual and developmental disabilities.

My entire career – as a provider and designer of employment services, a researcher, an author, an educator, and a provider of technical assistance – has been directed toward employment services for individuals with disabilities. A significant amount of this work has had a national profile, and has been funded by federal agencies, but Oregon has been my primary focus. During the late 1980s, while executive director of AWC in Eugene, I developed a model supported employment agency focusing on students with very significant I/DD transitioning from school to adult life, and also focusing on adults with very significant I/DD who had lived their lives at Fairview State Hospital who were seeking to become employed when the hospital was closed. I developed and disseminated model manuals, and provided staff training and technical assistance

statewide and nationally on the program model. As a principal investigator for the Oregon Research Institute and later, for the Institute on Disability at University of New Hampshire, I developed and worked on several school-to-adult-life transition grant projects that included post-secondary education and training, employment, technology, self-determination and developing natural supports for individuals with disabilities.

Under my leadership as co-director of the Center on Self-Determination at the Oregon Institute on Disability and Development at Oregon Health & Sciences University (OHSU) between 1998 and 2004, the Center developed partnerships with school districts, community agencies, state education and adult services offices. During this time I was contracted with by the Oregon DD office to provide training and technical assistance to vocational providers and to develop and evaluate a project called Careers, Community and Family (CCF) aimed at helping families to take leadership in advocating for supported employment for their sons and daughters. I was also involved in training staff in the new Brokerage System to increase their knowledge of person-centered planning and resource braiding.

While I was at the Center on Self-Determination at OHSU, I was also working on the contract with the Oregon DD office. Although the DD office was investing a small amount of resources into training and technical assistance, it began developing a major, new segregated day program called Alternative to Employment (ATE) that would move providers away from supported employment and result in the dismantling of two decades of hard work done by people at the University of Oregon and OHSU. As a result, I made the decision to no longer contract with the state DD office, in order to not contribute to the continued waste of tax payer dollars and wasted opportunities for Oregonians with I/DD. Instead, I began using my expertise to move forward person-directed employment services for people with mental health issues. For the past decade I have been the principal investigator of many federal and state grants focused on promoting this approach in Oregon and nationally.

A copy of my full curriculum vitae is set forth in Attachment 1.

### **III. DOCUMENTS REVIEWED**

In preparing this report, in addition to the materials I developed over the past several decades on supported employment, I reviewed the documents listed in Attachment 2.

#### IV. OPINIONS AND CONCLUSIONS

A. *Issue:* Whether Oregon can simultaneously implement multiple desegregation initiatives.

*Conclusion:* Oregon could have and should have decreased, rather than increased, segregated sheltered workshops when it was phasing down its segregated institutions and expanding community programs.

Lensink suggests that it is not reasonable to expect Oregon to increase employment opportunities for people with I/DD during the years when they were forced to close their state institution. He states that during this time "Supported employment was available for some, but developments in that service were still in their infancy and primarily focused on people with fewer support needs than those individuals moving to the community. When pressure is on you often 'grow what you know' and shy away from starting something new" (page 12). My experience at Alternative Work Concepts (AWC) demonstrates precisely the opposite. Through funding from the State of Oregon, AWC – the supported employment agency that I founded in 1986 – began serving individuals coming out of Fairview State Hospital and nursing homes. These were people whose ages ranged from mid-20s to late-40s and who had lived all or most of their lives in an institution. We found and supported each of these people in individual community jobs within a few months of being moved to group homes in the community.

One example is a woman (Julie) who when I first met her was in her mid-40s and had lived in at Fairview most of her life. Julie could not speak, had to be pushed in her wheelchair, needed assistance eating, and had significant behavioral challenges. We created a job for Julie within 3 months of her being moved out of Fairview at a prestigious law firm in Portland Oregon. Julie, with the support of her coworkers and AWC staff, set up files for new clients of the law firm. Julie worked 20 hours a week and was employed there for well over 10 years, when I believe that a new job at a different company was created for her. I knew that Julie was truly a part of her workplace when I saw her poolside at the company annual party held at the lead partner's home. Julie's story is but one of many that AWC helped to realize for individuals with similar high levels of support, long institutionalization, and no prior work history or training.

Julie's example, and many others like her served by AWC and other supported employment providers, illustrates a number of things. First, during a time when the State was closing Fairview, the state DD agency had knowledge of and chose to fund a provider, Alternative Work Concepts, that was successfully placing people coming out of institutional settings and transitioning from segregated special education settings into individual community jobs. However, the State also was willing to continue to allow and fund other agencies to place individuals with similar, and in most cases much less

significant support needs, into segregated programs, including work activity centers and Alternatives to Employment (ATE).

Second, the State made a deliberate decision to increase segregation in its employment and day programs at the very time that it was attempting to decrease segregation in its residential institutions. This choice was neither necessary, appropriate, nor ultimately effective. It was during this same time that the state DD office decided to start ATE, as a new service option with the stated purpose of incentivizing providers to take people leaving Fairview. The vast majority of the service providers at this time were pleased to offer ATE services in segregated settings, because it brought a new and profitable revenue source (although in the world of nonprofits "profits" are called "surplus") that was used in most cases to hire more staff and administrators, and to increase the salaries of existing administrators. As a consultant and contractor with the State during these years, I had frequent and regular conversation with key staff in the DD offices, including Molly Holsapple, Mary Lee Faye, and James Toews, imploring them not to create ATE as a segregated service option, since it would dismantle the momentum to increase integrated supported employment for Oregonians with I/DD that had been achieved with hard work and federal funding. I also argued that in the future they would then have to attempt to close down segregated ATE programs, in order to get back to increasing supported employment, which is precisely the case today.

In spite of my warnings, the State proceeded to build an ATE infrastructure, and my predictions became a reality. Several years later, when I was faculty at the Oregon Health and Science University, Molly Holsapple funded me and Joyce Albin at the University of Oregon to do a study of the ATE program in Oregon (Alternatives to Employment Services for Individuals with Developmental Disabilities Study, in collaboration with the University of Oregon (1999). Oregon Office of Developmental Disability Services, Principal Investigator). We obtained the ATE Individual Support Plans and the actual ATE records of every person receiving this service in the Oregon. The results were alarming in terms of how the service dollars were being used by the providers not to increase the inclusion and participation of people with I/DD. Most individuals were taken only once or twice a week into the community, almost always as a group and only for a few hours per week. The most frequent "community" ATE activity was to take a van full of people from the segregated day activity center to a fast food restaurant, where the staff order at the drive through and the ATE clients ate in the van – or, occasionally, if the weather was good, perhaps go to a park to eat. Individuals with I/DD in these programs had little or no opportunity to actually be included in their community and virtually no time with non-disabled peers other than paid staff.

As I predicted back in the 1990s, the very large investment of tax payer dollars, and talented and committed people at universities, was squandered. Oregon is now, once again, in a positioning of trying to fix a broken and segregated system. Oregon is in the embarrassing position of not being a leader in the provision of quality employment services for its citizens with I/DD, but rather known for lagging behind the nation in doing so.

Third, a number of other States adopted precisely the opposite strategy as Oregon, and simultaneously and successfully created integrated employment and community opportunities as they phased down and closed their residential institutions for persons with I/DD. I was on faculty at the University of New Hampshire during the time when it had just finished closing down its state institution for people with I/DD. I was invited to New Hampshire to help lead and build supported employment in the State. The key staff in the New Hampshire DD office understood that if they were committed to community inclusion and participation in closing down the state DD facility, that they also needed to build integrated employment services in the community that would enable people leaving the institution, as well as those already residing in the community, not to be segregated and isolated in mini-vocational or day institutions in the community, but to fully and meaningfully included and to be fully participating citizens.

These States recognized the flawed assumptions that justified both segregated institutions and segregated employment. Sheltered workshops were first developed as a vocational training model, with the belief that individuals would spent a few months there in order to “get ready” to obtain a real job in the community. Research first conducted by faculty at the University of Oregon in the 1980s dispelled this belief by finding that few individuals with I/DD ever transitioned from the sheltered program to community jobs (Bellamy, Rhodes, Bourbeau, & Mank, 1986). In fact, most individuals with I/DD spent their entire working lives in these segregated programs. The rationale for these programs, by their administrators and staff, then shifted from “getting people ready” for community jobs to these people are not employable in regular jobs. This was the very rationale that justified residential institutions. While several States understood and rejected these assumptions for both segregated residential and employment settings, Oregon chose to close its public institutions while expanding its privately operated, segregated employment and day programs.

Even in the mid-1970s, I and others at the University of Washington were taking people who had spent years languishing in sheltered workshops and successfully placing them in and maintaining them on individual jobs in the community. This long history, together with the professional research, illustrates the false notion that individuals are best served by slow and incremental steps to community jobs – it is not true for individuals with I/DD or the systems and programs that serve them.

B. *Issue:* Whether employment outcome measurements should be used when providing employment services to individuals with I/DD

*Conclusion:* Measuring employment outcomes, not merely employment services, is the accepted professional approach to assessing integration in employment for persons with disabilities.

Several of the defendants' experts and even the DD director claim Oregon should focus entirely on, and only be accountable for, providing employment services, not achieving employment outcomes. The fact that the defendants do not wish to establish employment outcomes or targets for how many people with I/DD will obtain individualized competitive employment in integrated settings as a result of supported employment services reflects the perspective of the States' agency leaders and the experts that people with I/DD as a group are much less employable than other people. The facts are: 1.) Oregonians with I/DD continue to be offered few or no supported employment services that help them to get real jobs in their communities; 2.) The longer that they are kept in sheltered employment, the more they and their come families come believe they can't work in a real job, and they learn behaviors that are common in institutional settings that make this a self-fulfilling prophecy; and 3.) the gap in their work histories on their resumes are becoming larger and larger. These circumstances result in a perfect recipe for making it difficult for anyone to obtain a job—the longer you are unemployed the more difficult it is to get a job.

Defendants and their "experts" conclude that the high unemployment rate of people with I/DD is primarily a result of these individuals' disability, rather than the fact that they have been provided poor and discriminatory services. This is a convenient rationale for continuing to keep individuals with I/DD in these segregated settings even longer. This absurdity of this rationale for keeping people institutionalized is, well, absurd. The only effective approach to helping people with I/DD get out of sheltered work and ATE programs and into integrated competitive employment is to establish objective outcomes for assessing whether persons in or at risk of segregated employment obtain integrated employment, and to make funding to providers contingent on meeting these goals. The higher the outcome standards are set, the more people will be able to obtain competitive employment. Perhaps, as in Washington, the goals will not be fully attained, but there is no doubt that if these high goals were not set in Washington, the number of people employed would be far less.

The unwillingness of Oregon to establish employment outcomes that were achieved for people with I/DD, and instead to simply measure what employment services were offered, is in stark contrast to its practice of setting desired outcomes and metrics for people who experience other barriers to employment. The Rehabilitation Services Administration (RSA) requires that all States, including Oregon, establish employment

outcomes goals, including for the percentage of people in VR service who then obtained competitive employment. They also must set and achieve targets for competitive employment for individuals with significant disabilities. However, they are not required to establish goals for individuals based on the type of disability they experience. The State of Oregon VR and Oregon Addictions and Mental Health establish targets and track the number of individuals with mental health conditions who are employed through supported employment services, and they make future funding to providers contingent on meeting these employment targets. The Oregon Employment Department annually negotiates performance outcome targets with US Department of Labor, Veterans Employment and Training Services (DOLVETS) and tracks achievement of these targets (see WorkSource Oregon 2013 report). Again, whereas every other program that receives Federal funding to assist Oregonians to become employed is required to establish firm, objective employment targets, the State DD office and the State VR are unwilling establish employment outcomes for people with I/DD. This fact again reflects the perception that people with I/DD as a group are more “unemployable” than other people with other employment challenges, which in turn is based on the fact that people with I/DD have historically low employment rates, which itself is the result of low expectations and poor services. The data is clear that when provided quality supported employment services, even those people with very significant I/DD can be and are employed.

In fact, Oregon has developed a very successful supported employment program for persons with serious mental illness called Individual Placement and Support. The program has not only secured integrated employment for a large number of individuals with serious mental illness, but, to be termed a successful placement, a placement must meet specific employment outcome standards including individualization, integration, compensation (minimum wage or above), and number of hours worked commensurate with the individual's interests and abilities, which generally average around 15-20 hours/week.

As the professional literature and practice for persons with I/DD have long demonstrated, wages and hours are the key measures of supported employment outcomes. Based on nearly 40 years of field experience as a provider, a professor, and researcher, and my extensive knowledge about national standards, state and federal requirements, and best practices, I believe a quality supported employment program must strive to meet job-related criteria that include assessments to determine that: (1) the activities demonstrate the person actually is working; (2) the person is socially included, with access to and interactions with non-disabled peers; (3) the person works the number of hours consistent with his/her interests and abilities; (4) the person is receiving adequate wages and benefits in accordance with company policy; (5) the person is afforded opportunities for advancement; and (6) the person is satisfied with



the employment settings. These factors are directly related to how well the employment opportunities are matched to the individuals' interests and abilities. This highlights the importance of person-centered planning and assessments in the job development process. The quality of supported employment also can be measured by how well and how often the individual is included as a co-worker, whether he or she just works in the same location as other co-workers, or whether they interact and engage with non-disabled peers. Assessing supported employment services without reference to job-related criteria, is not possible, realistic, or consistent with Oregon standards.

The DD director, Lilia Teninty, attempts to justify why the DD agency should not establish employment outcomes that measure integration and should not be accountable for achieving such outcomes because this would undermine "choice". Pitting the issue of "choice" against employment goals and targets historically has been used by Oregon state officials and providers and as a way to attempt to trump the argument for accountability and quality. I have seen this argument put into action when brokers, case managers, school staff, and employment providers give the clear message to individuals and families that 20 hours or more is not a feasible goal for them. Finding fewer hours of work for people makes the job of the providers much easier, while they still receive full reimbursement for their services. It is unusual for a provider to find 20 and more hours of work for individuals unless required, incentivized, or expected to do so. Making informed choices requires providers and others to make sure that individuals and their families understand and believe that working that many hours is not only feasible for the person, but that the quality of their lives also will benefit by doing so through increased opportunities to become a member of the workplace, the development of relationships with their coworkers, increased income, and all that comes with integrated employment.

In summary, the state and federal government requires targets for the vast majority of other employment assistance programs for individuals with barriers to employment. Those programs do not have "The ability to control employers or the economy." The targets may be reduced during times of economic downturn, but they still are required to have targets. The same should be the case for people who have a label of I/DD.

I understand Ms. Teninty's concern that providers might respond to employment targets by "creaming" (choosing to work with those with less significant needs and who are more "motivated"). Providers have done this under every system and set of policies. But this tendency, which exists in every state for all forms of services, can be and has been addressed through administrative directives, close monitoring, zero reject policies, and provider performance reviews.

The argument that there is a lack of "good, national benchmarks data" suggests that we are not going to help people with labels of I/DD attain access to a decent number of

hours and wages, because the definition of who gets our services changes. These goals and targets should be applied to any and all individuals regardless of any changes in eligibility. Moreover, federal agencies, like DOL, have established projected employment outcomes; RSA measures hours worked and compares and ranks states on these measures; and Institute for Community Inclusion reports on state accomplishments for these measures.

Ms. Teninty's concern that achieving supported employment outcomes is too costly is another problematic justification for why the state and providers cannot be held accountable. If the money being used for sheltered and ATE programs was quickly shifted to supported employment, the need to use funds from other services will be minimized. It simply takes the leadership and political will of the state agencies to be willing to stop funding all of those providers who have been making money by keeping Oregonians with I/DD in segregated settings. Using the same amount of state funding as any other provider in Oregon, AWC did and continues to offer only supported employment services to individuals with high support needs. It can be done and done in a cost effective manner.

Oregon has historically supported employment standards that required individuals to work in integrated settings a minimum of 20 hours a week. These service definitions and standards were reflected in the State's benchmarks, plans, Employment First Policy and business practices. It is odd, if not contradictory to longstanding Oregon practice, to now argue that firm and accountable integration targets somehow will distort supported employment services. Moreover, this argument is plainly inconsistent with the federal requirements and expectations from RSA (VR), DOL (ODEP), and professional standards (APSE).

*C. Issue:* What are private employers' attitudes toward hiring individuals with I/DD

*Conclusion:* Private employers in Oregon have been and are willing to hire persons with I/DD.

Several of the State's experts try to explain Oregon's poor performance in placing individuals in competitive employment, and its unwillingness to measure and be accountable for the number of individuals who obtain competitive employment, by blaming private employers, discriminatory hiring practices in private industry, and the economy in general. But the professional literature, my research and training, and my experience at AWC suggest otherwise. My experience in working with employers in Oregon, as in other States, is that if approached in the correct manner, most are very willing to hire a person with I/DD. The reason that employers have been hesitant to hire people with I/DD is inherent in the manner in which most providers approach businesses. It is common practice to ask employers in surveys about their willingness to

hire “people with I/DD” and for providers to approach employers to ask them to hire their “clients” with I/DD. These approaches ask employers to think about people with I/DD as one group with lots in common, and in many situations, engenders “stereotypical” characteristics (e.g., people with Down’s being hugged). It is similar to ask employers about hiring African-Americans or for that matter Caucasians—as if they can make a judgment about such a broad category of people. However, this is common practice regarding people with disabilities in the employment arena and it perpetuates stigma. It is contradictory to suggest that the defendants or most of the providers in Oregon are using person-centered and individual approaches, when they are at the same time approaching employers and businesses about their interest in hiring people who happened to share one characteristic and to label them by it.

Of course, there are huge individual differences among people who happen to have a label of I/DD. I have always approached employers, and taught in my trainings with job developers that they should approach employers, for a specific person. For example, “I am working with a man by the name of John who is interested in working in a job and career in which he is able to use his organizational and attention-to-detail skills. I thought that working in a mortgage office might be a good fit for him. Would you be willing to spend a bit of time with me sharing the type of work that is done in your office? I realize that you don’t or may not have job opening now, but by spending a bit of time with me you can help John and I to figure out if working in this industry may be one that he might consider pursuing”. John’s disability has not been mentioned and the presentation is similar to one that would be made by or for anyone seeking a job or career. This approach is very different from the traditional approach of asking employers to hire a “client” of an agency that works with people with I/DD. If an employer is willing to consider hiring “one of those people,” the agency staff then identifies one their “clients” who they believe is the best match to it, which reinforces the perspective by the employer and the agency that they are hiring a “client” of the agency, not a specific person who happens to have a disability.

Using the person-centered approach with employers in Oregon has resulted in my consistently being humbled by their willingness and enthusiasm to hire individuals with I/DD. Andy’s story of being hired by Powell’s Bookstore illustrates how employers see the value-added to their company’s bottom-line by hiring someone with I/DD—not out of pity, but because the person is productive and fills an important niche in and need of their company.

Andy was 20 years of age and approaching “aging out” of public special education when AWC first started working with him and his family. Andy is only able to control the movement of his eyes and head. He feeds through a tube, requires suctioning several times a day, and has very limited academic skills. Through a person-centered planning process, Andy and his family identified his desire to do work that he could do through

which he could see clear and frequent results from. He had work experience at the public library, where he was involved in putting books back on shelves, but his support person had to do most of this work because he could not pick up the books. However, he enjoyed working in the settings and with books. With an in-depth understanding of his interests his support needs, AWC began exploring local companies and looking for where a job might be found, created or “carved” for Andy.

Powell's Bookstore was one of the businesses. We told the managers at Powell's a bit about Andy's interests and support needs, and asked if they would give us the opportunity to spend several days observing work done in the various departments. Without hesitation they agreed. One job that we observed was in the warehouse where new books were brought in and scanned into inventory. The employees (mostly young like Andy) picked up each book, held it under a scan gun, and looked at a computer screen to determine if it had registered correctly. We thought that this might be a good fit for Andy if we could figure out how he could get the book under the scan gun. We spoke with Powell's management about our idea, and asked if they would be willing to have some of their IT people meet with us and others with assistive technology experience. Again, they readily agreed. Several meetings were held, which included these people and Andy's father, who knew Andy well and had practical experience designing adaptations for him. The system design that was devised included a conveyor belt on which books would be loaded and over which the scan gun was mounted. A head switch was adapted through which Andy could operate the conveyor belt, scan gun, and computer. Vocational Rehabilitation agreed to pay the almost \$10,000 for the equipment. This investment was well worth the outcome: Andy has worked at Powell's for almost 15 years, earns the same wage as any other employee who does his job, and receives the same annual raises as do others—and this has continued through the recent recession. Andy's I/DD support dollars are used to pay for a one-to-one personal assistant who helps him with his tube feeding and suctions him when needed.

D. *Issue:* Whether it is possible during an economic downturn to expand supported employment and find jobs for people with I/DD

*Conclusion:* Economic downturns, while challenging, have historically created opportunities for individuals with IDD to move into competitive employment.

Recessions have long been an excuse used by Oregon's DD office and providers of day and vocational services for not helping with IDD to obtain jobs. Much of my work in Oregon in helping people with IDD to go to work in typical community jobs was done during recessions. For example, there was a significant recession in Oregon in the early to mid-1980s, and then again in the early 1990s. These years coincided with those during which I and others were putting much effort into shifting the State from

segregated programs to integrated and typical employment opportunities for people with IDD. While a doctoral student in the School Special Education and Rehabilitation, I and others who focused our PhD studies on students and adults with significant development disabilities were conducting projects to demonstrate transition programs through which students would receive community-based work experiences. We also conducted projects to demonstrate how adults who had been in sheltered workshops and work activity centers could be placed in integrated work settings. These recession years also overlapped with my work at the Oregon Research Institute, when I first received federal funding to demonstrate the preparation of students with the “most significant support needs” for the transition to typical community jobs. All of the students in the project left school during recession years with a paid job in local businesses including at a bank, utility companies, mortgage companies, and several other office settings. The success of this project led me to start Alternative Work Concepts, through which we also began placing individuals who had lived all or most of their lives at Fairview State Hospital. Again, all of these individuals were working in typical community jobs within a few months of being released from the institution.

I was working at the Institute on Disability at the University of New Hampshire in the early 1990s when New Hampshire was experiencing a recession. I was the Principal Investigator of several transition from school to work and adult employment projects for individuals with I/DD during my tenure there. Again, we had great success in working with employers to create jobs for many individuals during these recession years.

Anna was one of these individuals. Anna was in her early 20s and had recently “aged-out” of Special Education services through which she had been kept in “self-contained”, segregated classes with high levels of staff support throughout her time in school. Her transition team had referred her to a work activity center where individuals spent most of their time doing arts and crafts, and went on weekly community outings as a group with other “clients”. The team assumed that Anna was not employable in a community business.

Through a Person-Centered Planning process with Anna and her mother, it was discovered that Anna enjoyed doing crafting, particularly involving fabric. This interest was reflected her love of textures which she could touch. Anna liked and needed to be supported by individuals who were kind and thoughtful. With this information in mind, a company was found and approached in a rural community, not far from her own home, that made high-end wool throws. The owners were approached and told about Amanda’s love of fabrics and textures, and asked if we could spend time observing the work done there, with the possibility of creating or carving a job for her. A work area in which several women worked and a couple of tasks stood out that might be a perfect match for Anna were observed. The first task involved measuring out yarn lengths, and the second involved feeling the finished throws for imperfections in the wool that were

shaved down. The owner was provided with a proposal to create a job for Anna doing these tasks that would free up her coworkers to focus their time on more complex tasks, and, in turn, increase the number of throws that were able to produce each day.

The owners accepted the proposal and hired Anna. AWC staff spent a few days working with the coworkers to show them how to train and support Amanda. The coworkers provided almost all of the training and support to Amanda, which significantly reduced the cost of services for her. In fact, this “coworker” or “natural” support approach was used with all of the individuals with whom we assisted to obtain jobs.

Another recession in Oregon took place in the early 2000s during which I was the Co-Director of the Center on Self-Determination of Oregon Health and Science University. One of the projects that I conducted during this time period was Careers, Community, and Families (CCF), which was funded the Oregon DD office. This project was funded in response to the recognition that the vocational and day services provider agencies were unwilling to attempt to assist individuals to obtain integrated jobs and that it might be more effective to work with families directly to teach them the basics of how to advocate for their family member to leave to school and transition into a real job. Once again, this project demonstrated that people with I/DD can and do work in integrated settings during economic downturns, that recessions, while challenging, do not explain poor performance by state agencies and providers in obtaining integrated work opportunities for people with I/DD, and that there is little to no evidence that Oregon’s steep decline in offering individuals with I/DD supported employment services in integrated work settings was significantly affected by economic downturns over the past 2 ½ decades.

Again, my experience clearly points to precisely the opposite: a recession is just convenient excuse for not helping people with IDD to obtain jobs. In fact, recessions can actually work in favor of an increased demand for workers with I/DD who have supported employment services. During the recessions, employers often reduce their “typical” workforce, but often have to ask more of those who are retained. When employers are approached with a proposal to hire an employee with a developmental disability at 15 to 20 hours to do “carved out” job tasks, with ongoing external supports or job coaches, many employers find this be financially attractive proposal and the other employees are thrilled to have help. It is my experience that when the economy improves these supported employees often become a part of business, are retained, and frequently their hours and wages are increased.

E. *Issue:* Whether sheltered workshops are necessary in rural areas and whether it is possible to find jobs in rural areas for individuals with I/DD

*Conclusion:* Segregated sheltered workshops are no more necessary or appropriate in rural areas than other areas in Oregon, and historically, supported employment has been provided successfully in rural portions of the State.

The State, its paid experts, and Oregon providers have long used the challenges of finding jobs for people with I/DD who live in rural settings as yet another excuse for maintaining sheltered workshops. Once again, my experience and that of others in Oregon and elsewhere contradict this belief and demonstrate that integrated employment opportunities can be identified and crafted in rural areas, just as they can be in urban ones.

Through a contract with the Oregon DD office, the Career, Community and Families (CCF) project worked with parents throughout Oregon to increase their capacity to help their sons and daughters to work in community settings. Many of the individuals and their families lived in rural communities. One example is Scott, who lives in a very rural part of the Oregon. Scott had recently “aged out” of school services and was in his early 20s. He was totally dependent for mobility on others pushing his wheelchair, had to be transferred to and from his chair and bathroom, required someone to feed him, was unable to speak, and had no academic skills. It was assumed by the school district and local sheltered workshop that he would transition from one to the other, and remain in sheltered workshop for the remainder of his “working” life. In fact, it is highly unlikely that he would have actually worked there, but rather been engaged in activities to get him ready to fold towels or similar contracts that the workshop had for their “clients” to perform. Through the CCF and support of Scott’s mother, we created a job for Scott at the local recycling business at which he operated a paper shredder with an assistive device. Scott’s employer was recognized by the State VR as an Employer of the Year.

Several jobs for people were created through the Careers, Community and Families project in the Tillamook area and in Southern Oregon. Finding jobs in rural settings may be a greater challenge for all people, with and without disabilities, but other people meet this challenge, and it can be met for and by people with I/DD. While I was working in New Hampshire, the vast majority of communities with whom I worked were “rural”. Yet school and adult service staff were able to find and create real jobs for dozens of people with I/DD, including many with very significant support needs.

F. *Issue*: Whether Oregon has a plan for expanding supported employment services that will be effective

*Conclusion*: Oregon's Executive Orders and Integrated Employment Plan are not a comprehensive and effective way to increase integrated employment for individuals with I/DD.

Since 1979, I have been an Oregonian and have worked with the Oregon Office of Development Disabilities Services (ODDS), Oregon Vocational Rehabilitation (VR), and Oregon Department of Education (ODE) related to students and adults with I/DD, and in particular, on employment issues. Over the past three decades, in response to the availability of federal demonstration grant funding to these state agencies and/or an Oregon university, the state agencies have been willing to develop plans, committees, demonstrations, and staff training aimed at increasing supported employment opportunities for people with I/DD. However, in general and with the exception of the people in the demonstration projects conducted by the university staff, few people with I/DD were assisted to obtain jobs, and the State was unwilling to implement policies and practices and funding streams to insure that this occurred during or after the grant funding. In fact, the only large scale state systems change that has benefitted Oregonians with I/DD was the closure of Fairview State Hospital and this was done only after a class action lawsuit was filed by the US DOJ.

The Oregon DD state agency did implement a brokerage system for people with I/DD. I was involved in the beginning of the brokerage system through which these individuals with I/DD, along with their families, would have much more ability to choose and direct the services they needed and wanted. After the first few promising years of implementation, the State quickly reverted the system to one in which neither self-direction nor flexibility were apparent, other than in words used to describe the system. In light of the history in Oregon of planning when given extra federal funding, but no or little follow-through unless forced to do so, I have no confidence that the current flurry of planning and committee meetings will result in any real improvement of employment opportunities for Oregonians with I/DD unless mandated to do so by the courts.

Again, I have witnessed ODDS and Oregon VR go through many cycles of planning regarding supported employment for people with developmental disabilities, with very few results in terms of increased employment outcomes for Oregonians with I/DD. Thus, I view their current plans with a great deal of skepticism. I am confident that actual increases in employment opportunities will not come to be realized unless the State is willing to establish meaningful and accountable employment targets. Simply establishing targets for employment services will likely have the same result that I discussed above—poor supported employment services will be provided and then the individuals with I/DD or the supported employment provider will be blamed for it.



It is a red flag that the State is indicating that they will count people who received only discovery or an assessment as having received employment services. I can almost guarantee that is where most people will get stuck. Providers love to do discovery and assessments—it is easy and they get paid for the assessment, and they then will not attempt to obtain a job for the person, or if they do, they will make perfunctory attempts to “place” the person into any “food, filth, and flowers” job that comes available in order to get paid for the placement. Through the work that I have done with young adults with mental health conditions in the past 5 years, I have seen that the number of providers in the business of vocational assessment has rapidly grown, whereas the number who are willing to do job development has declined—the money is in doing assessments. I predict this will continue unless VR and ODDS are required to establish employment outcomes and unless supported employment services are only counted when a person is provided with job search and/or creation services, and competitive integrated employment that matches the interests and strength revealed through the discovery process is located.

I am dismayed that the State has indicated that they will **attempt, within funding constraints**, to develop sufficient providers of supported employment. The state plan should explicitly specify that the funds being used for sheltered workshops and ATE programs will be systematically shifted to supported employment providers, including new start-ups. I predict that agencies will begin to find jobs for people when they realize that they will soon lose their funding for sheltered employment. Simply allowing the timing of the reduction of funding for sheltered programs to be dependent on providing more people with supported employment is an equation for never reducing the level or amount of segregation in sheltered programs, and for supported employment continuing to be, in essence, a service for a few people.

This is most clearly evident in the new provider transformation grants, funded at millions of dollars. The State is currently offering funding to some sheltered workshop programs as incentives to shift some individuals – and often only a few of their clients – to supported employment, without any outcome contingencies. This approach is another example of the State’s lack of understanding or worse, its willingness to let this initiative fail again by giving large amounts of tax payer dollars to programs who have refused to change over several decades of planning, training, and technical assistance, and who have a vested interest in the system not changing. I have worked directly with most of these providers, and they have always been willing to take money and training about supported employment, but rarely willing to close or even reduce their segregated employment services in order to focus on supported employment.

The letter from the DD Coalition dated 3/15/2015 illustrates that there is cadre of progressive providers in Oregon who want the State agencies to move forward with shifting services from sheltered to supported employment, and that want individuals be

supported to work 20 to 40 hours a week in real jobs in their communities. In rather clear terms, these providers and stakeholders disagree with Ms. Teninty that employment targets and accountability will distort employment services. To the contrary, they are asking for and supporting such targets in the belief that they are necessary to advance supported employment and meaningful integration. The letter also points out the historical and continuing lack of clarity and difficulty that the State leaders have in creating a comprehensive plan that reflects the "on the ground" reality of creating this systems change and actually helping people with barriers to employment become employed.

The State continues to refuse to provide detailed directions, consistent communications, and clear specifics in their plans, in order to avoid being held accountable for the provision of services, provider development, and outcomes. Providers have and continue to find this refusal, and perhaps inability, of the State to identify those things that need to be done in order to move initiatives forward to be incredibly frustrating and disheartening. The State's historical response to this situation is to create committees and suggest that they are asking for input from people actually doing the work, but typically the State is very careful about what details of their plans they will share with these groups. As a result, these groups often feel as if they are used more for political points than for their knowledge and input. The Coalition's letter supports my conclusions that the State's Executive Order and related plans still are not working.