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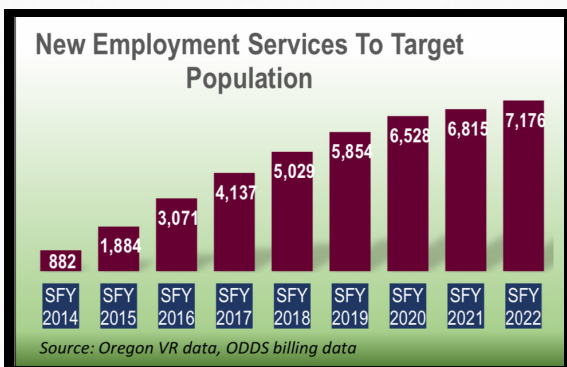
# The Focus



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## Why Numbers Aren't Enough... Oregon, post Lane v. Brown

### Lane v. Brown Final Report Summary



The last seven years post Lane vs. Brown were characterized by a huge effort on the part of the state and systems that provide vocational services to build and move towards a united vision of Employment First. Employment First means that employment in the general workforce should be the first and preferred option for people with disabilities, receiving assistance from publicly funded systems. (APSE, <https://apse.org/about/>)

In 2015, the Lane vs. Brown settlement outlined many needed changes that were overseen by a court appointed independent reviewer. This oversight ended in June 2022. The final report



issued by the Independent Reviewer, Nichole Jorwic, noted some significant changes. Through a huge concerted effort over the course of seven years (2015 – 2022) Oregon experienced:

- A resurgence in supported employment being offered as the first option for transition-age students leaving the education system.
- The end of sub-minimum wage.
- Closing of all sheltered workshops.
- Improved access and collaboration between VR, ODDS and ODE.
- Increased numbers of people with IDD becoming employed.
- Training and technical assistance available to Providers in the short-term through the Washington Initiative for Supported Employment, Living Opportunities, Oregon Training and Consultation, and several sub-contractors through the Transformation Grant.

These efforts were significant and sufficient for the court mandated oversight to end.



The Independent Reviewer also noted areas which still need to be addressed. Huge capacity issues need improvement. These were verified from interviews with Providers and Advocates.

- Low pay rates compounded by support staff turnover and the pandemic made it difficult to serve job seekers.
- State reimbursement rates and resources do not ensure that job seekers with complex support needs are being served equitably. This disincentive for quality customized employment services leaves most individuals with significant support needs lacking access to paid employment.
- Training and technical assistance has been unavailable other than online to new employees since 2019. Since the post-settlement period of required training has ended, it has been difficult to obtain consistent training on critical topics such as job development, systematic instruction, job coaching, fading and Discovery. Without this extra support, providers stated difficulty hiring and training new employees and retaining high quality employment specialists.
- Many people are still working less than the recommended standard of 20 hours per week.

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After many months of Zoom meetings and conferences, the **2022 Pacific NW Employment Forum** was held in-person on September 19-21 with one day hybrid option. It was great to see and connect with everyone. Congratulations to Oregon's award winners, especially the Employee Advocate Award Winner, Gabrielle Guedon, OSAC. The 2023 Oregon location will be announced soon.

- The current outcome-based, milestone payments make it difficult for providers to financially invest the time and work needed to successfully job develop for people with significant support needs. These potential job seekers end up in community inclusion services, or lose interest while waiting months to find a provider.
- Job seekers with an intellectual or developmental disability continue to wait several months or even a year to access Vocational Rehabilitation and/or job development services. This is exacerbated by a shortage of VR Counselors and Employment Providers especially in rural areas.
- Across the state, families and parents are still lacking information on the concepts of supported and customized employment services. They need education and advocacy support to engage in these services during the transition years and as they enter the adult service system.
- Although there has been an increased focus toward employment for students during the early transition years (14-17), some schools still provide unpaid work in the final transition years (18-21) and do not take an active role with their community partners to facilitate competitive, integrated employment.
- The state funded Youth Transition Program (YTP) has very good employment outcomes and is consistently touted as an example for transition students leaving school for adult services. This exemplary program is limited as it is not widely available in all communities nor available to all students. Currently 27% of YTP participants are students with IDD. It is important to note that during the interviews for this Newsletter, the Oregon Self-Advocacy Coalition (OSAC) leadership did not know what YTP was.
- Placement data includes segregated crews who are paid minimum wage post Lane vs. Brown. However, this does not fit the national definition of competitive, integrated employment.
- Inconsistent understanding of Discovery services across the state with some using it as an evaluative assessment service deeming job seekers as “not ready for paid work,” recommending a stint in volunteer settings rather than an opportunity to identify interests, skills and preferences leading to job match and job acquisition.



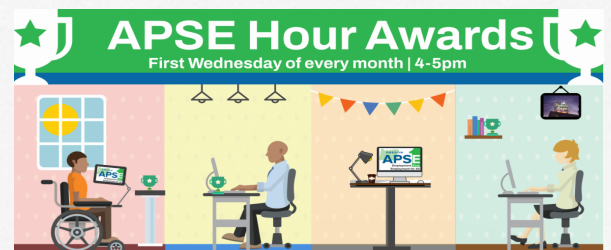
Lane vs. Brown has clearly moved Oregon forward. It is now critical to enhance the current system, align with national best practice, and continue to progress. We must not lose our momentum. Indeed, policies are in place from the state level to promote supported employment. The era following Lane vs. Brown is a beginning to build and sustain a vibrant commitment to Employment First and not the end of compliance to an onerous lawsuit. Oregon needs an ongoing system aligning ODDS, ODE

and VR to sustain and grow. In addition, families, self-advocates, educators, brokerages, counties and providers need to be recognized as equal and vital partners with their public agency counterparts.

This growing system should include:

- **All** people with IDD being seen as capable of entering and being part of the workforce.
- Individual advocates, family members, and advocacy organizations must have their voices heard with a more robust outreach effort that respects them as equal partners in the system. Advocates are concerned that many people have either lost jobs or had their hours significantly reduced in the past few years and have had difficulty obtaining follow-up VR and job development services.
- Access to VR Counselors statewide for all job seekers regardless of support needs. Self-advocates loudly voiced their concern for the lack of services for people with more significant support needs. It should be noted that due to the long history of poor treatment by some VR offices, many self-advocates still fear engaging with VR.
- An Oregon state plan with the three agencies (ODDS, VR and ODE) collaborating to sustain ongoing training and technical assistance on best practice supported employment and customized employment for providers, educators, and agency staff. All must have the tools to work with job seekers regardless of the significance of support needs.
- Best practice standards with incentives for
  - a) Long-term (1 year) competitive, integrated employment, and
  - b) On-going hours of competitive employment of 20 hours /week or more.
- Elimination of segregated employment and segregated employment related services.
- A person-centered guide to the discovery process with an expected outcome of supported and/or customized employment rather than an overly prescriptive system of forms that is a service labeled Discovery.
- An increase in state-reimbursed rates starting at \$55 / hour for job coaches, so providers can pay a livable wage.
- Extra support with financial incentives to serve those job seekers with the most significant support challenges. Built-in flexibility in the VR outcome system with extra hours and pay for customized employment.
- Strengthening communication, collaboration and partnership between state agencies, providers, and local partners.

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MISS**



December 7, 4-5P, Employer Awards,  
Central and Eastern Oregon

- Access to quality seamless transition services for all transition age students regardless of disability label or community. This includes expanding YTP services to include more students with IDD and complex barriers to employment.
- An expectation that schools incorporate discovery and facilitate competitive, integrated employment during the transition years. Be creative with blending and braiding funds including the use of Workforce Innovation and Opportunity (WIOA) and Pre-Employment Transition Services (Pre-ETS) funding to support these services.
- The State of Oregon leading by being a model employer of competitive, integrated employment for individuals with disabilities.

Indeed, Oregon can be proud of the progress made in the last 10 years under the microscope of Lane vs. Brown. However, as we celebrate our accomplishments, let's assure we truly embrace Employment First by becoming a state that is inclusive of **all** job seekers.

Article written by Debra McLean and Tara Asai (with historical information from CJ Webb). Thank you to Gabrielle Guedon, Oregon Self-Advocacy Coalition; Josh Bearman, TVW; Amber Myre & Tara Mardoll, Living Opportunities; Erin Cochran-Weston, Albertina Kerr Centers; Glenn Bishop, Dirkse Counseling and Consulting; Nicholas Von Pless, SDRI; and Clover Mow, Independence NW Brokerage for their contributions to this article and their steadfast support of Employment First.



Oregon APSE celebrated their **10th Anniversary and 2022 Annual Meeting** on the NIKE campus on October 26, 2022. It was a fun and inspiring day, hearing great speakers, honoring award winners, and eating delicious food. Past Oregon APSE President, Tara Asai was surprised with a Lifetime Achievement Award. Thank you to all our members and sponsors, CBRE and Lifeworks.