ILLINOIS EMPLOYMENT FIRST
BLUEPRINT

EQUIP FOR EQUALITY

ADVANCING THE HUMAN AND CIVIL RIGHTS
OF PEOPLE WITH DISABILITIES IN ILLINOIS
Established in 1985, the mission of Equip for Equality is to advance the human and civil rights of people with disabilities in Illinois. Equip for Equality is a private not-for-profit legal advocacy organization designated by the governor to operate the federally mandated Protection and Advocacy System (P&A) to safeguard the rights of people with physical and mental disabilities, including developmental disabilities and mental illness. For more information about Equip for Equality go to http://www.equipforequality.org/about/mission/
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EXECUTIVE SUMMARY

This Blueprint provides policymakers and stakeholders in Illinois with specific recommendations and action steps to ensure that competitive, integrated employment is the first option for all people with disabilities, a concept known as Employment First. Illinois has taken important first steps towards Employment First, including enactment of the Illinois Employment First Act and the issuance of an Employment First Executive Order. The challenge is now for Illinois to realign and modernize the states’ disability service system. Action must be taken to translate that policy into positive changes for people with disabilities.

In recent years, the state of Illinois has made significant changes in its service system to enable people with disabilities to leave residential institutions and move to community living, consistent with the community integration mandate of the Americans with Disabilities Act and the U.S. Supreme Court’s decision in Olmstead. Despite the steady movement of people with disabilities out of institutional living situations, many continue to spend their days in segregated settings. Effectively implementing Employment First is critical to people with disabilities achieving meaningful community integration.

People with disabilities want to be integrated into every facet of community living, including the workplace. Despite this desire, 25 years after the passage of the Americans with Disabilities Act, nationally only 20% of people with disabilities are employed. In Illinois, only six percent of people with developmental disabilities are employed in integrated settings.

Based on national research of state laws, policies, programs and services, the Blueprint presents a series of recommendations to reform the Illinois service delivery system to bring it in line with Employment First. The report also highlights promising practices from other states to serve as models for Illinois’ reform efforts.

Governor Quinn supported funding of this project, recognizing the importance of conducting research on other states’ efforts to implement Employment First initiatives in order to learn from their experiences. The Blueprint recommendations focus on six areas: current employment services, supported employment funding and rates, use of segregated settings, transition services, data collection, and engagement of employers and workforce development.

Current Employment Services

Current employment services offered in Illinois, including supported employment, are under-utilized and overly bureaucratic. Supported employment provides personalized supports for people with significant disabilities to find and retain paid employment. Consistent with Employment First, it is founded on the principle that with the proper supports, any person, regardless of the nature or extent of his or her disability, can be gainfully employed. Only 4.3 percent of people with disabilities receiving vocational rehabilitation services have supported employment as a goal.
Many are deemed ineligible based on presumptions about their employability. Vocational rehabilitation counselors are often unwilling to open a supported employment case, in part due to a misunderstanding of what services may be provided by different agencies at the same time. This is compounded by the fact that supported employment services through the Division of Rehabilitation Services are limited to 18 months, greatly hindering their effectiveness. While it is possible to receive supported employment services under one of the Medicaid Home and Community-Based Services waivers when those services have expired, transitioning between funding streams is difficult and cumbersome.

Supported employment services for people with serious mental illnesses have been successfully provided using the Individualized Placement and Support model, but due to inadequate funding there are an insufficient number of qualified providers delivering these services.

**RECOMMENDATIONS**

Considering the experiences of Arkansas, Oklahoma, New Hampshire, Missouri and Maryland, Illinois should:

- Revamp its supported employment programs to encourage their use by vocational rehabilitation counselors;
- Extend the time for supported employment services;
- Ease the transition between funding sources; and
- Expand the number of individuals served through Individualized Placement and Support.

**Supported Employment Funding and Rates**

Employment services for people with disabilities have been woefully underfunded and therefore often ineffective. For years, there has been a gross disparity between the rates paid by the Division of Rehabilitation Services and the Division of Developmental Disabilities for supported employment services. The Division of Rehabilitation Services’ rates are nearly triple the rates paid by the Division of Developmental Disabilities. As a result, there is little or no incentive to utilize supported employment services funded by the Division of Developmental Disabilities, even when services from the Division of Rehabilitation Services are denied or have expired. Regardless of the funding source, the rates are far lower than the actual cost to provide services.

**RECOMMENDATION**

Considering the experiences of New York, Ohio, and Arkansas, Illinois should:

- Adjust its funding rates for supported employment services to offer incentives for providing integrated employment.
Use of Segregated Settings

For years, Illinois has overly-relied on the use of segregated settings during the day for people with developmental disabilities. Sheltered workshops are unnecessarily segregated and do not provide the vocational skills needed to prepare people with disabilities for employment in the community. The work performed in these settings typically consists of routine, mundane tasks for which workers are often paid subminimum wage. In these settings, there is virtually no opportunity for interaction with their peers who do not have disabilities.

Illinois perpetuates the existence of sheltered workshops through two state programs: the Business Enterprise Program and the State Use Program, neither of which aligns with Employment First. The Business Enterprise Program purports to increase the number of state contracts awarded to businesses owned by people with disabilities. However, sheltered workshops qualify as such a business and receive the overwhelming majority of these contracts. Similarly, under the State Use Program, state agencies purchase products and services from sheltered workshops. In Fiscal Year 2013, over $34 million in state contracts were awarded to sheltered workshops under this program.

In Illinois, many people with disabilities receive day training services under a Medicaid home and community-based waiver program where they are segregated and receive little preparation for competitive, integrated employment. Contrary to the concept of Employment First, eligibility for day training services under the waiver program is presumed; eligibility for employment services is not. As evidenced by recent litigation and interventions by the U.S. Department of Justice, the use of segregated settings like sheltered workshops and day training programs runs afoul of the integration mandate of the Americans with Disabilities Act and the Olmstead decision.

An alternative to traditional day programming is the concept of a “meaningful day.” It is premised upon providing people with disabilities the services and supports needed to spend their days engaged in meaningful activities, i.e., activities that reflect their individual interests, skills and preferences. Services provided at sheltered workshops and day training programs are often incongruent with this concept. While Illinois has stated its commitment to meaningful day services, it has so far done little to provide these opportunities for people with disabilities.

RECOMMENDATIONS

Considering the experiences of Vermont, Ohio, Massachusetts, Kansas, Colorado, Missouri and Oregon, Illinois should:

✓ Move away from the use of segregated settings by eliminating the presumptive eligibility for programs that are not integrated into the community;
✓ Require that people with disabilities are informed about integrated employment opportunities; and
✓ Alter state programs that function for the benefit of segregated settings.
Transition Services

Transition services for students with disabilities have been largely ineffective in preparing them for competitive, integrated employment. Although the legal requirements for transition planning and services are consistent with the goals of Employment First, they are not consistently followed or applied.

Frequently, transition plans are perfunctory in nature and lack specificity until the student’s senior year of high school. Students therefore miss the opportunity to engage in meaningful work experiences prior to their senior year. Proper assessments aimed at identifying the individual student’s skills and interests are frequently lacking. Transition plans and services may be one-size-fits-all, regardless of the student’s employment or post-secondary goals.

For students with certain disabilities, Individualized Education Programs often contain non-academic goals, starting in elementary school, based upon stereotypical notions regarding employability. In some cases, the “transition program” for these students is a sheltered workshop paying subminimum wage.

The programs in Illinois intended to help students find and maintain competitive, integrated employment are not adequately utilized. The Secondary Transitional Experience Program provides placement and training for students with disabilities ages 14½ through 22, but not all school districts contract with the state for these services, nor are these services always readily available in school districts that have such contracts.

The Interagency Coordinating Council is charged with obtaining data and recommending changes to improve the delivery of transition services. Based upon the lack of a report since 2011, the council is either not fulfilling its duties or not transparent in its efforts. There has been recent discussion of revitalizing the Interagency Coordinating Council.

RECOMMENDATIONS

Considering the experiences of Oregon, Delaware, Washington, D.C. and New Hampshire, Illinois should:

✓ Emphasize work opportunities for students with disabilities as early as possible;
✓ Require schools providing special education services to develop Individualized Education Programs based on the presumption that all students can work in the community;
✓ Require schools providing special education services to develop meaningful transition plans for students ages 14½ and older;
✓ Provide training and information to dispel the notion that students with certain types of disabilities are not employable;
✓ Provide students and parents with the information and resources needed to inform the decision-making process; and
✓ Revitalize the Interagency Coordinating Council and its duty to annually review, analyze and publicly report on transition data and provide specific recommendations for improving transition services.
**Data Collection**

Illinois lacks an effective system to collect and publicize data on the employment of people with disabilities in Illinois. As a result, comprehensive data on the number of people with disabilities in Illinois employed in any setting is not readily available. Use of data collected at the national level provides some useful level-setting, but is not a substitute for state-collected data. Critical to the effective implementation of Employment First is the state’s ability to regularly collect, analyze and report on how people with disabilities are spending their days, both to assess whether progress is being made and to identify and address continuing barriers to competitive, integrated employment of people with disabilities.

**RECOMMENDATIONS**

Considering the experiences of California, Florida and Washington, Illinois should:

- ✓ Develop a comprehensive data collection system to track and report employment data on a timely basis; and
- ✓ Require state agencies to share that data and make it available to the public in a user-friendly way.

**Engagement of Employers and Workforce Development**

Engagement of employers and inclusion of people with disabilities in workforce development initiatives is key to the success of Employment First. The creation of regional Business Leadership Networks helps create a network for employers who are motivated to hire people with disabilities. Recent changes at the federal level set a seven percent disability hiring goal for federal contractors. This may help increase the available job opportunities for people with disabilities. Illinois should use this goal as a catalyst for education and outreach to employers on the benefits of hiring people with disabilities.

The state can and should be a model employer of people with disabilities, but the primary programs to increase the number of state employees with disabilities in Illinois have not been effective. The Supported Employees Program recognized that requiring people with significant disabilities to pass a test and/or an oral interview was a barrier to competitive, integrated employment for many. This program was eliminated in 2013. Even prior to its elimination, the state did not rigorously pursue its goals and did not meet the targeted number of employees. The remaining Successful Disability Opportunities Program does not provide an opportunity to learn and demonstrate the ability to perform the core functions of a job, instead requiring a passing grade on a test and an interview. As structured, the program provides little or no incentive for hiring managers to offer candidates with disabilities permanent employment. Consequently, it has not had a substantial impact. There is a successful program for hiring people with significant disabilities currently operating within the Illinois Department of Transportation which could serve as a model across state government.

Other workforce developments programs for people with disabilities are not widespread. The recent passage of the federal Workforce Innovation and Opportunities Act may change how employment and workforce development services are delivered to people with disabilities. It expands the investment and role of the state vocational rehabilitation agency in transition services, requiring opportunities to work in
integrated settings before placement in segregated settings that pay subminimum wage. The Act also extends the availability of supported employment services to 24 months. Finally, the Act authorizes workforce development activities, such as One Stop Career Centers, to focus on people with disabilities.

**RECOMMENDATIONS**

Considering the experiences of North Dakota and Colorado and federal initiatives to encourage and expand the hiring of people with disabilities, **Illinois should:**

- Increase its outreach efforts to employers and encourage them to join a Business Leadership Network;
- Conduct outreach to the disability community to engage them in workforce development initiatives in accordance with the Workforce Innovation and Opportunities Act; and
- Commit to increasing the number of people with disabilities employed in state government.

**Next Steps**

Effective implementation of the recommendations contained in this Blueprint will require a serious commitment from the State of Illinois as well as the involvement of a broad group of stakeholders. Many of the issues addressed in the Blueprint have been previously identified as barriers to the competitive, integrated employment of people with disabilities. It is no longer sufficient to simply state what the problems are; it is time to take swift and deliberative action to implement the changes in policies, rules and legislation needed to make Employment First a reality.

This Blueprint, based upon Employment First practices nationwide, contains specific recommendations and action steps to guide Illinois in devising and implementing its five-year Employment First plan. This is only the beginning. Extensive outreach to policymakers, people with disabilities, disability advocates, service providers and employers must occur, followed by ongoing discussions regarding the recommendations contained in the Blueprint to obtain the support and commitment of key stakeholders to implement them. Equip for Equality stands ready to engage and assist in this collaborative process.
**GLOSSARY OF ACRONYMS**

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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<td>APSE</td>
<td>Association of People Supporting Employment First</td>
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<td>BEP</td>
<td>Business Enterprise Program</td>
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<td>BIP</td>
<td>Balancing Incentive Program</td>
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<td>BLN</td>
<td>Business Leadership Network</td>
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<td>CMS</td>
<td>Illinois Department of Central Management Services</td>
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<td>CRP</td>
<td>Community Rehabilitation Provider</td>
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<td>DCEO</td>
<td>Illinois Department of Commerce and Economic Opportunity</td>
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<td>DDD</td>
<td>Illinois Department of Human Services’ Division of Developmental Disabilities</td>
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<td>DHS</td>
<td>Illinois Department of Human Services</td>
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<td>DMH</td>
<td>Illinois Department of Human Services’ Division of Mental Health</td>
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<td>DOJ</td>
<td>United States Department of Justice</td>
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<td>DOL</td>
<td>United States Department of Labor</td>
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<td>DRC</td>
<td>Disability Resource Coordinators</td>
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<td>DRS</td>
<td>Illinois Department of Human Services’ Division of Rehabilitation Services</td>
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<td>DT</td>
<td>Developmental Training</td>
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<td>HCBS</td>
<td>Home and Community-Based Services</td>
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<td>ICC</td>
<td>Interagency Coordinating Council</td>
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<td>ICDD</td>
<td>Illinois Council on Developmental Disabilities</td>
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<td>ICF-DD</td>
<td>Intermediate Care Facilities for the Developmentally Disabled</td>
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<td>IDES</td>
<td>Illinois Department of Employment Security</td>
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<td>IDOT</td>
<td>Illinois Department of Transportation</td>
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<td>IEP</td>
<td>Individualized Education Program</td>
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<td>IMD</td>
<td>Institutions for Mental Diseases</td>
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<td>IPE</td>
<td>Individualized Plan for Employment</td>
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<td>IPS</td>
<td>Individual Placement and Support</td>
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<td>ISBE</td>
<td>Illinois State Board of Education</td>
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<td>ISP</td>
<td>Individual Service Plan</td>
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<td>LON</td>
<td>Level of Need Assessment and Screening Tool</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>ODEP</td>
<td>United States Department of Labor’s Office of Disability Employment Policy</td>
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<td>OFCCP</td>
<td>United States Department of Labor’s Office of Federal Contract Compliance Programs</td>
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<td>SD</td>
<td>Successful Disability Opportunities Program</td>
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<td>SELN</td>
<td>Statewide Employment Leadership Network</td>
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<td>STEP</td>
<td>Secondary Transitional Experience Program</td>
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<td>VR</td>
<td>Vocational Rehabilitation</td>
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<td>WIA</td>
<td>Workforce Improvement Act</td>
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<td>WIOA</td>
<td>Workforce Innovation and Opportunity Act</td>
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This report would not have been possible without the support of many others, and we wish to thank them. A pro bono team of attorneys from Jones Day, McDonald’s and Exelon, led by Mark Rotatori, Michael Jacobsen, and Julie Baker, have contributed vast amounts of support throughout the development of this Blueprint, including conducting and overseeing the survey of employment practices in other states. The research conducted by our pro bono partners provided the foundation for the recommendations in this Blueprint and make it a much richer final product. We are very grateful for their contributions and support.

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PREFACE AND METHODOLOGY

The enactment of the Illinois Employment First Act in 2013 presented a prime opportunity to look critically at Illinois’ employment services and determine what actions are needed to make competitive, integrated employment the first option for people with disabilities in the state. Seizing that opportunity, Equip for Equality, with the assistance of its pro bono partners, developed this Blueprint to provide policymakers and stakeholders in Illinois with specific recommendations and action steps to ensure that Employment First results in positive changes for people with disabilities. Through collaboration between state agencies and stakeholders, Equip for Equality hopes that the recommendations will be taken off the page and translated into policy changes in Illinois.

In drafting the Blueprint, Equip for Equality conducted research on the employment services in Illinois, including interviews of service providers who are currently providing integrated employment services. Equip for Equality and our pro bono partners conducted a nationwide survey examining the employment practices in every state and Washington D.C., with particular focus on those states with Employment First policies. A list of resources for each state is available at www.equipforequality.org/employmentfirst. The Blueprint includes promising practices derived from the successful experiences of other states.

The intended audience for this Blueprint is all stakeholders interested in the employment of people with disabilities, including state agencies, policymakers, people with disabilities, disability advocates, service providers and employers. Although many of the recommendations focus on state policy changes, achieving the goals of Employment First—competitive, integrated employment as the first option for people with disabilities—will require buy-in and support for the Blueprint’s recommendations from a wide array of stakeholders.

The Blueprint contains recommendations in six key subject areas, followed by concrete action steps applicable to Illinois. In Section I, the background for Employment First in Illinois and recent changes to the disability service system are discussed. Section II focuses on six key employment issues and makes recommendations for changes in each. These issues are: A) current employment services; B) supported employment funding and rates; C) use of segregated settings; D) transition services; E) data collection; and F) employer engagement and workforce development. Section III more closely examines the employment practices in three leading states—Washington, Connecticut and Kansas—to illustrate how Illinois can learn from their experiences. In Section IV, a chart with the recommendations organized by responsible state agency is presented.
Effective implementing Employment First in Illinois is critical to people with disabilities achieving true community integration.

The national trend to increase community-based services for people with disabilities has led to many individuals across the country moving out of institutional settings and into the community. They have embraced this hard-won opportunity and continue to fight for the right to live where they want, with whom they want, and to spend their days engaged in activities they find meaningful. Unfortunately, the promise of true community integration has not been fulfilled. Most people with disabilities want the opportunity to work, to be contributing members of their communities, and to be independent. While they have been steadily moving out of segregated living situations, many continue to spend their days in segregated settings. Until now, the majority of opportunities available to them have been non-work or work that pays far below minimum wage.

People with disabilities want to be integrated into every facet of society, including the workplace. Still, there continues to be a significant gap in employment for people with disabilities. Nationwide, people with disabilities are employed at a rate of 20.1 percent compared with 68.5 percent of the general population. Similarly, of the approximately 696,213 people with disabilities in Illinois, only 225,678 are employed.

Consistent with the national trend towards increased community-based services for people with disabilities, the concept of Employment First has gained momentum across the country. As used in this Blueprint, it means that “employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for all working age people with disabilities, regardless of level of disability.” Implicit in this definition is the principle that employment should be integrated, not in a segregated setting or “working crew” of only people with disabilities. Work should also pay a competitive wage, not subminimum wage or other special wage calculated specifically for people with disabilities.

Illinois has recently enacted legislation declaring that Illinois is an Employment First state, followed by the issuance of an Executive Order by Governor Quinn requiring implementation of Employment First statewide. While Employment First is becoming a national trend, in many states it is merely a policy on paper that has not resulted in positive changes in the lives of people with disabilities. This Blueprint is intended
to provide guidance to policymakers and stakeholders on how to implement its Employment First policy by highlighting promising practices in other states and recommending concrete action steps.

The trend of Employment First nationwide offers lessons for Illinois.

There are currently 30 states with official Employment First policies, either in legislation or executive order. There are currently 30 states with official Employment First policies, either in legislation or executive order. There are currently 30 states with official Employment First policies, either in legislation or executive order. There are currently 30 states with official Employment First policies, either in legislation or executive order. Thirty-nine states and the District of Columbia (D.C.) have chapters of the Association of People Supporting Employment First (APSE), and 29 states and D.C. belong to the State Employment Leadership Network (SELN). Many Employment First policies are focused only on people with developmental disabilities. Illinois’ policy is cross-disability. States are working on increasing employment of people with disabilities in many ways, with and without official Employment First policies, and have had varying degrees of success. Many states with Employment First policies have not seen any significant change in the employment rate for people with disabilities. Others have seen success without having Employment First policies. This Blueprint contains research on promising practices from other states so that Illinois can learn from their experiences and achieve results for people with disabilities.

The creation of a Task Force to examine and recommend ways to improve employment and economic opportunities for people with disabilities was an important first step.

In 2009, the Employment and Economic Opportunity for Persons with Disabilities Task Force Act was enacted. Recognizing the high unemployment rate of people with disabilities and the significant barriers to equal employment opportunities that they face in both the public and private sectors, a Task Force was created to review and analyze state programs, state disability systems, relevant research and policy studies, innovative practices in other states, and federal policy initiatives. The Task Force is required to make recommendations to the General Assembly and the Governor to improve employment and economic opportunities for people with disabilities. In its 2010–2011 annual report, the Task Force recommended, among other things, that Illinois:

- Become an Employment First state that recognizes that all citizens, regardless of disability, have a right to pursue the full range of available employment opportunities and to earn a living wage in a job of their choice, based on their talents, skills, and interests;
- Adopt policies, procedures and practices that ensure employment of people with disabilities within the general workforce is THE priority for public funding and service delivery;
- Prepare people with disabilities across the state for jobs and careers of their choice;
- Develop policies that engage families, youth and communities in order to increase training and skill development and maximize job and career attainment;
- Close/downsize State Operated Developmental Centers and State Operated Mental Health Centers to achieve a 50 percent reduction in the current population of those facilities within four years; and
- Establish statewide coordination of employment programs for people with disabilities by creating a position within the Executive Branch/Governor’s Office charged with the authority and responsibility of oversight and coordination of employment-related programs for people with disabilities.
The Task Force was involved in the passage of the Employment First legislation and instrumental in the issuance of the Executive Order by Governor Quinn. The Task Force has also recently participated in national initiatives on Employment First, including the Employment First Community of Practice through the U.S. Department of Labor’s (DOL) Office of Disability Employment Policy (ODEP) and Visionquest, which examined transition services.

The Employment First Summit that followed identified many gaps in the disability service system relating to employment.

Subsequently, with the support of the Governor and the Task Force and partial funding from the Illinois Council on Developmental Disabilities (ICDD), an Employment First Summit was held on January 31, 2012. Based upon the knowledge and experience of the participants, the Summit culminated in a report with findings and recommendations required to make Illinois an Employment First state. The recommendations included:

- Issue an Employment First policy that is cross-disability and applies across all state agencies and obtain cross-agency buy-in and support by developing an ongoing integrated planning process;
- Develop strong data systems to track system performance and provide accountability;
- Improve capacity of the service system by creating staff competencies standards and developing standards for employment programs that align with Employment First principles;
- Establish a funding structure that provides adequate resources and incentives for providing quality services;
- Ensure that students with disabilities are properly prepared for employment as adults by creating an expectation early on among youth, parents and educators that when students with disabilities leave school, they will have jobs;
- Change family and individual awareness and expectations for employment by identifying resources and avenues for accessing and sharing information; and
- Strengthen relationships with employers and the business community to increase hiring of people with disabilities.

Recent legislative and executive actions evidence a commitment to providing integrated employment services.

Consistent with the national trend urging policies that emphasize competitive and integrated employment of people with disabilities—and the recommendations of the Task Force and the Employment First Summit—the Illinois Employment First Act was signed into law by Governor Quinn on July 16, 2013. The legislation was strongly supported by advocates across disciplines and across the spectrum of disabilities. It also had the full support of the General Assembly, passing unanimously in both houses. The Act establishes as the state’s policy that:

**Competitive and integrated employment shall be considered the first option when serving people with disabilities of working age.**
It also requires “all state agencies to follow this priority and ensure that it is effectively implemented in their programs and services.” These agencies must coordinate efforts and collaborate to ensure that state programs, policies, procedures and funding support competitive and integrated employment of people with disabilities. The Task Force is responsible for establishing measurable goals and objectives and monitoring the state’s progress toward implementation of the Act.

On June 3, 2014, Governor Quinn issued an Executive Order to implement Employment First. Key among its provisions is the appointment of an Employment First Liaison within the Governor’s Office. The Liaison is required, in collaboration with the Task Force and state agencies, to develop a preliminary five-year plan by December 31, 2014 and a final plan by June 30, 2015 to improve community-integrated private employment outcomes for people with disabilities. In developing these plans the Liaison, Task Force, and state agencies must consider:

- Aligning policies, financing, incentives, procedures, eligibility, enrollment and planning for services and supports for people with disabilities with the goal of increasing opportunities for community integrated employment that is based on informed choice;
- Maximizing funding to support employment-related initiatives, including state and federal funding now available through the state’s five-year rebalancing efforts;
- Ensuring individualized, conflict-free, informed choice about employment options, which includes family members and other representatives of the person when appropriate;
- Enhancing existing state technology to create a cross-agency point of access to document and track the outcomes of people with disabilities employed in private, integrated settings;
- Using best practices and evidence-based practices for successful placement in integrated community employment and opportunities to implement or expand model programs;
- Employing effective strategies for creating partnerships with entities committed to integrated community employment opportunities and for recruiting businesses to hire people with disabilities based on their capabilities, interest and strengths;
- Creating opportunities for shared services among existing providers of services for people with disabilities; and
- Setting appropriate benchmarks for improving employment outcomes that increase system-wide accountability and transparency.

In addition, the Illinois Department of Central Management Services (CMS) is required to review policies and procedures related to the State Use Program and the Business Enterprise Program, discussed below, and make the changes necessary to comply with Employment First.

**Illinois’ efforts toward Employment First align with its other efforts to rebalance the disability service system.**

The Americans with Disabilities Act (ADA) and the subsequent U.S. Supreme Court decision in *Olmstead v. L.C.* make clear that the unjustified segregation and isolation of people with disabilities is discrimination. Recent actions and guidance by the U.S. Department of Justice (DOJ) confirm that the “integration mandate” applies to employment. To meet its responsibilities under the ADA and *Olmstead*, Illinois must expand its recent efforts to rebalance the disability service system by providing services and supports needed for
individuals with disabilities to find and maintain jobs that are suited to their skills, preferences and interests. Historically, the inquiry made of people with disabilities seeking services from the state has been “Do you want to work?” Employment First requires that the inquiry shift to “Where do you want to work?”

Competitive and integrated employment is the next logical step in rebalancing the system towards increased community-based services

The past five years have brought about significant changes for people with disabilities in Illinois. The settlement of three class action lawsuits challenging the institutionalization of people with disabilities, the state’s voluntary closure of several state-operated facilities, and the investment in new models of community-based services have resulted in an increasing number of people with disabilities living in the community. The momentum created by these actions has caused people with disabilities, as well as their families and loved ones, to rethink expectations for their lives and what they need from the disability service system to meet those expectations. Competitive and integrated employment is the next logical step in rebalancing the system towards increased community-based services.

After years of advocating for Illinois to provide people with disabilities additional community-based services and comply with the ADA and Olmstead, Equip for Equality, Access Living, and the ACLU of Illinois, along with pro bono counsel, brought three class action lawsuits challenging the state’s continued reliance on segregated, institutional settings. Ligas v. Hamos was brought in 2005 on behalf of individuals with developmental disabilities living in Intermediate Care Facilities for the Developmentally Disabled (ICF-DD). Williams v. Quinn was brought in 2005 on behalf of individuals with severe mental illness living in Institutions for Mental Diseases (IMDs). Colbert v. Quinn was brought in 2007 on behalf of people with physical disabilities or mental illness who reside in nursing homes in Cook County. The state agreed to settle in all three cases and consent decrees have been entered in each. Since the entry of those decrees, more than 4,900 people with disabilities have received services in the community.

The consent decrees in Ligas, Williams and Colbert recognize the important role that employment plays in achieving true integration and full inclusion of people with disabilities in the community. They also recognize that the work must be meaningful to the individual. The plans and processes required to implement the choice to live in the community must focus on and reflect the individual’s “personal vision, preferences, strengths, and needs in home, community and work environments” as well as the “value of supporting the [individual] with relationships, productive work, participation in community life, and personal decision-making.” A main focus of the Ligas Implementation Plan is enhancing access to supported and competitive employment opportunities as part of the transition planning process. In recent modifications to the Ligas Implementation Plan, the state committed to assist 200 people under the Adults with Developmental Disabilities waiver to access employment services and to develop a
procedural guide and other resources for Illinois providers to use in assisting and supporting individuals to find and maintain employment.\textsuperscript{23} Despite its stated commitment, the state has thus far made little progress in providing competitive, integrated employment opportunities to people with disabilities once they have transitioned into the community.\textsuperscript{24}

In November 2011, Governor Quinn announced a plan to rebalance the disability service system to increase community-based services for people with disabilities. A key part of this plan was the closure of several state-operated facilities.\textsuperscript{25} In 2012, Jacksonville Developmental Center, Tinley Park Mental Health Center and Singer Mental Health Center were closed. The closure of another facility, Murray Developmental Center, is pending.

This Blueprint will advance Illinois’ efforts to implement Employment First.

This is a critical moment for Illinois’ employment policies. Segregated environments, including sheltered workshops and day training programs, were long presumed to be the only safe and viable option for individuals with disabilities, particularly those with significant disabilities. Employment First reverses this presumption by recognizing and directing that competitive, integrated employment should be the first option for all people with disabilities, not a privilege offered only to some. Since the passage of the Illinois Employment First Act, policymakers, service providers, advocates, and people with disabilities have been working to address this very important issue. The over-arching goal of this work is to achieve true community integration for people with disabilities, of which employment is a key component.

II ISSUES, PROMISING PRACTICES, AND RECOMMENDATIONS

This section of the Blueprint identifies six key issues on which Illinois can take concrete steps to implement Employment First. These issues are: A) current employment services; B) supported employment funding and rates; C) use of segregated settings; D) transition services; E) data collection; and F) employer engagement and workforce development. These sections highlight promising practices nationally and within Illinois. Recommendations for actions Illinois can take to implement Employment First in accordance with these promising practices are made in each section and explained more fully in Section IV.

A. Current employment services offered in Illinois, including supported employment, are often under-utilized and overly bureaucratic.

There are a variety of services available to people with disabilities in Illinois designed to help them obtain and maintain employment. The eligibility, funding sources, and length of services vary greatly depending on the type of service and who is delivering it. This section discusses the underuse of supported employment services by the Illinois Department of Human Services’ (DHS) Division of Rehabilitation Services (DRS), the time limitations of supported employment, and the difficulty in transitioning from one funding source to another. Finally, the section discusses the use of an evidence-based practice to provide employment services to people with serious mental illness.
Supported employment does exist in Illinois, but it is not utilized by many people with disabilities.

Supported employment provides personalized supports for people with significant disabilities to find and retain paid employment. The premise is that with the appropriate supports anyone who wishes can obtain paid employment regardless of the nature or extent of the person’s disability. While supported employment services are offered in Illinois, their availability and effectiveness are thwarted by several factors.

Most often, supported employment services are offered through DRS. These services are funded by a combination of funds from federal and state vocational rehabilitation (VR) agencies. Once an individual meets the eligibility and screening requirements to receive VR services through DRS, supported employment services are available to them for a period of 18 months. Of the 16,945 people in Illinois who received VR services in 2012, only 715 cases, or 4.3 percent, had a goal of supported employment.26

Many VR counselors will not open a supported employment case.

There are various reasons why so few people receive supported employment services, including hurdles in establishing eligibility and the lack of qualified providers to deliver the supported employment services. However, anecdotal evidence obtained from interviews with service providers and VR counselors suggests that this low number may be due to the unwillingness of VR counselors to open a supported employment case.

The VR counselor serves as the gatekeeper for developing a plan to deliver employment services. There are inconsistencies among VR counselors in the way the eligibility requirements for receiving supported employment services are applied. Many people with disabilities, particularly those with developmental disabilities, are denied these services because they are viewed as “unemployable” and therefore deemed ineligible.27

Many of these gatekeepers are not willing to explore the possibility of supported employment. One factor is the lack of training for DRS counselors on how to effectively deliver supported employment services to individuals with significant disabilities. There is a common misconception that supported employment services are reserved for those who are “high-functioning” and either have a job lined up already or can easily find a job due to their current skill set. The very definition of supported employment suggests otherwise, but it appears that many VR counselors are using a narrower definition.
**Double-billing concerns persist among VR counselors.**

Many VR counselors will not open a supported employment case for someone with a developmental disability because of past negative experiences, ranging from services being improperly utilized or not utilized to misconceptions about “double-billing” for both supported employment services and day training services.

Supported employment services are also available through two Medicaid Home and Community-Based Services (HCBS) Waiver programs: Adults with Developmental Disabilities and Persons with Brain Injury. The first program is operated by the DHS’ Division of Developmental Disabilities (DDD) and the second by DRS. Supported employment services under these programs are not time-limited.

Under both the Adults with Developmental Disabilities Waiver and the Persons with Brain Injury Waiver, individuals are presumptively eligible for Developmental Training (DT) services, but not for employment services. This is contrary to the principles of Employment First set forth in the Illinois Employment First Act and the Executive Order. This presumed eligibility for “non-work” but not for employment services has resulted in many people with disabilities never being evaluated or offered employment services.

To access supported employment services through one of the HCBS waivers, one must exhaust all eligible DRS funded services or be denied services by DRS. It is not permissible for individuals to receive Medicaid and non-Medicaid supported employment services simultaneously. While this prohibition may have caused some VR counselors to stop opening supported employment cases, it allows for more flexibility in delivering services than is perceived. The fact that an individual receives residential and other support services under the Adults with Developmental Disabilities or Persons with Brain Injury Waiver does not prohibit them from receiving supported employment services through DRS. Rather they are prohibited from receiving the same service from two different programs simultaneously. Unfortunately, this nuance does not appear to be widely understood, leading to unwillingness to open DRS supported employment cases for fear of “double-billing.”

**The time limitation for supported employment services hinders its effectiveness.**

In Illinois, DRS supported employment services are time-limited and generally not provided beyond 18 months. Authorization does exist for DRS to transition individuals to “extended services” beyond 18 months. The criteria for extended services are: 1) substantial progress towards meeting the targeted number of work hours in their Individualized Plan for Employment (IPE); 2) effective reduction or elimination of hours of support in the support reduction schedule; and 3) agreement of the person and the VR counselor on the type and amount of extended services needed to maintain employment. However, due to an elimination of state general revenue funding for this program, no state funds were available for extended services during State Fiscal Year 2014.

**PROMISING PRACTICES for Addressing the Time Limits on Supported Employment Services**

Arkansas has dealt with the 18-month limitation by changing supported employment contract provisions. Supported employment providers must agree to provide services to the individual for
the length of their employment, whether or not it exceeds 18 months. It is the provider’s responsibility to find another source of funding to continue to provide this support after the VR funding ends at 18 months. The Division of Vocational Rehabilitation also has interagency agreements with Developmental Disabilities, Behavioral Health and other departments to ease the transition between VR funding and other funding.37

**Oklahoma** provides additional services after 18 months through “stabilization services.” Stabilization services are ongoing support services to maintain an individual in integrated, competitive employment. Stabilization services may be provided for up to two years per job. They are available when job coach intervention time is 20 percent or less of the individual’s total work hours for four consecutive weeks.38

**The service system makes the transition from DDD to DRS difficult and cumbersome.**

Unlike supported employment services through DDD, supported employment services through DRS are only authorized for 18 months. While it is possible to transition to DDD supported employment services after DRS services have expired, this transition is difficult to navigate. There is often a delay in transitioning a case from DRS to DDD. Many providers do not start the transition process early enough and some cases are improperly denied as ineligible by DDD. As a result, many providers simply do not continue supported employment services beyond 18 months. Combined with the disparity in rates between DRS and DDD, discussed below, this has resulted in many individuals who have been successful in employment not receiving necessary supports beyond 18 months and, in some cases, losing their jobs.39

Ray Graham Association, a provider of developmental disability services in Illinois, has been navigating this particular issue for years. Each time an individual who may need continued supported employment services approaches the 18-month time limitation, Ray Graham staff begins working with the staff at DRS and DDD to ensure that the transition between funding occurs. This ensures that the individual can continue working with supports. Staff at Ray Graham report that even though they have been through this process repeatedly, each case ends up in a negotiation with DRS and DDD staff.40

**The model utilized in Illinois to provide employment services for people with serious mental illness has been successful and providers have shown both flexibility and innovation in using it.**

Since 2005, Illinois has offered supported employment services using an evidence-based practice that specifically targets individuals with serious mental illness. One of the key features of this model, known as Individual Placement and Support (IPS), is the integration of employment services with mental health services. The IPS model, which was developed at Dartmouth University, is built on a foundation of seven core principles:

- Consumer choice—all individuals who are interested in work are eligible for IPS;
- Integrated services—vocational and mental health services are a part of the overall treatment approach;
• Competitive employment in regular work settings—no pre-employment training or placement in sheltered or segregated work settings;
• Place and train—individuals are placed in competitive work settings as soon as they feel ready, without extensive training or a career exploration period;
• Personalized follow-on support—after placement, individuals and their employer receive ongoing support, if desired, for as long as it is needed;
• Person-centered service—client’s personal preferences, experiences, strengths, and choices drive the job search and follow-on supports rather than the judgment of the Employment Specialist; and
• Benefits counseling—provided to clients to ensure that they can successfully navigate any impact of employment on Medicaid or Social Security benefits.  

Currently, there are 55 sites providing or working to provide IPS services in Illinois, involving 41 human service agencies. Illinois distinguishes between sites that are at fidelity, a standard measurement of implementation of the evidence-based practice, and those that are not yet known to be at fidelity. In the 4th quarter of State Fiscal Year 2014, 1,662 people were receiving IPS Services. Of these, 1,427 people were receiving services at an IPS Fidelity Site, and 235 were receiving services at a provider in the process of implementing IPS Fidelity. A recipient of IPS services is usually on the IPS caseload for about one year. A case is deemed successful when an individual is employed in a competitive, integrated setting, usually for at least 3 out of 6 months. In State Fiscal Year 2014, the success rate for this program was 72 percent, increasing from 63 percent in State Fiscal Year 2013.

Supported employment services for people with serious mental illness are provided through braided funding from DRS and the DHS’ Division of Mental Health (DMH), which involves both Medicaid and non-Medicaid funding. For certain services under this program, such as interventions that are targeted to helping a person succeed on a specific job, DRS utilizes a milestone payment approach. Under a milestone contract, the supported employment service provider is not paid an hourly rate. Payment is made when specific objectives are met. For example, IPS service providers are paid when a person has worked at a job matching his or her preference for 15, 45, and 90 days. More recently, payments have become possible at 120 and 150 days if the person continues to need support. However, as reported by the National Alliance on Mental Illness, in general individuals with mental illness receiving IPS services are not supported beyond 90 days.

DRS has recently begun awarding grants to agencies, including those that serve people with developmental disabilities and other disabilities, to provide employment services using the IPS model. This expansion is funded through the federal Balancing Incentive Program (BIP), as authorized by the Affordable Care Act. The purpose of the program is to improve access to non-institutional long-term services and supports and encourage states to make structural reforms to their long-term care systems. These BIP funds will be available through September 30, 2015.
Many people with mental illness have experienced success with the IPS model, but it must be expanded.

As an evidence-based innovation for providing employment services to people with mental illness, the IPS model has worked well. Many providers work collaboratively with DMH and DRS to find jobs for individuals with mental illness. Many continue to support individuals after they have found employment and their cases have been closed. In interviews of providers who have a commitment to providing employment services to individuals, a few common themes have emerged. One is that current funding for the program is insufficient to support the number of people with mental illness who need employment services. Under IPS, each employment specialist may only have 20 consumers on their caseload at one time. Most agencies have just one or two employment specialists on staff, greatly limiting the number of people they can serve. Another is that ongoing support services are difficult to fund, as they are not Medicaid billable and not reimbursable under IPS. Most providers continue to provide these support services, because they are not available elsewhere. Particularly for youth in transition, the lack of ongoing support services is a challenge.

Further, even though a mental health provider may employ talented employment specialists who understand and have been trained in the model, many clinicians have not yet accepted employment as a necessary component of service delivery or the need to integrate it into clinical services.

DMH was recently awarded a five-year transformation grant from the Substance Abuse and Mental Health Administration for supported employment programs. The purpose of this grant is to enhance state and community capacity to provide and expand evidence-based supported employment programs such as IPS to adults with serious mental illnesses, including persons with co-occurring mental and substance use disorders. The grant will focus on two communities and is intended for the state to develop the necessary infrastructure to maintain and expand supported employment services and increase the number of individuals with serious mental illness and co-occurring mental and substance use disorders who obtain and retain competitive employment. The grant will also establish a permanent training program using in-person and virtual platforms and collect and analyze program data.

PROMISING PRACTICES for Increasing Employment of People with Mental Illness.

New Hampshire provided specific earmarked funding to increase the employment rate among individuals with mental illness. The state provided funding to community mental health providers to: 1) assist mental health agencies to integrate evidence-based supported employment practices into their service delivery; 2) offer intensive training and technical assistance on these practices; and 3) develop infrastructures to support sustainability of evidence-based supported employment services.

In Missouri, the Division of Behavioral Health, which oversees the provision of mental health and substance use services, has provided technical assistance to behavioral health providers to encourage them to integrate employment services into their other mental health services. In addition to partnering with the VR agency and using the IPS model, the Division has provided guidance to providers...
Maryland has been a leader in providing evidence-based supported employment services to people with severe mental illness. Recognizing that differing eligibility criteria across various agencies can be a major impediment to helping people obtain and retain employment, people determined eligible for supported employment services by local mental health agencies are deemed presumptively eligible by the state VR agency, thereby streamlining the lengthy enrollment process. This presumptive eligibility helps to ease any transitions between funding streams and ensure that individuals do not experience delays in services.  

RECOMMENDATIONS

**Illinois should:**

✓ Revamp its supported employment programs to encourage their use by VR counselors;

✓ Extend the time for supported employment services;

✓ Ease the transition between funding sources; and

✓ Expand the number of individuals served in IPS.

Increased use of supported employment services would help many people with disabilities gain employment. Additional training of VR counselors regarding when a person may qualify for and utilize supported employment services is clearly necessary to increase the use of these services. This could be accomplished by DRS at a relatively low cost by encouraging interagency trainings led by VR counselors who do use supported employment services. Training should also make clear that a person who is receiving DT from DDD is not precluded from receiving supported employment services from DRS. Adjustments to the training guidelines or curriculum for VR counselors may be necessary to implement this change. It would be helpful to incorporate service providers who have used supported employment successfully into these trainings, as they are a key part of this service.

The time limitation of supported employment services is a barrier to obtaining and maintaining competitive employment for people with disabilities. Most people with disabilities need support beyond 18 months. Illinois should address this barrier by restoring funding for extended supported employment services or through adoption of the promising practices used in other states, such as Oklahoma. It should be noted that DRS receives a significantly higher federal match for supported employment services than does DDD. While the state has not opted to do so, all supported employment services could be provided by DRS in order to capture the higher federal match. Creating a new category of “stabilization services” would require a change in the regulations for the supported employment program as well as reallocated or additional funding. The Workforce Innovation and Opportunity Act (WIOA), discussed more fully below, authorizes the extension of supported employment services to 24 months. This change will help significantly. DRS should ensure that all VR counselors and service providers are informed of this change and utilize this option.
Illinois should also make the process for transitioning between funding sources easier by providing technical assistance and other support to providers when making this change. This can be accomplished through further education of providers and enhanced training of DDD staff responsible for helping with this transition.

DDD and DRS should work with providers in a collaborative way when an individual is approaching the 18-month time limit to facilitate the transition. DDD and DRS should also work together to execute data-sharing agreements to identify individuals approaching the 18-month limitation and to start transition as early as possible.

Illinois has had great success in implementing the IPS model for individuals with serious mental illness. However, due to inadequate funding, there are not enough providers of these services to significantly reduce the unemployment rate of people with mental illness. The state should continue to expand the use of this model by allowing current sites to serve additional clients and by adding more sites. The recent grant received by DMH will help with this effort, but DMH and DRS should continue their investment in the program. Furthermore, the state should allow flexibility when applying the model to people with other types of disabilities to ensure that it can effectively meet the needs of each particular population.

B. Supported employment services for people with disabilities are woefully underfunded and therefore often ineffective.

Employment services offered to people with disabilities are not funded adequately to meet the needs of people with disabilities in Illinois. The amount of funding provided allows only a small number of people to receive services. The rates are too low to meaningfully support individuals who could successfully participate in a program if there were more robust services. These programs have not received the consistent funding necessary to truly support individuals, and many have suffered from recent budget cuts to human services.

The difference in rates paid for supported employment services by different state agencies acts as a disincentive to providing individualized competitive, integrated employment services.

A gross disparity exists between the rates paid by DRS and DDD to providers of supported employment services. In Cook County and the collar counties, DRS pays supported employment providers $39.37 per hour. Providers outside of these areas are paid $37.30 per hour. In contrast, DDD pays $11.63 per hour for group supported employment services and $13.03 per hour for individual supported employment services. As a result, there is little incentive to transition to DDD’s supported employment program when DRS supported employment services expire.

The reimbursement rates paid by DDD do not offer any incentive to provide integrated, competitive employment for individuals, as the rates for individual and group employment are nearly the same. These rates are only slightly higher than the rates paid for DT services. DT services are often easier to provide because they offer economies of scale and far higher staff to individual ratios. For both DRS and DDD, the rates paid are not in line with the costs to provide the services. It may be that this difference in rates is
related to the higher federal match that VR services receive as opposed to developmental disability services, but this is a choice that the state has made, as explained above.

This difference in rates, though hard to justify, has been a persistent problem. In 2009, a project funded by the ICDD identified this as a barrier to advancing the employment of people with developmental disabilities in Illinois, as did the Employment First Summit report. Still, no action has been taken to address this disparity.

**PROMISING PRACTICES for Properly Funding and Incentivizing Supported Employment**

In **New York**, the Office of Developmental Disabilities found that its current billing and fee structure for supported employment was not comparable to the billing and fee structure for day habilitation, workshop, or prevocational services, creating a financial disincentive for providers. Accordingly, the Office of Developmental Disabilities is working to create a new supported employment billing and fee structure to address this issue which should be completed by the end of 2014.

In **Ohio**, to incentivize more developmental disability providers to offer integrated employment support services, the reimbursement rate for supported employment was increased from $24 per hour to just over $40 per hour. The Ohio Department of Developmental Disability found that the previous rate was not reflective of the actual costs of providing the service.

In **Arkansas**, the Division of Developmental Disabilities redesigned fees and funding structures to incentivize supported employment and saw meaningful results. As a result of that initiative, significantly more providers began providing supported employment services, an increase of 50 percent, and there has been a 17 percent increase in supported employment cases.

**RECOMMENDATION**

**Illinois should:**

✔ Adjust its funding rates for supported employment services to provide incentives for providing integrated employment.

The rates paid for supported employment services should be adjusted to reflect the actual cost of the service provided and be consistent between DRS and DDD. This change is long overdue and would reduce if not eliminate the current disincentive for providing supported employment services under the Adults with Developmental Disabilities waiver program. Making this change would require increasing the funds allocated for these services.

Illinois should also emulate what other states, including Arkansas, have done to incentivize providing employment services in integrated settings. By paying a higher rate, Illinois will reinforce its stated policy of preferring integrated employment. Paying adequate rates is key to allowing providers to be creative with
scheduling and training in order to effectively support individuals in competitive, integrated employment. An increase in the budget for supported employment services is necessary to achieve this change.

C. For years, Illinois has over-relied on the use of segregated settings during the day for people with developmental disabilities.

For many years in Illinois, institutional settings kept people with disabilities segregated and isolated from society. Illinois has only recently made real strides in offering more community-based housing options for people with disabilities. Yet, even as people move out of institutions and into the community, many are still relegated to segregated settings such as DT programs and sheltered workshops during the day. This section discusses Illinois’ use of and reliance upon sheltered workshops for people with developmental disabilities, including two state programs that perpetuate their existence, followed by a discussion of two lawsuits challenging the use of segregated settings.

Sheltered workshops are unnecessarily segregated and do not provide the vocational skills to prepare people with disabilities for employment in the community.

Sheltered workshops are segregated settings that employ people with disabilities or where people with disabilities work separate and apart from others. They are often located in large, institutional facilities. People with disabilities who work in these settings have little or no contact with their peers without disabilities, other than paid staff. Sheltered workshops typically pay subminimum wage, meaning less than the federal minimum wage. Due to the lack of data, the precise number of people who are currently served in sheltered workshops in Illinois is unknown. In 2007, it was estimated by the state that over 2,600 people with disabilities were served in sheltered workshops.67 While today there are fewer stand-alone sheltered workshops operating in Illinois, many agencies that provide DT services offer some sheltered work in addition to other services. However, individuals spend only a portion of their day doing sheltered work and the remainder doing non-work activities.

The DOL allows certain employers to pay subminimum wages when an employee’s “earning or productive capacity is impaired due to their disabilities.”68 Employers authorized to pay subminimum wages are granted a certificate under Section 14(c) of the Fair Labor Standards Act.69 In Illinois, the most common type of setting paying subminimum wage is a Community Rehabilitation Program (CRP). CRPs purport to provide rehabilitation services, day treatment, training, and employment opportunities. Currently, there are 108 certified CRPs in Illinois, with another 32 waiting to be certified.70

Employers use two methods to pay subminimum wages. The first method is a commensurate hourly rate. To calculate this rate, employers first determine the standard hourly rate that is paid to a comparable worker without a disability. Next, the employer conducts a time study to see how productive a worker without a disability is in an hour. The employer sets the commensurate hourly rate by determining how productive the worker with a disability is in comparison to the worker without a disability. For example, if the standard hourly rate is $10.00, and the worker without a disability assembles 100 pieces in an hour, a worker with a disability who assembles 50 pieces in an hour would receive an hourly rate of $5.00. The second method is to use a piece rate, whereby the worker with a disability is paid for each piece that he
or she assembles. To calculate this rate, employers start by conducting a time study of a worker without a disability. The employer then divides the number of assembled units by the standard hourly wage. For example, if the study shows that a worker without a disability assembles 100 pieces in an hour, and the standard hourly wage is $10.00, then the piece rate is $0.10.

In the past, sheltered workshops were viewed by many as settings that would help to prepare people with disabilities for work in a competitive environment. Experience has shown otherwise. In addition to being paid significantly lower wages, the work performed by people with disabilities in sheltered workshops frequently consists of mundane, repetitive tasks, such as stuffing pillows, putting test tubes on a rack, and assembling plastic silverware packs.

**PROMISING PRACTICES for Reducing or Eliminating Reliance on Sheltered Workshops**

**Vermont** closed its last sheltered workshop in 2002. These efforts were led by effective interagency, university, provider and stakeholder collaboration. Key to this movement were state regulations that gradually restricted and then prohibited the use of state funds for sheltered workshops and work crews. An important part of Vermont’s strategy was working with providers to convert all remaining workshops before actually setting a policy directive that funding could no longer be used for these congregate settings. Central to the vision for closing sheltered workshops, which had been operating in the state for 25 years, and converting them into individualized supports, was the belief that anyone can work in the community if they are given the right supports.71

In **Ohio**, the state is actively seeking to help transform sheltered settings. As part of the state’s Employment First efforts, expert consultants will support facility-based providers in the transformation from segregated to integrated services. Selected providers will learn fiscal strategies designed to better include competitive and integrated employment options as a viable and sustainable funding stream. This expert guidance and support will be a combination of on-site and phone/Web-based consultation. As part of this consultation, an organizational assessment will be conducted for each participating agency, leading to a transformation plan tailored to meet their needs.

**Massachusetts** has made a commitment to cease funding for sheltered workshops. In order to do so, it has issued a “Blueprint for Success” outlining the steps needed to achieve this transition from sheltered workshops. Key components of the plan include a collaborative process with sheltered workshop providers in order to discuss transforming their services. The plan also includes a commitment to providing individuals with needed day services in a manner that maintains stability for families and residential providers during non-work hours. The plan envisions receiving input from a variety of stakeholders, including families and sheltered workshop staff, throughout the entire transition from sheltered workshop settings.
Illinois perpetuates the existence of sheltered workshops through two state programs. Illinois currently operates two programs for the ostensible purpose of promoting employment of and economic opportunity for people with significant disabilities: the Business Enterprise Program (BEP) and the State Use Program. Neither of these programs aligns with Illinois’ Employment First Act.

The BEP, established in 1994 under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, sets the goal of awarding no less than 20 percent of the total dollar amount of state contracts, with some exceptions, to businesses owned by minorities, females and people with disabilities. Two percent of the contracts are required to be awarded to businesses owned by people with disabilities.74 The Act defines a “business owned by a person with a disability” as one that is at least 51% owned by one or more persons with a disability, the management and daily operation of which must be controlled by at least one of the persons who owns it. Included within that definition are non-profit agencies for people with disabilities that are tax exempt under Section 501 of the Internal Revenue Code.75 Incredibly, the regulations governing the BEP make clear that a sheltered workshop qualifies as a “business owned by a person with a disability” under the Act.76

As currently structured, the BEP neither fulfills nor promotes economic opportunity for people with disabilities. The two percent goal for contract awards to businesses owned by people with disabilities is inadequate to have a significant impact. By contrast, recent changes to federal rules requiring affirmative action by federal contractors to hire people with disabilities sets a minimum utilization goal of seven percent, discussed below. It was recently reported that other than sheltered workshops, there are only 21 disability-owned businesses certified by the state to participate in the BEP.77

Allowing sheltered workshops to participate not only contravenes the purported intent of the BEP, but also flies in the face of Illinois’ Employment First law. In 2013, people with disabilities received contracts amounting to $1,835,837 under the BEP. In contrast, sheltered workshops received contracts totaling $39,833,540.55.78 This gross disparity demonstrates that it is sheltered workshops, not people with disabilities, who most benefit from this program.

**TOTAL CONTRACT DOLLARS AWARDED TO BUSINESSES OWNED BY PEOPLE WITH DISABILITIES, INCLUDING SHELTERED WORKSHOPS**

$42,408,856

**TOTAL CONTRACT DOLLARS AWARDED TO SHELTERED WORKSHOPS**

$39,833,540.55

**PERCENTAGE OF BEP MONEY AWARDED TO SHELTERED WORKSHOPS**

94%
The second program that perpetuates the expansive use of sheltered workshops is the State Use Program. Established under the Illinois Procurement Code, the State Use Program authorizes the state to purchase supplies and services, without advertising or calling for bids, from any qualified non-profit agency for people with significant disabilities certified as a sheltered workshop. In State Fiscal Year 2013, more than $34 million in state contracts was awarded to 51 sheltered workshops.

All contracts awarded under this program must be approved by a State Use Committee, comprised of one representative each from CMS and DHS and five members of the public appointed by the Governor, two of which must represent a statewide CRP organization. Based upon the conduct of its meetings, there appears to be little discussion or consideration of the contracts being awarded by the Committee; they receive perfunctory approval.

The types of jobs and services awarded under the State Use Program are typical of those performed by people with disabilities in sheltered settings—recycling, salvaging, sorting, assembly, laundry, packing, labeling, maintenance, etc. As such, they perpetuate the stereotypical notions of what people with disabilities can and cannot do. They are not geared toward meeting the particular interests or preferences of an individual, nor do they teach skills that could translate into competitive and integrated employment in the community.

Governor Quinn’s Executive Order on Employment First and the Task Force’s 2010–2011 report recognize that implementation of Employment First in Illinois necessitates changes in both the BEP and the State Use Program. The state simply cannot satisfy the purpose and goals of Employment First without significantly altering or eliminating programs and services that reinforce Illinois’ historic institutional bias.

**PROMISING PRACTICE for Aligning the State Use Program with Employment First**

**Kansas** is seeking to transform its State Use Program as part of its Employment First efforts. State Use Law vendors paying less than minimum wage are required to utilize the person-centered planning process to identify competitive and integrated employment as an option. This choice is given on an annual basis during the person-centered planning meeting for those currently employed in sheltered workshops awarded a State Use contract. This shift targets sheltered workshops to encourage transitioning people out of these settings, rather than allowing them to utilize State Use contracts to perpetuate segregated settings.

**Many people with disabilities in Illinois are placed in day training programs where they are segregated and receive little preparation for competitive, integrated employment.**

In Illinois, many people with disabilities are served in day programs available under a Medicaid HCBS waiver program. One such option for people with developmental disabilities is a DT program. Eligibility for DT services is presumed under the waiver. Eligibility for employment services is not.
DT services are not designed nor intended to prepare people with disabilities to engage in competitive and integrated employment in the community. Their stated function is to “promote independence in daily living and economic self-sufficiency.” DT activities are primarily about developing daily adaptive living skills and promoting appropriate behavior. Individuals are assessed for DT on the basis of motor development, dressing, grooming, toileting, eating, language and productive capacity. An Individual Service Plan (ISP) is developed to set forth goals and objectives based on the assessment. While “work activities” may be a part of the ISP, their inclusion presumes that the person is incapable of working at a competitive wage. The work activities cannot be “directly related to the preparation of the individual for a specific paid or unpaid job.”

**PROMISING PRACTICES for Ensuring that Competitive, Integrated Employment is the Presumptive Choice**

**Colorado** encourages competitive employment as opposed to segregated employment in a variety of ways. Employment must be specifically addressed in the development of the ISP, which is reassessed annually. There is no Medicaid funding for sheltered workshops, though Medicaid funding is available for pre-vocational services. However, funding for pre-vocational services cannot continue for more than five years without justification provided to the state.

In **Missouri**, it is expected that job/career exploration will be offered so the individual can make an informed choice regarding community employment. Explaining this choice must go beyond a single conversation, but instead must be approached several different ways and at different times. Missouri recognizes that individuals need experiences in order to make decisions. Also, monitoring and documentation of the effectiveness of services and supports in progressing towards employment outcomes must take place, at a minimum, on an annual basis and during the quarterly review process.

An alternative to traditional day program settings is the concept of a “meaningful day.” An underlying premise of the Ligas Consent Decree is that people with disabilities must have meaningful choices about the way they live their lives. Where and how they spend their days should reflect their individual interests, skills and preferences. DT programs typically do not provide people with disabilities the opportunity to select activities that are meaningful and satisfying to them. While it may be a convenience for providers to serve everyone in the same setting, DT programs are a far cry from the “meaningful day” concept envisioned by Ligas.

Because most DT programs do not provide any real job training or opportunity to develop the skills that would allow people to transition to more integrated settings, very few people with disabilities move from DT programs to employment in the community. The DT provider determines who is qualified to be employed and thus whether the individual may be transitioned to a more integrated setting. This presents an inherent conflict of interest, as the provider has a financial incentive for the person to remain in the DT program. This situation is compounded by the resistance of some family members who believe that DT is the only safe and viable option for their relative.
In Illinois, some service providers are striving to move away from the traditional day program settings. UCP Seguin, a provider of developmental disability services, operates a program called “Community Connections.” In this program, individuals are encouraged to look for community employment. For the days when they are not working or are in between jobs, the individuals meet with day program staff on a weekly basis to develop a schedule. The schedule varies according to the individual’s interests. The activities include things such as exercise at the local YMCA or recreation center, shopping, volunteering with Meals on Wheels and trips to the library. This model of integration does not rely on the use of traditional segregated settings. It has been successful for individuals who have transitioned from state-operated developmental centers, reaffirming that people who have been institutionalized can benefit and thrive in community-based settings.

**PROMISING PRACTICES for Delivering Meaningful Day Services**

**Massachusetts** recognized that for individuals who are working on a part-time basis, employment may not fully occupy their weekday hours. For these individuals, it is expected that the priority for activities during non-work hours should be supporting individuals in other typical adult activities in the community, including volunteer work, recreation, and daily living activities. Such activities should take place in integrated, community settings on an individual, non-group basis, with an emphasis on non-paid, natural community supports whenever possible.

**Oregon** recognized that employment can be temporary and sometimes fleeting. ISPs must contain an “unemployment plan,” which is triggered by job loss and an action plan, which is triggered if a reduction in work occurs. The plans must identify activities, services, schedule, and other supports needed for the individual while additional employment or work days are being sought. Services may include job search assistance, temporary job development, and skills training to address employment barriers. Individuals may also choose to participate in non-work activities.

**As evidenced by recent litigation and interventions of DOJ, the use of segregated settings runs afoul of the ADA and Olmstead.**

Two recent lawsuits challenging the continued use of segregated settings for people with developmental disabilities are changing the landscape of vocational services. This raises the question of whether Illinois’ reliance on these segregated settings, rather than integrated settings, may soon be the object of DOJ scrutiny.

**Lane v. Kitzhaber**

This pending class action suit brought in Oregon, in which DOJ has intervened, alleges that the state’s use of sheltered work settings for people with disabilities is discriminatory. Before the start of this litigation, DOJ investigated Oregon’s system of providing employment and vocational services to people with developmental disabilities, with particular emphasis on its use of sheltered workshops. After filing a statement of interest in the case, DOJ issued its investigation findings:

- Oregon administers the majority of its employment and vocational services through sheltered workshops, which segregate people with disabilities;
• Many persons in sheltered workshops could be served in individual supported employment;

• People with disabilities leaving the school system are at risk of placement in sheltered workshops; and

• Serving persons with disabilities in integrated employment settings can be reasonably accommodated.92

According to DOJ, the integration mandate of the ADA and Olmstead require “more than just their mere transition into integrated settings.” Indeed, “[w]ork is undoubtedly at the core of how most Americans spend their time, contribute as taxpayers, relate to society, and, importantly, access the full benefits of citizenship, including economic self-sufficiency, independence, personal growth, and self esteem.” DOJ concluded that Oregon’s placement of people with disabilities in segregated, non-residential employment and vocational programs violated the civil rights of those who are able and wish to receive employment services in the community.93

To address some of the issues raised in Lane v. Kitzhaber and the DOJ investigation, on July 1, 2013, the Governor of Oregon issued an Executive Order for Providing Employment Services to Individuals with Intellectual and Developmental Disabilities.94 It requires the Departments of Human Services and Education to work to improve the state’s design and delivery of employment services to people with developmental disabilities, including a reduction over time of state support of sheltered workshops and increased investment in employment services. This will be measured by benchmarks over a two-year period. Lane v. Kitzhaber is proceeding, as the sufficiency of the actions required by the Executive Order to address the allegations of the complaint remain an issue.

**United States v. Rhode Island**

In January 2013, DOJ commenced an investigation to determine whether Rhode Island’s administration and operation of its day activity service system violated the ADA.95 DOJ found that Rhode Island’s system of providing employment, vocational, and day services for people with developmental disabilities unnecessarily relied on segregated day activity services, to the exclusion of integrated alternatives, thereby violating the integration mandate of the ADA. Specifically, DOJ found that approximately 2,700 people with developmental disabilities received employment and/or day services in segregated sheltered workshops and facility-based day programs. Those who worked in these settings made well below minimum wage, on average $1.75 per hour and sometimes as little as $0.14 per hour.96 Only about 385 people worked in individualized, integrated employment. DOJ also found that Rhode Island’s system funneled students with disabilities into segregated day activities, without giving them the information and opportunities needed to work in an integrated setting after secondary school.

DOJ cited numerous other shortcomings of Rhode Island’s employment system. First, the state’s reimbursement model for providers of developmental disability services provided few incentives for providers to change to integrated employment and day services. Second, the state failed to adequately train staff to respond to the specific needs of people with disabilities seeking services in integrated day settings. Third, people with the most severe disabilities were unable to access supported employment services, regardless of their abilities or circumstances. Lastly, Rhode Island’s system failed to provide individuals with information about integrated employment and day service options.
The parties reached a settlement culminating in a consent decree which will remain in effect for ten years. This is the first statewide settlement agreement addressing the discriminatory nature of sheltered workshops and facility day programs. According to the settlement, the state must, among other things, conduct assessments with the presumption that those with the most significant disabilities can work in integrated settings and receive the services and supports necessary to do so. Planning must be individualized and based on vocational assessments that reveal information about an individual’s skills, interests, strengths, and abilities. An individual may choose to remain in a segregated program, but only after receiving a vocational assessment, trial work experience, outreach information, and benefits counseling. A conversion fund must also be established to assist providers with this transition. Resources previously spent on sheltered workshop programs must be reallocated to fund employment and/or integrated day services.

**RECOMMENDATIONS**

**Illinois should:**

- Move away from the use of segregated settings by eliminating the presumptive eligibility for programs that are not integrated into the community;
- Require that people with disabilities are informed about integrated employment opportunities; and
- Alter state programs that function for the benefit of segregated settings, not the people employed there.

To make Employment First a reality in Illinois and give people with disabilities the opportunity to realize their full employment potential, Illinois’ must change its reliance upon and funding of sheltered workshops as a means of employing people with disabilities. Governor Quinn’s Executive Order recognizes that people with disabilities “have the right and deserve the opportunity to make informed decisions about where they work and to obtain community integrated and competitive employment with appropriate integrated and collaborative supports to pursue better earnings, benefits, health status and quality of life.” The Executive Order mandates that the state’s Employment First implementation plan include “strategies for reducing the reliance upon vocational placements of people with disabilities in sheltered workshops, segregated settings and day treatment settings.” Making this shift is essential to the successful implementation of Employment First in Illinois.

An excellent start to making this change would be to eliminate the presumptive eligibility for day training services and to require that competitive, integrated employment be explored before placement in a segregated setting. Illinois should institute presumptive eligibility for employment services and require justification for not pursuing competitive, integrated employment in ISPs. This change would require modification of the requirements for ISPs in regulations and in guidance provided to service providers. This would also require additional training and technical assistance to providers to understand how to effectively inform people with disabilities of their choices and support them in pursuing employment. Requiring people to have the conversation and ask “Where do you want to work?” will result in significant changes in the system.
In addition, the state should encourage more service providers to provide “meaningful days.” This can be accomplished, at first, through revised guidance on the questions asked during an ISP meeting. Rather than assuming that the day training center is where people will spend their days, the ISP process could begin to explore what people enjoy doing and how this can be accomplished in the community. The new federal regulations regarding person-centered planning issued by the Centers for Medicaid and Medicare Services require a more individualized process and encourage the exploration of preferences.101 The regulations are consistent with the language in the Ligas Consent Decree. Illinois has indicated its intent to revise its person-centered planning process to comply with the regulations. Requiring the exploration of more community-based settings during the day would be an excellent addition.

People with disabilities must have the option to work under the same terms and conditions as everyone else, including competitive wages, equal employee benefits, safe working conditions, and opportunities for job advancement. However, the piecework activities assigned to individuals in segregated settings do little to prepare them for employment in the community. Very few people with disabilities successfully transition from sheltered workshops to competitive, integrated employment. The state should follow the model of many other states and move away from sheltered workshops and focus more on community-based services. DDD should take the lead in this initiative by first providing technical assistance to those service providers who are offering sheltered work and encouraging them to support more individuals in competitive, integrated employment.

People with disabilities must have the option to work under the same terms and conditions as everyone else, including competitive wages, equal employee benefits, safe working conditions, and opportunities for job advancement.

For Illinois to become an Employment First state in practice, it is critical that the BEP be changed so that only a business that is actually owned by one or more people with disabilities is qualified to participate. This change would require amending the statute and regulations to specifically exclude sheltered workshops from the definition of a business owned by a person with a disability. The statute should also be amended to increase the percentage of contracts awarded to businesses owned by persons with disabilities to seven percent. The BEP program should also conduct additional outreach to people with disabilities to advise them of the program's availability and encourage them to have their businesses certified by the state so they may participate.

As required by Governor Quinn’s Executive Order to implement Employment First, the state should also re-examine the State Use Program. Awarding lucrative state contracts to sheltered workshops not only violates the principles of Employment First, but also perpetuates an outdated system. The shift from this
program should ensure that people with disabilities employed in these settings are not indirectly harmed. A first step would be to follow Kansas’ example and require that these settings pay at least minimum wage to individuals with disabilities. This could be accomplished through amendment of the statute governing the State Use Program. The state could also promote integration by limiting its awards to those service providers that also offer competitive, integrated employment and meaningful days. In its contracts with service providers, the state could require that they fully inform individuals about the choice to work in an integrated setting before placing them in a segregated setting. The state could use the number of people transitioned from sheltered work to integrated employment as a benchmark for awarding these contracts when the state receives multiple bids. Another possible change in the State Use Program would be to revamp the role and function of the State Use Committee. Rather than rubber-stamping these contracts, CMS should develop criteria for ensuring that these programs offer opportunities for integrated employment, consistent with the state’s Employment First policy. Members of the State Use Committee should be required to review compliance with these criteria before awarding state contracts.

D. Transition services for students with disabilities have been largely ineffective in preparing them for competitive, integrated employment.

Given Illinois’ declared public policy that competitive and integrated employment must be the first and preferred option for people with disabilities, it is more vital than ever that students with disabilities receiving special education services are adequately prepared to live independently in the community following high school, particularly as it relates to post-secondary education and employment.

In concept, the requirements for transition planning and services are consistent with the goals of Employment First.

Any student who receives special education services must have a written Individualized Education Program (IEP).\textsuperscript{102} Beginning when the student turns age 14 ½, or younger if deemed appropriate by the IEP team, the IEP must include: 1) measurable post-secondary goals based on age-appropriate transition assessments related to training, education, employment, and independent living skills; and 2) transition services needed to reach those goals, including courses of study or other services.\textsuperscript{103} Transition planning must be conducted as part of the IEP process.\textsuperscript{104} If required in the IEP, a student must receive vocational education, which may include community work experiences.\textsuperscript{105}

Transition services are defined as a coordinated set of activities that:

- Are designed to be within a results-oriented process, focused on improving the academic and functional achievement to facilitate the child’s movement from school to post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- Are based on the individual’s needs, taking into account strengths, preferences, and interests; and
- Include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills, benefits planning, work incentives education, and the provision of a functional vocational evaluation.\textsuperscript{106}
Any secondary school that provides special education services must include as part of the transition planning for students aged 16 or older, consideration of a supported employment component that provides experiences in integrated community settings for students with disabilities who have been determined at an IEP meeting to be in need of such services.\textsuperscript{107}

**In practice, appropriate transition planning and services are not provided consistently.**

Based upon Equip for Equality's nearly 30 years of experience in representing students with disabilities and their parents, some patterns regarding transition services have been observed.\textsuperscript{108} First, while the law requires transition services to begin at age 14 ½, many transition plans are perfunctory in nature and not very specific until a student's senior year of high school, so students miss the opportunity to secure meaningful work experiences at an earlier age. Often, the IEP contains no specific transition plans or goals whatsoever. In large part, this is due to the fact that many students with disabilities are not properly assessed to identify and plan for specific transition goals and services. This is partly caused by a general lack of professional evaluators, let alone in-house vocational evaluators. However, even when school districts do have their own evaluator, parents often are not aware of their availability or function.

In lieu of a comprehensive assessment, students are often given an “interest inventory.” These inventories, which are brief and couched in very general terms, take only a cursory look at a student's interests, skills and preferences. While they may be a good way to start the conversation, they lack the depth and specificity needed to create a complete and accurate picture of what the student wants and needs to achieve his or her post-secondary education and employment goals. More formal assessments conducted by trained evaluators provide an objective way to evaluate individual strengths and weaknesses, yielding information on specific skills that students have or need to develop to be successful in a work environment.

When schools develop transition plans, they are often one-size-fits-all in their approach, not focused on the needs, skills and interests of the individual student. For example, a district may offer only certain work experiences for transition age students, such as making copies for staff or recycling, but nothing else. Others, such as some charter schools, may focus on college preparation and expect all students to visit or research colleges, whether or not the student has the desire to do so.

Some school districts inappropriately shift responsibility for finding or obtaining the transition services identified in the IEP to the student or the family. For example, the plan may state that the parents will arrange job-shadowing for their child. At the school staff level, even well-intentioned IEP teams often do not know what transition services are available, how they may be accessed, or what type of assessment should be done to provide effective transition planning. There is also a lack of soft-skills training for students to find and keep a job, such as having and using a calendar to keep track of work schedules.

Though not as prevalent as in the past, some schools contract with local adult day programs to provide generic transition programs for students with disabilities. In some cases, particularly in special education cooperatives, the “transition program” is a sheltered workshop where people perform mundane tasks, such as recycling or taking tops off of cans. Many of these programs have obtained 14(c) certificates allowing them to pay students a subminimum wage. Based on data from the DOL, some Illinois school districts have
themselves applied for and received 14(c) certificates, including Peoria Public School District 150, South Macoupin County Service Area for Special Education, Quincy Public Schools and West Washington County Community Unit Schools. As noted above, DOJ recently found that Rhode Island’s similar practices violated the ADA.

A recurrent problem for students with certain disabilities is that their IEPs reflect low expectations early on. It is not uncommon to find non-academic goals for children in elementary school, in some cases kindergarten, based upon a presumption that they will be unemployable as adults. Unsubstantiated by any hard data, these students are set on a path to sheltered workshops, rather than encouraged to explore and plan for further education and training that could lead to competitive employment in the community.

Throughout their elementary and secondary education, students with disabilities and their families are served through various entitlement programs. However, upon completion of high school, those programs end. When that occurs, many students and their parents lack the knowledge and resources to find and access alternative services, a transition gap which must be addressed to successfully implement Employment First.

The programs in Illinois intended to help students find and maintain competitive, integrated employment are not adequately utilized.

The Secondary Transitional Experience Program (STEP), funded by DRS, is a training and placement program for individuals with disabilities ages 14 ½ through 22. It is intended to help students with disabilities develop positive work habits and realistic career goals, provide opportunities for career exploration, offer meaningful work experiences through on-the-job placement and encourage students to develop the social and personal skills needed to be successfully employed. The services provided through STEP include supported employment services, post-secondary education and training and independent living services. While DRS provides some transition services directly, often it is the school district that provides them. Yet, not all schools have contracted with DRS for STEP. The fact that a school district has contracted with DRS for STEP does not mean that these services are readily available to all students with disabilities. Schools have discretion as to which students with disabilities to refer for STEP services, leading to judgments based on stereotypical notions about the employability of students with certain disabilities.

DRS also operates the Next Steps program which provides training, resources and technical assistance and supports to educate teams of parents/caregivers, individuals with disabilities and professionals to plan with and advocate for children and youth with disabilities.

Project SEARCH is a skills training and workplace internship program for youth with disabilities that originated in Ohio and has proven successful in many other states. In this model, young people work and learn in a large organization such as a hospital where they can experience several different types of jobs while they are still in school. DRS has brought this service model to four locations in Illinois, and is looking to expand the program to more sites. This program has been very successful, but it is a very small program currently.
PROMISING PRACTICES for Programs Designed to Employ Youth during School and Post-Graduation

In Oregon, the Youth Transition Program is a partnership between the Oregon Office of Vocational Rehabilitation, the State Department of Education, the University of Oregon College of Education, and local school districts statewide. The program serves youth with disabilities by preparing them for employment or for career-related, post-secondary education or training. The contracts with local school districts are performance-based. Sites have to meet certain performance benchmarks, including development of an Individualized Plan for Employment. The program includes follow-up support for one year after leaving the program to assist in maintaining positive outcomes in employment or post-secondary settings.

In Delaware, the Early Start to Supported Employment Program, collaboratively sponsored by the Division of Vocational Rehabilitation, Division of Developmental Disabilities Services, Department of Education and local school districts, was developed to provide more seamless transition for students ages 18–21 during their final two years of school and aims to have students obtain paid employment before they exit. The program provides schools with access to specific information that they can include in a student’s IEP to better align the career preparation they receive in school with what is needed to be successful in employment. Support staff, such as teachers, benefit from this team-based approach, sharing the transition workload with others who have transition services expertise.

The state council charged with obtaining data and recommending changes to improve transition services is either not fulfilling its duties or is not transparent in its efforts.

Illinois has an Interagency Coordinating Council (ICC) charged with collecting and coordinating data on services for secondary age youth with disabilities transitioning from school to employment, post-secondary education and training, and community living. The ICC must conduct annual statewide evaluations of student outcomes and needs from information collected from local transition planning committees, school districts and other sources. The indicators used to evaluate outcomes must include participation in post-secondary education and involvement in integrated employment, supported employment, and work-based learning activities, including vocational training.

The ICC is required to submit an annual report on its activities to the Governor and the General Assembly and make recommendations for administrative or legislative policies and programs that will enhance the delivery of transition services. The ICC, composed of representatives from various state agencies, is co-chaired by the Illinois State Board of Education (ISBE) and DHS. It appears that the last report produced by the ICC was for 2009–2011. That report states that post-school outcomes data will be reviewed by the ICC and recommendations made to inform practice at the school and/or the state level, but no further reports have been produced. There has been recent discussion of revitalizing ICC to help the state make positive changes to the transition process.
PROMISING PRACTICES for Transition Services that Focus on Student and Parent Education and Involvement

In Washington D.C., a transition toolkit has been developed on an easy to use website for students, parents and teachers with resources to facilitate transition to employment or post-secondary education. The toolkit can be accessed at http://dctransition.org/rsa/. This toolkit is designed to help students and parents navigate the transition process and to be actively involved. It contains step by step guidance on each phase of the transition process, including preparing for employment, setting goals, and searching for a job. It also has an explanation of the roles and responsibilities of those involved in the transition process.121

New Hampshire has developed a similar tool. The Division of Vocational Rehabilitation provides on its website a transition services timeline setting forth the steps in the Vocational Rehabilitation process and potential services.122 In addition, the Division of Vocational Rehabilitation has entered into an interagency agreement with the state educational agency with respect to transition planning.123 This agreement includes information regarding roles and responsibilities, including financial responsibilities of each agency, provisions for determining state lead agencies and qualified personnel responsible for transition services and procedures for outreach to and identification of students with disabilities who need transition services. This helps to minimize some of the confusion of responsibilities and lack of information sharing in the transition process.

RECOMMENDATIONS

Illinois should:

✓ Emphasize work opportunities for transition-aged students with disabilities as early as possible;
✓ Require schools providing special education services to develop IEPs based on a presumption that all students can work in the community;
✓ Require schools providing special education services to develop meaningful transition plans for students ages 14 ½ and older;
✓ Provide information and training to dispel the notion that students with certain disabilities are not employable;
✓ Provide students and parents with the information and resources needed to inform the decision-making process; and
✓ Revitalize the Interagency Coordinating Council and its duty to annually review, analyze and report on transition data and provide specific recommendations for improving transition services.

Transition services that promote competitive, integrated employment should begin at the earliest possible stage. As with changing the presumptive eligibility for non-work under the HCBS waivers, ISBE should
revise its rules and policies to make clear that the goal of competitive, integrated employment must be the underlying premise in developing IEPs. ISBE should also require justification for not including post-secondary education and/or employment goals in an IEP—regardless of the student’s age. School administrators and staff should be trained on the need to conduct an appropriate assessment for transition planning and where and how to obtain such an assessment. They should also be trained that it is their responsibility, not the student’s or parent’s, to find or arrange transition services that could lead to competitive, integrated employment.

Illinois should follow the lead of Oregon by creating a partnership between DRS, ISBE, local school districts, and other educational entities to provide a program that prepares students with disabilities for integrated employment and provides follow-up support to help ensure continued success. Adequate funding is vital to the success of such a program. Illinois should also make all of its contracts with school districts performance-based, requiring specified benchmarks to be met to receive payment. In this way, school districts could be incentivized to begin the transition planning process in earnest when a student reaches 14 ½ years of age. This transition planning process should be person-centered and tailored to the skills, needs and preferences of the student and provide alternatives to segregated settings or schools that have 14(c) certificates. Specifically, the transition planning process should include integrated programs in which students can get work experience and be paid at least minimum wage. ISBE should monitor compliance with these requirements.

To educate and assist students and parents to navigate and actively participate in the transition process, like Washington D.C. and New Hampshire, Illinois should develop a website devoted to providing the requisite information and resources. This should include information about what services are available to students after graduation and how and where those services can be accessed.

Lastly, Illinois should collect and report the data needed to inform the transition process and identify the changes needed to allow transitioning students with disabilities to succeed. The failure of the state to collect and/or make that information available to the public shows a lack of transparency. Illinois does not arm students with disabilities and their families with the knowledge needed to make informed transition choices. It is also important that the data are shared and easily accessible. Reinvigorating the ICC and requiring that it meet its statutory duties would be a key step in implementing these recommendations.

E. Illinois lacks an effective system to collect and publicize data on the employment of people with disabilities in Illinois.

As recognized by the Task Force, the Employment First Summit, and the Governor’s Executive Order, collecting, reporting upon and analyzing comprehensive data about employment for people with disabilities is vital to the successful implementation of Employment First. Illinois must devise a way to obtain accurate, timely data on employment, wages, hours and related activities and it must make that information easily accessible to the public. This is essential to understanding the scope of the problem and assessing what resources are needed to address it.
Comprehensive data on the number of people with disabilities in Illinois who are employed in any setting is not readily available.

There is no comprehensive data source on how people with disabilities in Illinois are spending their days. While some data is available, it is not easily accessible or publicized. There are some small pockets of data available, such as the number of “closed cases” from DRS, indicating how many people with disabilities received vocational services as reported to the federal government. Also available is data regarding expenditures, such as the amount of money paid to service providers. However, this data does not provide the complete picture needed to assess Illinois’ progress in increasing the number of people with disabilities who are employed in integrated settings and receiving competitive wages.

PROMISING PRACTICES for Data Collection and Reporting Regarding the Employment of People with Disabilities

California created a data dashboard to collect data on employment and wages on an easy to use website: http://www.scdd.ca.gov/employment_data_dashboard.htm. The dashboard offers tracking of different types of data, including where people are working, education, and wages. One of the primary benefits of this website is the accountability it provides for state programs. Although the dashboard only provides data for individuals with developmental disabilities, it provides an excellent model for Illinois to replicate.

In Florida, the state disability agency created the Supported Employment Tracking System as part of its Employment First efforts. In each of the state’s 14 regions, a supported employment specialist is responsible for collecting and reporting data on a monthly basis. Reports from the tracking system contain employment data collected on a monthly basis; indicate the number of individuals served who are employed; and indicate quality indicators, such as wages, hours and benefits. Employment data is published regularly on the state’s website. Florida also created an inter-agency agreement among state agencies to allow data sharing, a key to successfully tracking and reporting data.

In Washington, employment status information is reported each month. Doing so ensures that each service provider, each county, and the entire developmental disability service system are continuing to make progress towards employing more people with disabilities in competitive, integrated settings.

Use of data collected at the national level provides some useful level-setting, but is not a substitute for state-collected data.

National data sources provide some information on employment of people with disabilities and the “employment gap.” This data is often not timely, or comprehensive, and rarely breaks out the type of setting or type of disability, limiting its utility. The “employment rate” reveals a large gap between people with disabilities and people without disabilities who are employed. The DOL Office of Disability Employment Policy (ODEP) reports that as of September 2014, the percentage of people with disabilities in the labor force, or employed in some way is 20.1 percent, compared to 68.5 percent of people without disabilities.
The data provided by the Institute for Community Inclusion sheds some light on the situation both nationally and in Illinois.

The Institute for Community Inclusion provides reliable data on the employment of people with disabilities. Their most recent report using data from 2012 (published in 2013) provides the most comprehensive information regarding employment of people with disabilities. The data also provides valuable information regarding the use of public benefits. In Illinois, of the over 250,000 people who are receiving Supplemental Security Income (SSI) benefits, only 4.8 percent are employed.

For people with developmental disabilities in Illinois, only six percent or 1,453 individuals spend their days in integrated employment. Over 22,000 are in facility-based or non-work settings. Significantly, this shows a decrease in the number of people with developmental disabilities in integrated employment, down from 12 percent in 2001.

Data on the percentage of people with disabilities employed in each state reveals how well states are performing in placing people with disabilities in competitive, integrated employment.

The following table contains data on whether each state in the U.S. has an Employment First policy, either in legislation or Executive Order. The table also shows the percentage of people with disabilities who are employed. It serves as a useful tool in comparing and evaluating how well Employment First policies have actually been implemented across the country.

<table>
<thead>
<tr>
<th>STATE</th>
<th>EMPLOYMENT FIRST POLICY</th>
<th>CROSS DISABILITY</th>
<th>% OF PEOPLE WITH ANY DISABILITY EMPLOYED (IN ANY SETTING)</th>
<th>% OF PEOPLE WITH DEVELOPMENTAL DISABILITIES IN INTEGRATED EMPLOYMENT</th>
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<td>% OF PEOPLE WITH ANY DISABILITY EMPLOYED (IN ANY SETTING)</td>
<td>% OF PEOPLE WITH DEVELOPMENTAL DISABILITIES IN INTEGRATED EMPLOYMENT</td>
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At 32.4 percent, Illinois is right at the national average in terms of the percentage of people with any disability employed. But at 6 percent, Illinois is far below the national average of 18 percent in providing
services to individuals with developmental disabilities in integrated settings. Illinois ranks near the very bottom of states, outranking only five other states.

RECOMMENDATIONS

**Illinois should:**

- Develop a comprehensive data collection system to track and report employment data on a timely basis; and
- Require state agencies to share that data and make the data available to the public in a user-friendly way.

The lack of comprehensive data is not a new issue, but Illinois has yet to come up with a solution to this problem. Building off of the promising practices and lessons learned from other states, Illinois should begin by executing a Memorandum of Understanding (MOU) between each state agency identified in the Executive Order. The newly appointed Employment First Liaison should be charged with overseeing the execution of the MOU. Beyond just sharing data, Illinois should designate a single agency responsible for collecting and publishing this data, such as DRS.

Illinois can start to tackle the issue by requiring disability service providers, such as day training programs, to report on the activities in which people with disabilities are engaged. This can be accomplished by adding language to the contracts with these providers. Publishing this data on a website, even in its raw state, will help the state begin tracking where people are being served and what they are doing.

Illinois should also designate a place to publish this data in a timely way on a publicly available website. Illinois should collect this data on a monthly basis from providers and then publish it so that progress can be tracked. This will allow tracking of policy changes to determine if they result in meaningful changes. Without this information and public reporting, Illinois will be stymied in its efforts to show that policy changes are resulting in increased competitive, integrated employment.

**F. Engagement of employers and inclusion of people with disabilities in workforce development initiatives is key to the success of Employment First.**

Much of what has been discussed thus far focuses on changes in the disability service system itself, ranging from eligibility requirements to funding. However, change of this magnitude must extend beyond the disability service system and engage businesses to employ people with disabilities and address their inclusion in workforce development programs. This section discusses engagement of employers and outreach to businesses; recent changes at the federal level which encourage employment of people with disabilities; employment of individuals with disabilities in state government; and other workforce development programs and recent changes to those programs.
The engagement of employers and the business community is a critical component of implementing Employment First.

Employment First policies cannot succeed unless people with disabilities have places to work in the community. Employers must believe in the idea that people with disabilities can work in integrated environments alongside people without disabilities for competitive wages.

Historically, many businesses have expressed reservations about employing people with disabilities. Although educating businesses regarding the benefits of hiring people with disabilities is often suggested, recent studies indicate that these activities have only a negligible impact. This is largely because these campaigns are too broad and do not focus on the specific needs of the employer and how it will affect their particular business. Employers often express fear about the cost of reasonable accommodations. To help address these fears, in 2005 the Illinois Department of Commerce and Economic Opportunity (DCEO) commissioned DePaul University to study the economic impact of employing people with disabilities.

The study, “Exploring the Bottom Line: A Study of the Costs and Benefits of Workers with Disabilities” found that employers from the healthcare and hospitality sectors reported very few accommodations needed by employees with disabilities, with an average cost of $313. In the retail sector, both employees with and without disabilities reported that accommodations help them perform the essential functions of their job, with “changes to the work schedule” ranking first. Regardless of sector, participants with and without disabilities had nearly identical job performance ratings. This study shows that employers who employ people with disabilities have positive experiences and that reasonable accommodations cost very little.

In several major studies, over 900 supervisors and employers cumulatively were asked to rate the work performance of persons with disabilities in comparison to workers in similar jobs who did not have any identified disabilities. Workers with disabilities were rated higher than their non-disabled counterparts on a number of factors, including attendance, arriving to work and returning from breaks on time, accepting authority, and being accepted by the public.

PROMISING PRACTICES for Encouraging and Developing Relationships with Employers

In North Dakota, the Division of Vocational Rehabilitation identifies “Business/Employer Champions” as role models for actively supporting, developing and inspiring people with disabilities to achieve their full employment potential and maintain their employment. These employer champions are selected based on strong disability awareness, strategies to ensure employment opportunities for applicants with disabilities, and equal access to their products/services.

In Colorado, the Division of Vocational Rehabilitation Services has a Business Outreach Team to develop relationships with businesses and to provide training and other services. The vision of this program is to develop long-term working relationships with private businesses and public organizations that result in successful employment outcomes for job seekers. The Business Outreach Team provides a bridge between companies and job seekers, helping both to connect and succeed.
Business Outreach Team prepares and delivers disability awareness training to assist employers in learning about hiring and employing persons with disabilities, proper disability etiquette, and how these can positively impact the business’ bottom line. Other services include providing information and guidance about the ADA and job accommodations; consultative services such as job retention for a person with a disability or someone who has recently become disabled; job analysis; and adaptive technology. The outreach team also provides information about financial incentives and tax credits that a business may receive for hiring a person with a disability.

The existence of regional Business Leadership Networks helps create a network of employers who are motivated to hire people with disabilities.

A Business Leadership Network (BLN) is a business-to-business network for businesses that are committed to including people with disabilities in their workplaces, supply chains, and marketplaces. There are 49 active Business Leadership Networks in 25 states and Washington D.C. Activities of a BLN include opportunities to network with other businesses and learn about practices designed to help recruit and retain the best talent regardless of disability, broaden supply groups to include businesses owned by people with disabilities, and increase business share of diverse and emerging markets.

Throughout the country, BLNs display various degrees of involvement and activities. The Chicagoland BLN was launched in 2004 and provided a business-to-business dialogue that marketed people with disabilities as valuable employees. Businesses that had positive experiences employing people with disabilities reached out to companies who had yet to benefit from hiring workers with disabilities. The Chicagoland BLN offered an information network and training seminars designed to share experiences, information, and resources. Sears, Roebuck and Company was the lead employer in the Chicagoland BLN and was joined by companies such as Boeing, Kraft, Northern Trust, Walgreens, Aon, McDonalds, and Quest Diagnostics. The Chicagoland BLN was supported heavily by the Chicagoland Chamber of Commerce. The Chicagoland BLN held breakfasts, networking events, and trainings. They also developed toolkits and videos to educate employers. At one point, the Chicagoland BLN had over 50 members. Although not active for a number of years, the Chicagoland BLN recently re-launched.

PROMISING PRACTICES of Employers who are Committed to Employing People with Disabilities

Walgreens has been recognized nationally for its commitment to employing people with disabilities, having committed to employ at least 1,000 people with disabilities in its 12 distribution centers across the country. That goal was announced during the summer of 2014 at the Anderson, South Carolina distribution center where 42 percent of the workforce has a physical disability or developmental disability. Its distribution center located in Mount Vernon, Illinois has employed approximately two dozen people with disabilities, including those with developmental disabilities. Walgreens has recently stated that it will be expanding its hiring commitment beyond its distribution centers. Walgreens has emphasized that this is not a “charitable initiative” and that employees with disabilities are held to the same performance standards as all other employees and earn the same pay and benefits.
Recent changes at the federal level may help to increase the available job opportunities for people with disabilities.

Although the goal of increasing employment of people with disabilities at the federal level is not new, progress has been slow. In 2000, President Clinton issued an Executive Order calling for an additional 100,000 persons with disabilities to be employed by the federal government over a five-year period. A decade later, President Obama issued another Executive Order to increase federal employment of people with disabilities. Noting the low percentage of people with disabilities in general and in the federal workforce, the President declared that the “federal government has an important interest in reducing discrimination against Americans living with a disability, in eliminating the stigma associated with disability, and in encouraging Americans with disabilities to seek employment in the federal workforce.” Because little action had been taken to implement the 2000 Executive Order, President Obama reaffirmed the federal government’s commitment to comply with its directives and achieve its goals, including specific goals for hiring people with disabilities.

On September 24, 2013, the DOL's Office of Federal Contract Compliance Programs (OFCCP) issued a final rule amending the regulations implementing Section 503 of the Rehabilitation Act of 1973. Section 503 prohibits federal contractors and subcontractors from discriminating against people with disabilities, requiring them to take affirmative action to recruit, hire, promote and retain people with disabilities. The new rule, effective March 24, 2014, strengthens the affirmative action requirements of the regulations to assist contractors in their efforts to recruit and hire people with disabilities and improve job opportunities for them. Contractors with a written affirmative action program already in place as of the effective date are granted additional time to comply with the new affirmative action program provisions. Among other things, the new regulations:

- Establish a nationwide **seven percent** utilization goal for qualified people with disabilities to be applied to each of the contractor’s workgroups or the entire workforce if the contractor has 100 or fewer employees;
- Require contractors to annually document and update several quantitative comparisons for the number of people with disabilities who apply for jobs and the number they actually hire and to retain this data for three years;
- Require that contractors invite applicants to self-identify as persons with a disability at both the pre-offer and post-offer phases of the application process and renew that invitation every five years;
- Require that specific language be used when incorporating the equal opportunity clause into a subcontract in order to alert them to their responsibilities as federal contractors;
- Clarify that contractors must allow OFCCP to review documents related to compliance checks or focused reviews, either on-site or off-site, at OFCCP’s discretion.

Federal contractors are looking to workforce development programs and similar initiatives to connect them with qualified employees with disabilities. Employers want to meet this goal and are looking for guidance on how to best achieve it.
Illinois should serve as a model employer of people with disabilities, but the primary programs to increase the number of state employees with significant disabilities have not been effective.

Beginning in 1991, Illinois operated a program aimed at increasing the number of people with significant disabilities employed in state government. The Supported Employees Act[^146] required CMS to establish job classifications for supported employees who could be appointed by state agencies without open competitive testing requirements. Supported employees were defined as individuals with a severe physical or mental disability that seriously limits functional capacities, resulting from one or more specified conditions. The initial goal of the program was to appoint a minimum of 25 supported employees to state agency positions by June 30, 1991.

A supported employee in this program was given a trial employment period of three to 12 months. After a successful trial period, the employing agency petitioned CMS for appointment of the individual into targeted permanent state positions. CMS then placed the supported employee on open competitive eligible listings for the targeted position titles and referred the names of the supported employees to state agencies for probationary appointment into targeted positions. As designed, this program had the potential to significantly increase the number of employees with disabilities, but the state did not rigorously pursue the program’s goals and failed to meet the targeted number of supported employees. In 1995, the Supported Employees Program had 20 employees statewide.[^147] In 2004, the minimum goal of 25 supported employees was eliminated.[^148] By 2008, the number of supported employees had declined to 11.[^149] By 2010, that number was down to 10.[^150] where it remained for the duration of the program.[^151] Effective June 28, 2013, the Supported Employees Act was repealed.[^152] During debate in the General Assembly, it was stated that the Supported Employees Program was being eliminated because it duplicated another program within CMS.[^153] However, while that other program, the Successful Disability (SD) Opportunities Program, is intended to increase employment of people with disabilities, unlike the Supported Employees Program, it is not designed to increase the number of individuals with significant disabilities employed by the state.

To qualify for the SD Opportunities Program, the person must be a DRS customer and have a certificate of eligibility completed by their DRS vocational rehabilitation counselor for each job the person wishes to pursue. Applicants are required to receive a passing grade on an exam to be eligible for the job; those exam grades are valid for one year. They are also required to undergo an interview. When an agency seeks to fill an open position with an underutilized class of persons, namely, people with disabilities, it may request a list of eligible candidates with SD grades.[^154] However, the SD list has no names or identifying information about the individual.[^155] Thus, even if a particular individual has the proven ability to perform the core functions of a position, an agency would have no way of identifying that individual on the list. This program provides no opportunity for potential employees to gain on-the-job experience during a trial period—and thus no opportunity to demonstrate their ability to perform the job. While represented as having the same purpose and function of the Supported Employees Program, the blind draw, testing and interview requirements render it ineffective in increasing the number of people with significant disabilities in state government. During State Fiscal Year 2013, 45 new employees with disabilities were hired statewide; of those, 15 were hired through the SD Opportunities Program.[^156]
Since 2004, the Illinois Department of Transportation (IDOT), in partnership with Springfield School District 186, DRS, UCP Land of Lincoln, and SPARC, has operated the Student Professionals with Disabilities Program. The program focuses on training young student professionals with disabilities in office/clerical skills. As part of the program, each summer and fall 10 individuals are placed in paid technical trainee jobs in various bureaus and offices by IDOT managers. The main objective of this program is to help individuals with significant disabilities transition into full-time, permanent employment. Over 60 percent of the individuals participating are placed in competitive employment through this program. The individuals who obtain employment with IDOT through this program are provided with job coaches for as long as they are needed, which may be as long as their tenure.

The Student Professionals with Disabilities Program recognizes that requiring a person with a significant disability to pass a competitive test or an oral interview is frequently a barrier to employment. This program instead focuses on the ability of the individual to learn and perform the core functions of the job. Given this opportunity, people with significant disabilities can be successfully employed in an integrated environment with a competitive wage. In fact, some individuals in this program have exceeded the efficiency and productivity of their peers without disabilities. Yet, even for those who have demonstrated their ability to do the job, there may be obstacles, such as the assertion of veteran’s preference or collective bargaining rights. If Illinois is serious about increasing the number of employees with significant disabilities, it must devise a way to overcome these obstacles.

Other workforce development programs for people with disabilities are not widespread.

One Stop Career Centers are designed to provide a full range of assistance to job seekers under one roof. Established under the Workforce Improvement Act (WIA), the centers offer training, referrals, career counseling, job listings, and similar employment-related services. For people with disabilities, Disability Program Navigators were established in One Stop Career Centers throughout the country to better inform people with disabilities about the work support programs available at One Stop Career Centers. Studies show that through 2008, the use of Illinois One Stop Career Centers and its services by people with disabilities is consistent with the national average of approximately three percent.

The Disability Employment Initiative, housed within DCEO, builds upon the Disability Program Navigator initiative by hiring staff with expertise in disability and workforce development to serve as Disability Resource Coordinators (DRCs). The role of the DRC is to facilitate seamless and comprehensive services to persons with disabilities, including Social Security work incentives, benefits planning assistance, and work-site accommodations.
In 2005, disabilityworks was launched with the mission to develop and implement strategies to enhance employment and training opportunities for people with disabilities throughout Illinois. Funded by WIA, disabilityworks was originally coordinated through the Chicagoland Chamber of Commerce. Since then, disabilityworks has been moved within DCEO. It engages directly with employers to meet labor market demands through employer education and job matching. Through information and referral, people with disabilities can find job training or job placement programs.

In September 2014, the DOL announced $14.8 million in grants to six states, including $2.5 million to Illinois, to improve employment opportunities for adults and youth with disabilities. Grants are being awarded as part of the Disability Employment Initiative. This is the fifth round of funding through the Disability Employment Initiative. Illinois previously received funding in rounds one and four. The goal of the grant is to improve employment outcomes for youth and adults with disabilities by increasing their participation in existing career pathway systems and programs that build on partnerships among local educational institutions, businesses and disability advocates.

Illinois JobLink, www.illinoisjoblink.com, is a free service to help match employers and employees. Both parties can create profiles. Employees can upload resumes, and employers can upload job postings/ positions with instructions on how to apply. A person with a disability can self-identify when they create a profile on Illinois JobLink. The person can then select a category of disability. The options are (a) physical impairment, (b) mental impairment, (c) both physical and mental impairment, and (d) not self-identified. The job seeker can also indicate whether they have limited language proficiency and whether they prefer to communicate in American Sign Language.

Representatives from the Illinois Department of Employment Security (IDES), the state agency that administers Illinois JobLink, have indicated that employers would like more prospective employees to self-identify, so they may use that information in attempting to comply with the new federal contractor rules under Section 503, discussed above. Illinois JobLink does provide links to other resources available for people with disabilities within the state, but there is little guidance on how a person with a disability can use the website itself to search for employment.

**Recent changes to federal workforce development programs may change how employment services are delivered to people with disabilities.**

On July 22, 2014, President Obama signed into law the Workforce Innovation and Opportunity Act (WIOA), reauthorizing the Workforce Investment Act of 1998. The President stated that the WIOA “will help workers, including workers with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the good jobs of the future.”

WIOA requires the VR agency in each state to have an expanded role in providing services related to the transition of youth with disabilities. WIOA requires that at least 15 percent of VR funds be used for transition services, including job exploration counseling, work-based learning experiences, counseling related to post-secondary opportunities, workplace readiness training, and self-advocacy training. WIOA also
requires that local VR offices provide pre-employment transition coordination activities, such as partnering with schools and local workforce development programs to support specific transition activities.

Starting in 2016, WIOA will make changes to the eligibility for settings that pay less than minimum wage. Only after an eligible individual has had an opportunity to work in an integrated setting, with all needed supports for a reasonable period of time, may an individual under 24 years old be placed in a segregated setting and be paid a subminimum wage. WIOA also prohibits schools from contracting with subminimum wage providers.

WIOA makes changes to supported employment services offered through the VR agency, extending the period of time a VR agency may provide job coaching services from 18 to 24 months. For the first time, WIOA specifically includes a definition of customized employment: “competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability … designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, … and carried out through flexible strategies.”

WIOA authorizes general workforce development funds and other economic development programs, such as One Stop Career Centers, to focus on people with disabilities. It also requires annual assessments of the physical and programmatic accessibility of One Stop Career Centers for people with disabilities.

**RECOMMENDATIONS**

**Illinois should:**

 ✓ Increase its outreach efforts to employers and encourage them to join a BLN;

 ✓ Conduct outreach to the disability community to make them aware and engage them in workforce development initiatives in accordance with WIOA; and

 ✓ Commit to increasing the number of people with significant disabilities employed within state government, including replicating the Student Professionals with Disabilities Program operated by IDOT.

A resurgence of the Chicago BLN would be a key part of Illinois’ Employment First implementation, as would the establishment of other regional BLNs. BLNs in other areas around the state could include Metro East, the Quad Cities and the Central Illinois area, including Champaign and Springfield. Employer-to-employer networking yields a higher level of confidence than when identical information is provided by government agencies or advocacy groups. The focus of the message to employers should be that employing people with disabilities is a sound business decision that can yield positive economic gains. Corporate “good citizenship” may play a part in opening doors, but workplace diversity—making the company look like its customers—and increased productivity and employee retention rates create long-term benefits for employer and employee alike.
Beyond joining a BLN, employers can contribute to Employment First implementation by being willing to hire people with disabilities. Customized employment, a model that has seen success for employing people with disabilities, particularly those with developmental disabilities, typically requires negotiation between the employer and the person with a disability, often through an employment specialist, regarding what the job duties of the person would be.

DRS and DCEO should share the responsibility of reaching out to employers and educating them about customized employment and how they can help. The DRCs employed by DCEO can be a key partner in this business education effort. DCEO should do more outreach to both employers and people with disabilities regarding the availability of workforce development initiatives. In accordance with WIOA, DCEO should ensure that One Stop Career Centers are accessible and focus on people with disabilities.

DCEO, DRS, and IDES should work together to create an employer outreach plan to assist them with meeting the goals of the new Section 503 regulations. Creating educational materials and offering technical assistance on how to provide reasonable accommodations would be two concrete items that these three agencies could collaborate on to assist employers in meeting the seven percent goal.

In order to increase the number of people with significant disabilities working in state government, the SD Opportunities Program should be re-examined and restructured. To be successful, the program must recognize that for many people with significant disabilities requiring them to pass a test and/or an oral interview to be considered for permanent employment is a barrier. The program should instead focus on an individual’s ability to perform the core functions of a job with the necessary supports and provide meaningful opportunities to do so. Supports should continue after the individual is hired for a permanent position for as long as they are needed. Exploration of natural supports should be part of the process. Partnering with key stakeholders, such as school districts and provider agencies, to refer candidates and procure the needed supports would be an important element of such a program. This is being done currently at IDOT and could be replicated across state agencies with adequate funding and determination. The Governor could reinforce these efforts by declaring a benchmark for the number of people with disabilities employed within state government, such as seven percent, and require all state agencies to document their efforts to meet this benchmark. If successfully implemented, such a program could also serve as a model for employers in the private sector.

### HIGHLIGHTS OF OTHER STATES THAT HAVE EFFECTIVELY IMPLEMENTED EMPLOYMENT FIRST PRACTICES

The importance of recognizing the work other states have done in implementing Employment First was crucial to the development of this Blueprint. A comprehensive review of all states and Washington D.C. was conducted to determine what steps each state has taken to increase competitive, integrated employment for people with disabilities. This research focused primarily on states that have an Employment First policy. Yet, even for those states that have no such policy, research was conducted on their employment services. Throughout this Blueprint, promising practices from other states have been highlighted. The research
results for each state can be found at www.equipforequality.org/employmentfirst. Three states that have achieved particular success are highlighted below: Washington, Connecticut and Kansas.

A. Washington has long been regarded as a leader for employing people with disabilities, particularly those with developmental disabilities.

In Washington, 87 percent of people with disabilities are receiving integrated employment services. The DOL’s investment in making Washington a “mentor” state and selecting protégé states located across the United States to learn from their policies on disability employment illustrates the value of Washington as a leader. Although Washington’s funding structure is very different than that of Illinois’, many of Washington’s policies can be replicated in Illinois.

For the most part, Washington’s Employment First policies focus on those with developmental disabilities. In Washington, developmental disability services, including eligibility determination and case management services, are offered through three regional offices and several locations across the state. Washington’s 39 counties are primarily responsible for developmental disability employment services contract administration.

Washington’s disability service system followed the concept of Employment First long before it was known as such. Although Washington has been working toward employment of people with disabilities since 1992, it adopted its official “working age adult policy” in 2004. Since that time, Washington has presumed that all individuals with developmental disabilities can be employed and that employment in the community should be the first option considered for all people. Its policy espouses the idea of Employment First, stating, “[s]upports to pursue and maintain gainful employment in integrated settings in the community shall be the first service option for working age adults.” While it may be a trend to adopt an Employment First policy, this shows it is not necessary to have one to make progress on employing people with disabilities. What makes Washington different is its actual implementation of policies and its commitment towards true, competitive employment.

Washington has had significant results. Between 2004 and 2009, the number of people with developmental disabilities in integrated employment increased by 54 percent, representing an additional 2,555 people and a total of 7,277 people in integrated employment. Community access supports are the supports that individuals receive if they are not employed. These supports, largely offered in the community and not in segregated settings, are intended to promote individualized skill development, independent living and community integration. Activities include volunteer work, recreation activities and socialization in the community. In March 2004, 1,817 individuals were in community access supports; in 2007, this number decreased to 321. During that same time period, the number of people in individualized employment increased from 2,992 to 3,410.

An individual must look for work for nine months before being admitted into non-work activities.

Washington transformed its policies in the 1990s by requiring that a person with a developmental disability look for employment in the community for nine months before funding will be approved for any non-work
activity. “Approval for services to working age clients that do not emphasize the pursuit or maintenance of employment in integrated settings will be authorized when clients have pursued employment for at least nine months and are unsatisfied with the results.” This creates a presumption that a person can be employed and should be employed. Creating this presumption and requiring nine months of active job seeking changes the entire disability service system and would be a major shift in Illinois.

The accountability for seeking employment and providing high quality services rests with the service provider.

By building accountability and reporting measures into its service contracts, Washington ensures that service providers are monitoring individuals’ progress so that services are appropriate and that those who are capable of working in an integrated setting are doing so. Counties work with service providers to ensure that individuals are gainfully employed or have an employment plan, which reflects the goals needed to pursue or maintain gainful employment. Individuals must receive supports needed to implement and maintain their individualized plans. Reporting from service providers is also a key part of this service requirement. On a semi-annual basis, counties review service providers’ progress towards ensuring that: (1) services to working age adults are consistent with the policy; (2) each participant is gainfully employed at the client’s identified job goal or has an individual employment plan; (3) each participant in community access has an individual plan; and (4) each participant has received assistance and made progress on his or her individualized plan.

Employment services contracted through county offices assist individuals with developmental disabilities to determine their work interests and abilities, find a job, learn the job, and keep the job. Employment services provide ongoing support and training for eligible persons to work in a variety of settings. Support is also provided when a new job is obtained; when a different job is needed; when job duties change; and when assistance is needed to learn the new job requirements.

The success achieved in Washington did not require sheltered workshops to be closed.

Many fear that by encouraging Employment First policies, some individuals will be left with little to no choice because sheltered workshops will be forced to close. The Washington experience dispels this notion. Instead of significantly cutting back on sheltered workshop funding or increasing supported employment funding, “Washington and its community-based partners ‘invested [their] advocacy and development effort into continually building and investing in a community system that can support the needs of everyone, one person at a time.’” It is important to point out, though, that in recent years many counties have been encouraging the shift away from sheltered workshops and some have adopted policies that prohibit the use of sheltered workshops as employment services. This shift reflects both the changing perspective of the disability community regarding segregated settings and the success of integrated employment placement.

Data on employment is reported each month and tracked by the state.

In Washington, the Developmental Disability Administration requires counties and their subcontractors to report employment status information, including “wages, benefits, work hours and work environment,
including individual employment, group supported employment (crew or enclave work of eight or fewer) and specialized industry (sheltered workshop) each month.”¹⁷³ This monthly data reporting and tracking ensures that each service provider, each county, and the entire developmental disability service system is continuing to make progress towards employing people with disabilities in competitive, integrated settings.

**Training and technical assistance is provided consistently.**

Ongoing training and technical assistance were instrumental in disseminating innovative values and employment practices across the state. As a whole, Washington’s training and technical assistance activities provided ongoing opportunities for networking, debate, and innovation-sharing among service providers, individuals, state agency administrators and employers.

Early in the development of Washington’s integrated employment services, values-based training was offered to individuals with disabilities, their families, and employment providers, with the goal of increasing expectations. Since that time, with support from the developmental disability agency, counties have targeted parents for training on service expectations, including employment. This training was provided through county-based parent coalitions that helped parents articulate their service expectations. Several counties had active parent councils that sponsored fairs to educate parents about funding, finding a vendor, and what their expectations should be for work. Family education also occurred on a parent-to-parent basis and by inviting families and self-advocates to conferences.

Several groups have been active in providing training and technical assistance in Washington. The relative concentration of training and technical assistance funds allowed Washington to have centralized coordination of employment forums, as well as the opportunity to bring nationally known trainers to the state. Trainers routinely addressed the topics of community inclusion, job development, relationships, working with people with challenging behaviors, and general employment issues.

**B. In Connecticut, the Employment First motto, “Real Work for Real Pay” has been embraced throughout the disability service system.**

Connecticut’s Employment First Policy was issued on April 13, 2011 by the Department of Developmental Services.¹⁷⁴ Connecticut’s Employment First motto, “Real Work for Real Pay,” emphasizes the importance of work performed in a competitive, integrated setting for wages that are commensurate to those paid for comparable work performed by someone without a disability.¹⁷⁵ “Not working should be the exception,” and, although the state still funds sheltered workshops, Connecticut officially endorses and promotes customized, integrated employment over segregated and facility-based employment.¹⁷⁶ Indeed, the policy declares that “employment opportunities in fully integrated work settings are the first priority” and “shall be the first option explored in the service planning for working age adults.”¹⁷⁷ Connecticut’s policies concerning the employment of people with disabilities and the state’s infusion of the Employment First philosophy into various state programs demonstrate a strong commitment to the principle of Employment First and makes Connecticut a state for Illinois to emulate.
Person-centered plans: Connecticut’s individualized assessment of persons with disabilities

The Employment First Policy provides that Department of Developmental Services case managers will develop individual plans that specify supports and services for people with disabilities and include strategies to achieve outcomes responsive to individuals’ goals. Since 2006, Connecticut has used a Level of Need Assessment and Screening Tool (LON) to, among other things, determine an individual's needs for supports. Depending on an individual's LON results and the individual's health or behavioral concerns, the Employment First Policy requires that the individualized plans for people with disabilities between the ages of 18 and 62 “include an employment outcome which contains reference to minimum or competitive wages.” For individuals who successfully achieve integrated employment, their future service planning will focus on maintaining employment, as well as additional career or advancement opportunities. For individuals who have yet to achieve employment, the Employment First Policy also provides for annual service planning that will still include and reflect employment opportunities.

Consistent with the spirit of Connecticut’s Employment First Policy, the Department of Developmental Services has developed and made available The Career Planning Process: A Guide to Person Centered Career Planning in Connecticut (Guide), which states up front that career planning is a person-centered process that is focused on the development of a customized plan, rather than a “one size fits all” approach. The Guide also counsels that the career planning process should bring together a full team of professionals who know the job seeker well, as well as family members and others, and draw information from sources such as the LON and aspects of the job seeker's life, including home, community experiences and work. In this way, the career planning process can identify skills, interests and pathways to employment, as well as potential barriers specific to the individual. Using the Guide, a career plan form can be developed that addresses the job seeker's employment history and goals. This form can be used to prepare an action plan that “outlines the steps to be taken, who is responsible for each step, the time frame for completing the steps or tasks and the resources that may be needed to implement the plan.” This action plan will then be incorporated into the job seeker's individual plan. A similar workbook would be a valuable tool for Illinois.

Connecticut uses Regional Planning and Resource Allocation Teams to review all requests for allocations. If an individual's LON score indicates that individual employment supports would be suitable for the individual, any requests for allocations towards group employment or group day services must be accompanied by a written justification outlining the reasons for not requesting individual employment supports instead, such as significant health or behavioral concerns. And, even if such a justification is present, strategies to assist the person in achieving employment will still be offered. This creates the presumption that people should be competitively employed, which is a powerful shift.

Data tracking: What do the numbers show for Connecticut?

To monitor its progress, the Department of Developmental Services tracks the numbers of individuals in various employment-related categories and their sources of support. For example, the 2012–2017 Five Year Plan presents the numbers of individuals involved in individual supported employment, individual day supports, group supported employment, sheltered employment and day support options. For each
category, how many receive supports from either self-directed services, private providers or public providers is reported. According to the Five Year Plan, of the 9,853 individuals either receiving support or working in competitive jobs without any specialized support, 15 percent work jobs that pay minimum wage or better, compared to other forms of vocational or day programs, which represents a challenge on which Connecticut can continue to focus.

Connecticut has recommitted to its Employment First efforts. Connecticut seeks to ensure opportunity by meaningfully exploring integrated employment first, before turning to the alternatives. For example, as a first step in this process, the Department of Developmental Services began requiring real employment outcomes for the June 2011 through 2016 high school graduates, approximately 250 a year. The Five Year Plan emphasizes full commitment to increase the number of individuals who are gainfully employed, including in self-employment, and doubling the number of those who are competitively employed, while decreasing the number of individuals in sheltered workshops and non-work day habilitation programs.

C. Kansas has created a transparent process for implementing Employment First with sufficient oversight and checks to hold state agencies accountable.

In July 2011, Kansas became the first state in the nation to statutorily mandate that competitive and integrated employment be considered the first option when serving working age people with disabilities and require all state agencies to coordinate and collaborate their efforts to ensure that state programs, policies, procedures and funding support competitive and integrated employment of people with disabilities.

The creation of the Employment First Oversight Commission provides accountability.

As part of that statutory framework, an Employment First Oversight Commission (Commission) was created to establish measurable goals and objectives to implement Employment First, track the measurable progress of state agencies in implementing the law, and oversee the state’s implementation of Employment First. The Commission also submits an annual report detailing the progress made towards achieving the goals and objectives established for state agencies and identifying barriers to achieving those outcomes and strategies to overcome barriers.

Pursuant to its charter, the Commission identified five key goals for the implementation of Employment First:

1. Kansas’ relevant state agencies successfully execute specific strategies to fully implement the Employment First law and to ensure competitive and integrated employment of people with disabilities is fully supported in their programs, policies, procedures and funding;
2. Each relevant state agency has a strong and effective policy detailing how it will implement the Employment First law;
3. Kansas has measurable annual performance goals and outcomes with clear and meaningful benchmarks that track a number of key indicators to prove full support of competitive and integrated employment and effective implementation of the Employment First initiative, including outcomes and goals for the numbers and percentages of people with disabilities in competitive and integrated employment;
4. Kansas has effective, meaningful and productive collaborations among stakeholder groups and between these stakeholders and state government to support the Employment First policy and competitive and integrated employment of people with disabilities; and

5. Kansas has an effective method for collecting and publishing outcomes data involving competitive and integrated employment for people with disabilities. This method tracks a variety of data, including but not limited to competitive and integrated employment data. These data are used to engage stakeholders and inform strategy and policy decisions.\(^{198}\)

**Like Illinois, Kansas' Employment First policy is cross-disability.**

Another positive aspect of Kansas' Employment First policy is that it is intended to assist all people with disabilities in obtaining competitive and integrated employment, not just those with particular disabilities, e.g., developmental disabilities. Because it is a cross-disability initiative, it requires interagency collaboration that includes data sharing across systems and cooperation with and support to the Commission by providing data and information and assisting in the creation and dissemination of the annual report.\(^{199}\) Given the paucity of data currently available in Illinois and the lack of data sharing among agencies, imposing a similar requirement would help the state achieve its cross-disability goals.

**The creation of an Employment First Scorecard shows how well the state is meeting its Employment First goals and objectives.**

Notably, Kansas has developed tools to assess its progress toward implementing Employment First. Utilizing national standards, it has created an Employment First Scorecard to track and report on the state’s progress toward meeting its identified goals. Kansas also developed an Employment First Goals and Objectives Worksheet for use by state agencies to gauge their success in meeting those objectives. The Commission has established objectives and benchmarks for each standard and rates the state’s progress toward meeting those goals based upon the information received from state agencies. As progress toward implementation is made—or not made—the Commission adjusts the objectives accordingly.\(^{200}\) The Scorecard is a valuable and effective way to regularly assess the state’s progress and to hold the relevant state agencies accountable for their actions in this regard. Creating a similar tool in Illinois would help keep the state on track to implement Employment First and identify any changes needed to achieve its goals.

**Kansas has recognized that its State Use law needs revamping to align with Employment First policies.**

Like Illinois, Kansas has a State Use Law authorizing the state to purchase products from vendors that employ people with disabilities. One of the strategies employed in Kansas to meet its Employment First goals is to require State Use Law vendors who employ people in settings that pay less than minimum wage to have a process in place whereby person-centered planning is used to identify competitive and integrated employment as a choice, which must be given annually during their person-centered plan meeting.\(^{201}\) One of the initial recommendations of the Task Force established in Illinois in 2009 was to eliminate the subminimum wage. The Task Force also recommended creating financial incentives for employers that emphasize the value of employees with disabilities and promote employment of individuals currently receiving subminimum wage. Adopting a strategy such as that utilized in Kansas would help move Illinois towards those goals.
### Division of Rehabilitation Services

#### Current Employment Services
- Train VR counselors on when a person may qualify for and utilize supported employment services, using intra-agency institutes and including successful service providers.
- Train VR counselors on the presumption of employability.
- Train VR counselors on the extension of supported employment services to 24 months under WIOA.
- Train VR counselors to make clear that persons receiving DT services are not precluded from using supported employment services. (May require adjustments to the training guidelines or curriculum for VR counselors).
- Restore funding for extended supported employment services so services may continue beyond 18 months.
- Include in contracts with providers a requirement that services must be provided for the length of the person’s employment.
- Amend supported employment regulations to create a new category of stabilization services, following the model of Oklahoma.
- Train VR counselors to collaborate/ease the transition between funding sources for supported employment.
- Provide technical assistance and support to service providers to ease the transition from supported employment funding to other sources of funding after 18 months.
- Execute a data sharing agreement with DDD for individuals transitioning from supported employment funding to make the process easier.
- Expand funding available for the IPS model.
- Ensure that the IPS model is flexible as it is applied to new populations, which will require a change in the contracts for the IPS model and the fidelity review.

#### Funding and Rates
- Revise the rate structure of supported employment to more adequately support individuals and incentivize integrated employment.

#### Transition Services
- Create a partnership with adequate funding between DRS, ISBE, local school districts and other educational entities to create a program that prepares students and provides follow-up support.

#### Data Collection
- Amend contracts with DRS providers to require reporting on employment outcomes, including metrics such as wages.

#### Employer Engagement
- Conduct outreach to employers on customized employment.
- Work with DRS and IDES to create an employer outreach plan to meet Section 503 goals that includes educational materials and technical assistance on reasonable accommodations.
### DIVISION OF DEVELOPMENTAL DISABILITIES

| Current Employment Services | Train DDD staff to collaborate/ease the transition between funding sources for supported employment.  
Provide technical assistance and support to service providers to ease the transition from DRS supported employment funding to DDD funding after 18 months.  
Execute a data sharing agreement with DRS for individuals transitioning from DRS supported employment funding to DDD funding to make the process easier. |
|---|---|
| Funding and Rates | Increase and synchronize with DRS the rates for supported employment services provided through DDD.  
Revise the rate structure for supported employment to more adequately support individuals and incentive integrated employment. |
| Use of sheltered settings | Amend regulations and policies for the creation of ISPs to require exploration of employment and justification for not pursuing integrated employment before day training or sheltered workshops are offered.  
Amend regulations and waiver application to eliminate the presumptive eligibility for day training.  
Provide training and technical assistance to service providers on how to create ISPs and effectively inform people with disabilities of the option to pursue integrated employment.  
Revise guidance and training to service providers on how to conduct an ISP that results in a “meaningful day” for individuals.  
Provide training and technical assistance for sheltered workshops on the shift to integrated settings, including fiscal strategies. |
| Data Collection | Amend contracts with DDD to require service providers to report on employment outcomes, including metrics such as wages. |

### DIVISION OF MENTAL HEALTH

| Current Employment Services | Increase funding for IPS services.  
Train clinicians on the need for/benefit of employment as part of recovery in accordance with the IPS model. |
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<tr>
<td>Data Collection</td>
<td>Amend contracts with DMH to require IPS service providers to report on employment outcomes, including metrics such as wages.</td>
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### ILLINOIS STATE BOARD OF EDUCATION

<table>
<thead>
<tr>
<th>Transition services</th>
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<tr>
<td>Amend regulations for IEPs to require a presumption of integrated employment; require justification for not pursuing integrated employment, including placement in a program/school with 14(c) certificates.</td>
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<td>Train school administrators/staff on the need for proper assessments for transition services, how to obtain them and the presumption of employability.</td>
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<tr>
<td>Create a partnership with adequate funding between DRS, local school districts and other educational entities to create programs that prepare students and provide follow-up support.</td>
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<td>Amend contracts with schools to institute performance-based/benchmarks for transition services, including requirements for person-centered planning and use of integrated settings.</td>
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<td>Develop a transition toolkit available on a website to educate students and parents on the transition process and that walks through each step in the process.</td>
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<td>Revitalize the Interagency Coordinating Council and require not only the collection, but the publication of data regarding transition services.</td>
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### ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<th>Use of sheltered settings</th>
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<tr>
<td>Amend the Business Enterprise for Minorities, Females and Persons with Disabilities Act and regulations to exclude sheltered workshops as disability owned businesses and increase the goal of contracts awarded to businesses owned by persons with disabilities to seven percent.</td>
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<td>Conduct additional outreach to people with disabilities to increase the number of certified disability-owned businesses.</td>
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<tr>
<td>Amend the provisions of the Illinois Procurement Code relating to the State Use Program to require sheltered workshops to offer competitive employment and pay minimum wage.</td>
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<td>Amend contracts with State Use vendors to require that workers are regularly informed about the choice and opportunity to work in integrated settings.</td>
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<tr>
<td>Amend the provisions of the Illinois Procurement Code relating to the State Use Program to require the State Use Committee to include more scrutiny of state contracts with vendors, including using benchmarks of how many people are participating in community, integrated employment.</td>
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<tr>
<th>Employment of people with disabilities</th>
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<tr>
<td>Re-examine and restructure the SD Opportunities Program to remove the barriers to employment of people with significant disabilities; provide candidates a trial period to learn the core functions of a job with the proper supports and eliminate any testing or oral interview requirements.</td>
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<tr>
<td>Establish and meet minimum goals for employment of people with disabilities, such as seven percent in state government.</td>
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### ILLINOIS DEPARTMENT OF COMMERCE & ECONOMIC OPPORTUNITY

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<tr>
<th>Employer Engagement</th>
<th>Conduct outreach to employers on Business Leadership Network and Customized Employment and workforce development initiatives.</th>
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<td>Conduct outreach to people with disabilities regarding the availability of workforce development services.</td>
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<td>Ensure that One Stop Career Centers are accessible and focus on people with disabilities.</td>
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<td>Work with DRS and IDES on creating employer outreach plan to meet Section 503 goals, including educational materials and technical assistance on reasonable accommodations.</td>
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### ILLINOIS DEPARTMENT OF EMPLOYMENT SECURITY

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<tr>
<th>Employer Engagement</th>
<th>Conduct outreach to employers and people with disabilities regarding Illinois Joblink and compliance with Section 503.</th>
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<tr>
<td></td>
<td>Work with DCEO and IDES on creating an employer outreach plan to meet Section 503 goals, including educational materials and technical assistance on reasonable accommodations.</td>
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### GOVERNOR’S EMPLOYMENT FIRST LIAISON

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<tr>
<th>Data Collection</th>
<th>Oversee the execution of an inter-agency agreement on data sharing of employment data for people with disabilities; identify a single agency responsible for collecting and publishing this data.</th>
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<td>Oversee the creation of a single website to publish data on the employment of people with disabilities in a user-friendly way.</td>
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<tr>
<td>Employer Engagement</td>
<td>Work with the Governor to establish a seven percent benchmark for the number of people with disabilities employed in state government.</td>
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### EMPLOYERS

| Join and support a Business Leadership Network. |
| Explore models of customized employment with people with disabilities and service providers as part of a willingness to hire people with disabilities. |

## CONCLUSION

Effective implementation of the recommendations contained in this Blueprint will require a high level of commitment from the State of Illinois as well as the involvement of a broad group of stakeholders. Many of the issues addressed in the Blueprint have been previously identified as barriers to the competitive, integrated employment of people with disabilities. It is no longer sufficient to simply state what the problems are; it is time to take swift and deliberative action to implement the changes in policies, rules and legislation needed to make Employment First a reality.

This Blueprint, based upon Employment First practices nationwide, contains specific recommendations and action steps to guide Illinois in devising and implementing its five-year Employment First plan. Extensive outreach to policymakers, people with disabilities, disability advocates, service providers and employers to obtain the support and commitment of key stakeholders to implement the recommendations.
of the Blueprint must occur, followed by focused planning and action to bring them to life. Equip for Equality stands ready to engage and assist in this collaborative process.

ENDNOTES

3. Association of People Supporting Employment First, Employment First Statement, http://www.apse.org/employment-first/statement/. There are other definitions of Employment First in existence, but this is the definition used throughout this Blueprint.
4. PA. 98-41; EO 14-08.
8. 20 ILCS 4095 et seq.
11. Id.
13. 20 ILCS 40/5.
14. 20 ILCS 40/10 Defined as all boards, commissions, agencies, institutions, authorities and bodies politic and corporate of the State, created by or in accordance with the Illinois constitution or state statute, of the executive branch of State government.
16. As of this writing, the Liaison has not been hired.
17. 42 U.S.C. § 12101 et seq.
20. See http://www.equipforequality.org/issues/community-integration/efes-recent-work/ for more information about these cases.
21. Division of Developmental Disabilities, Division of Mental Health and Illinois Department on Aging, Monthly Data Reports on Transitions (on file with the authors).
27. Memorandum from Kim Zoeller, CEO, Ray Graham Association to Kevin Casey, Director DHS/DDD 2 (April 26, 2013) (on file with the authors).
31. Id.
33 89 Ill. Adm. Code 590.840 (b).
34 89 Ill. Adm. Code 590.870.
36 Arkansas Rehabilitation Services, Policy Manual C-24 (January 2014).
40 Id.
41 Deborah M. Becker, M.Ed. & Robert E. Drake, M.D., Ph.D., Supported Employment for People with Severe Mental Illness, A guideline developed for the Behavioral Health Recovery Management Project.
42 In Illinois, the Fiscal Year begins on July 1 and ends on June 30th of each year.
43 Email from Katherine Burson, Statewide Director of Rehabilitation, Division of Mental Health to Barry Taylor, Equip for Equality (August 19, 2014) (on file with the authors).
44 Id.
45 Id.
49 Telephone Interview with Vicki Goodrich, Director of Employment Services, Association for Individual Development, (June 24, 2014); Telephone Interview with Mary Drabik, Employment Services Coordinator, Kenneth Young Center (June 24, 2014); Telephone Interview with Mary Garman, Vocational Coordinator, Cunningham Children's Home (July 11, 2014).
50 Telephone Interview with Mary Drabik, Employment Services Coordinator, Kenneth Young Center (June 24, 2014).
51 Substance Abuse and Mental Health Services Administration, Transforming Lives Through Supported Employment, http://beta.samhsa.gov/grants/grant-announcements/sm-14-011; E-mail from Katherine Burson, Statewide Director of Rehabilitation, Division of Mental Health to Barry Taylor, Equip for Equality (Sept. 16, 2014) (on file with the authors).
54 Rehabilitation Services Vocational Rehabilitation Services Grants to States, Program Information, https://www.cfsda.gov/index?s=program&mode=form&tab=core&id=633992.
56 Rehabilitation Services Vocational Rehabilitation Services Grants to States, Program Information, https://www.cfdas.gov/index?s=program&mode=form&tab=core&id=633992.
57電話 Interview with David Reed, Illinois Department of Human Services, Division of Rehabilitative Services, (July 29, 2014).
59 Telephone Interview with Mary Drabik, Employment Services Coordinator, Kenneth Young Center (June 24, 2014); Telephone Interview with David Reed, Illinois Department of Human Services, Division of Rehabilitative Services, (July 29, 2014).
61 Telephone Interview with David Reed, Illinois Department of Human Services, Division of Rehabilitative Services, (July 29, 2014).
Arkansas Department of Career Education, Arkansas Rehabilitation Services Division, Fiscal Year 2014 State Plan for the Vocational Rehabilitation Services and Supported Employment Services Program.

Strategic Planning Leadership Committee, Department of Healthcare and Family Services, Department of Commerce and Economic Opportunity, Department of Human Services, Illinois Strategic Plan to Reduce/Eliminate Barriers to Employment for People with Disabilities (2009).


29 CFR Part 525.


Ohio Department of Developmental Disabilities, Ohio’s Path to Employment First: A Summary of Ohio’s Employment First Initiative and Future Plans (Feb. 2014).


30 ILCS 575/4.

30 ILCS 575/2.

44 Ill. Adm. Code 10.40 “Not-for-profit entities that meet the definition of a sheltered workshop for the disabled in accordance with Section 45-35 of the Illinois Procurement Code [30 ILCS 500] will also be classified as [person with a disability owned enterprise].”


Id.

30 ILCS 500/45-35.


CMS, State Use Program, https://www2.illinois.gov/cms/agency/stateuse/Pages/default.aspx.


59 Ill. Adm. Code 119.100 (b).


Missouri Department of Mental Health, Division of Developmental Disability, Employment First Policy 3 (Jan. 2011).


Id. at 4.


Consent decree at 1, United States of America v. State of Rhode Island, Case No. CA14-175.


Consent decree at 11, United States of America v. State of Rhode Island, Case No. CA14-175.


Illinois EO 14-08.
In 1985, Equip for Equality (EFE) was designated by the Governor as the federally mandated Protection and Advocacy (P&A) organization for people with disabilities in Illinois. Since that time, EFE has provided technical assistance, training and legal services to thousands of students with disabilities and their families to enforce their rights to a free, appropriate public education in the least restrictive environment. The observations contained in the Blueprint regarding transition services are based upon the years of experience of our attorneys in providing those services.


2012-2013 CHAIR'S INITIATIVE NATIONAL GOVERNORS ASSOCIATION, A BETTER BOTTOM LINE: EMPLOYING PEOPLE WITH DISABILITIES, BLUEPRINT FOR GOVERNORS 29.


20 ILCS 3970/3 (a).

20 ILCS 3970/3 (d).

20 ILCS 3970/5.

The 2008 report was found independently. ISBE could not locate any more recent reports. After a FOIA request to DHS, only the 2009-2011 report was produced.


Repeated requests to the logical sources for this information, including DHS, DDD, and DRD yielded no information on how many people were being served in which settings.


Id. at 139.

Id. at 140.

Id. at 141.


Id.

41 CFR Part 60-741.

Id.

5 ILCS 390 et seq.

Director of CMS, Progress Report on Supported Employment Program to Honorable Members of General Assembly (November 29, 1995) (on file with the authors).

PA. 92-84.

Director of CMS, Annual Report of the Supported Employment Program to Honorable Members of General Assembly (December 2008) (on file with the authors).


PA. 98-44.


Interview with Dave Dailey, ADA Specialist, Illinois Department of Transportation, on September 5, 2014.


Interview with Dave Dailey, ADA Specialist, Illinois Department of Transportation, on September 5, 2014.


Interview with Dave Dailey, ADA Specialist, Illinois Department of Transportation, on September 5, 2014.


Id. at 1.


DEVELOPMENTAL DISABILITIES ADMINISTRATION, COUNTY SERVICES FOR WORKING AGE ADULTS 4 (July 2013).

Id. at 5.

Id.


