

## Developmental Disabilities Worker's Guide

## Office of Developmental Disabilities Services

<b>Topic:</b>	ODDS Employment Services for Transition-age Individuals and Youth while Special Education and Related Services Remain Available under IDEA.
<b>Date Issued/Updated:</b>	<del>April</del> January 1, 2019 <del>8</del>

Commented [EA1]: Estimate

### Overview

#### **Description:**

This worker's guide outlines the availability of ODDS employment services for Transition-age Individuals and Youth while Special Education and Related Services Remain Available under IDEA. This worker's guide supersedes policy transmittals APD-PT-15-011, APD-PT-13-016, and APD-PT-13-011.

#### **Applicability:**

#### Procedure(s) that apply:

Transition-age individuals and youth may access a Medicaid-funded employment service, through Oregon's Office of Developmental Disabilities Services (ODDS), when the service is not available through the local educational agency, as part of special education and related services available under the Individuals with Disabilities Education Act<sup>1</sup> (IDEA), and when the service is not available through Vocational Rehabilitation (VR). Transition-age individuals and youth (hereinafter "individual") may therefore access ODDS employment services, while also eligible for special education and related services under IDEA, under the circumstances outlined below.

Policy clarifications outlined in this worker's guide align ODDS employment services with policies relating to Employment First, as well as federal laws and regulations under which ODDS and Medicaid-funded employment services may not include special education and related services which otherwise are available to the individual through a local educational agency.<sup>2</sup>

<sup>1</sup> Individuals with Disabilities Education Act, 20 U.S.C. §1400 (2004). ODDS Employment Services do not include special education and related services which otherwise are available to the individual through a local educational agency. See 42 U.S.C. 1396n(c)(5)(C)(i); and 42 C.F.R 440.108(c)(3)(i). Additionally, ODDS Employment Services do not include vocational rehabilitation services which are otherwise available to the individual. See 42 U.S.C. 1396n(c)(5)(C)(ii); and 42 C.F.R 440.108(c)(3)(ii).

<sup>2</sup> Oregon's Employment First policy is codified under ORS 427.007(1)(b); see also Oregon Administrative Rule 411-345, Oregon's Executive Order 15-01.

## **CIRCUMSTANCES IN WHICH ODDS EMPLOYMENT SERVICES ARE AVAILABLE**

### **I. Individual Employment Support – Job Coaching**

Job coaching includes support to maintain or advance in competitive integrated employment. Under the following circumstances, individuals eligible for ODDS-funded employment services may access this service while also eligible for services under IDEA:

- a. The individual has obtained competitive integrated employment, at minimum wage or above, and expects to continue working in competitive integrated employment after completing school.
- b. The competitive integrated employment is not part of a high school transition service or program such as a paid work experience for students, an internship or a similar activity that is generally available to other students, and designed to prepare students for long-term employment.
- c. Job coaching is no longer available through VR.
- d. The individual's Individual Support Plan (ISP) and Individualized Education Program (IEP) must be coordinated and document how the ODDS Job Coaching service complements any services the individual receives through the local education agency. This coordination of the Individual Support Plan should also include the Individualized Plan for Employment (IPE) completed with VR.
- e. All other requirements for Job Coaching must also be satisfied as outlined under Oregon's Administrative Rules regulating ODDS Employment Services.

### **II. Discovery**

Discovery includes a series of work, volunteer, and other community-based experiences to inform the individual and the job developer about the strengths, interests, abilities, skills, experiences, and support needs of the individual, as well as identify the conditions that will contribute to an individual's success in an integrated employment setting in the general

workforce. It is a short-term service that presumes approximately 40 hours of 1:1 service, but may take up to three months. This service is provided to youth or transition students in limited or exceptional circumstances in which there is insufficient information for VR Job Development.

Discovery is most appropriate and effective when an individual is ready to actively pursue competitive integrated employment and seek a referral to VR for Job Development, but where, upon review of all employment related information available regarding the individual, it is determined there is insufficient information regarding the conditions in which the individual will be successful in an integrated employment setting in the general workforce.

Under the following circumstances, individuals eligible for ODDS and Medicaid-funded employment services may access Discovery while eligible for services under IDEA:

- a. The individual must express interest in actively pursuing competitive integrated employment within the upcoming ISP year.
- b. The Employment Team must recommend that the individual participate in Discovery based on review of all employment documentation available. The Employment Team includes the individual, the case manager, a VR counselor, the school case manager and other Local Education Agency representative, and any other person invited by the individual. A VR counselor may not yet be identified for the person; however, a VR counselor may be available to provide input on a consultation basis.

The recommendation process must include the following:

- i. The Employment Team must have an opportunity to review all available information, including, but not limited to:
  1. The individual's IEP (including the post-secondary goals).
  2. The Summary of Performance.
  3. Work experience evaluations, vocational assessments, and all available information from VR.
  4. All available relevant information from ODDS records.
  5. Information regarding the individual's PINS (preferences, interests, needs, and strengths).
  6. All other information regarding the individual's skills, experience, interests, and conditions that will contribute to his or her success in competitive integrated employment.

- ii. After reviewing all available documentation, the Employment Team will make a written recommendation on whether Discovery is the right service that the individual needs, and how available information is not sufficient.
  - iii. The Service Coordinator or Personal Agent will authorize the Discovery service based on the individual's request and the recommendation from Employment Team. The individual's Career Development Plan must document why the available information is insufficient, and why Discovery is the right service that is needed.
- c. The individual's ISP and IEP must be coordinated and document how the ODDS Discovery service complements any services the individual receives through the local education agency. This coordination of Individual Support Plans should also include the IPE (Individualized Plan for Employment) completed with VR.
  - d. The employment team should also ensure that referrals have been made to both VR and DD services to ensure a seamless transition from ODDS to VR services. It is generally considered best practice for the referral to occur 30 days before Discovery ends.

### **III. Small Group Employment Support**

This service includes support and training provided in regular business, industry, and community settings for groups of two to eight individuals with disabilities. This service is provided in a manner that promotes integration into the workplace and interaction between participants and people without disabilities in those workplaces. The optimal and expected outcome of this service is competitive integrated employment.

Under the following circumstances, individuals eligible for ODDS-funded employment services may access ODDS Small Group Employment Support while also eligible for services available under IDEA:

- a. The individual intends to continue pursuing competitive integrated employment and has active steps in his or her IEP, ISP, and Career Development Plan (CDP) towards obtaining competitive integrated employment.

- b. After exiting school, the individual intends to continue working, and moving towards competitive integrated employment.
- c. The job must pay minimum wage or better as outlined under OAR 411-345.
- d. The individual's ISP and IEP must be coordinated and document how the ODDS Small Group Supported Employment service complements any services the individual receives through the local education agency. This coordination of individual service plans should also include the IPE completed with VR.
- e. All other requirements for the Small Group Employment Support service must also be satisfied as outlined under Oregon's Administrative Rules regulating ODDS Employment Services.

#### **IV. Employment Path Services**

ODDS Employment Path services includes support to develop general skills that can be transferred to individual integrated employment. The nature of this service, including support in an internship, or other community work experience, is available through the local education agency. ODDS therefore does not provide this service to students and transition-age individuals.

[If a youth or transition age student needs Benefits Counseling services, then make a referral to WIN or WIPA. ODDS Benefits Counseling is not currently available for youth and transition age students.](#)

Additionally, to clarify already stated policy, schools and local education agencies, ODDS, and VR are not permitted to use state public funds to contract with or fund vocational assessments or placements in Sheltered Workshop settings.

#### **STUDENTS WHO CHOOSE NOT TO USE SERVICES AVAILABLE UNDER IDEA**

Students eligible for special education and related services may continue to use services available under IDEA until the school year in which they will reach the age of 21 (or until a regular high school diploma is attained).

As outlined above, federal laws and regulations require that ODDS and Medicaid-funded Employment Services only be used when services are not “available” through the school. The policies outlined in this worker’s guide apply the same to all individuals who are eligible for services under IDEA, regardless of whether that individual chooses to use the services available under IDEA. The policies in this worker’s guide therefore apply to the following students because they remain eligible for services under IDEA:

1. Students who are currently enrolled in school,
2. Students who have earned an (Oregon) Extended Diploma,
3. Students who have earned an (Oregon) Modified Diploma, and
4. Students who have not attained a diploma and have not passed the school year in which they will turn 21.

If, however, an individual graduates with a regular Oregon high school diploma, he or she no longer has services available through the local educational agency. Individuals who graduate with a regular diploma may therefore access all ODDS employment services if otherwise eligible.

### **INDIVIDUALS UNDER THE AGE OF 18**

Individuals under the age of 18 may use ODDS Employment Services under certain circumstances that align with this policy. Job Coaching must have ODDS approval for individuals under the age of 16. All other employment services must have ODDS approval for individuals under the age of 18. ODDS approval is required before any individual under the age of 18 can access these Employment Services.

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