

Lane v. Brown

Civil Action No. 3:12-cv-00138-ST



Final Report to the Court

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Independent Reviewer

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Introduction

The Independent Reviewer issues this sixth and final report on Oregon's progress in implementing the Settlement Agreement in *Lane v. Brown*. The Settlement Agreement went into effect on January 27, 2016. If the State substantially complies with its obligations, the Settlement Agreement will end no later than July 1, 2022.

This report covers the State's implementation efforts from January 1, 2021 through June 30, 2022. Overall, according to the data provided by the State, the State has reached the numerical and policy requirements for the relevant time period, as detailed in the Settlement Agreement, although some challenges remain due to the pandemic and continued concerns around staff capacity and its impact on access to Competitive Integrated Employment. The Independent Reviewer considered various sources in preparing this report, including information the parties provided at quarterly meetings, the State's Employment First Reports, state policies and administrative rules, other State documents, client reviews, program reviews, a site visit to Portland Public Schools, and other information reported by the State. The Independent Reviewer has not audited or otherwise verified the State's reported data.

Executive Summary

The State has made substantial progress in expanding access to Competitive Integrated Employment (CIE) for Oregonians with IDD, despite many challenges. The COVID-19 pandemic was, and continues to be a stress to the service system in Oregon and the nation, though there have been bright spots when it comes to more industries being open to hiring individuals with disabilities. Some of the long-term consequences will be unknown for some time. The State of Oregon was not only faced with the pandemic, but the economic recovery that has made hiring staff at all levels of the adult services/employment sector complicated. Despite these challenges, the State of Oregon continued to make progress in the implementation of the *Lane v. Brown* Settlement Agreement. **During the pandemic, in September of 2020 the State of Oregon's Office of Developmental Disabilities Services (ODDS) [marked](#) the end of funding for all sheltered workshop services. And despite the challenges the State has met all of the numerical goals for the Settlement Agreement. As documented below, the independent Reviewer finds that the State is in substantial compliance with the Settlement Agreement.**

According to State data, the State has met or exceeded the numerical metrics of the Agreement, specifically the reduction in sheltered workshop hours, the provision of supported employment services, and achieving Competitive Integrated Employment for the numbers of individuals specified in the Settlement Agreement.

During 2021 and early 2022, the Independent Reviewer continued to monitor the State's compliance with several non-numerical Settlement Agreement obligations. The State has made policy changes required in the Settlement Agreement and the State is actively working to implement those changes, although the Independent Reviewer's Client Review and Program Review Lookback, conducted in the Fall of 2021 and Spring of 2022 respectively, indicated some remaining issues in implementation of these policies. Even amidst the pandemic, the State has continued to make positive steps relating to these areas and stakeholders have reported that progress has been made.

Despite the challenges brought by the pandemic, the State continued efforts in 2021 and 2022 to support class members, and to support system capacity. In an effort to increase capacity, DHS's Employment First office continued to refine and utilize its unique job board website, found at Impact Oregon, <https://impactoregon.careers/>. Impact Oregon is a statewide campaign and job board, designed to highlight the in-demand career opportunities in the field of I/DD. It includes a glossary of common terms, a listing of job types, and success stories that highlight people who have been successful in various jobs. The State has also increased free trainings available online, in order to increase the number of qualified persons providing services. VR has reopened its offices for in-person meeting, in addition to its support of e-

signatures for VR intakes, and installation of drop boxes at VR offices. ODE also offered more trainings, and guidance to support school districts. The Independent Reviewer's Client Review indicated that there are more consistent, individualized and robust career development plans, and that most individuals were getting most of the services requested. The Independent Reviewer's Program Review Lookback in 2022 showed, across agencies, that stakeholders felt informed and that state agencies were transparent and doing what they could to support during the pandemic. Despite the continued concerns expressed around provider capacity, supporting those with the most complex needs, the lack of paid employment opportunities during transition, it was clear that all parts of the employment system have increased their coordination and efficacy.

During the course of the Settlement Agreement, the State has done the following:

- Closed all remaining sheltered workshops in Oregon.
- Totally eliminated the use of sub-minimum wages for people with IDD.
- Increased access to supported employment services and Competitive Integrated Employment for Oregonians with IDD, meeting and surpassing numerical goals for the sheltered workshop class and transition class in the Settlement Agreement.
- Expanded evidence-based transition practices, and ended the use of mock sheltered workshop activities.
- Developed the agency infrastructure across state agencies to support the Settlement Agreement and as required by Executive Order 15-01.
- Utilized enhanced federal and state funding to support access to CIE and create a statewide data system.

(From Page 70) Based on this progress in the State of Oregon,

It is the determination of the Independent Reviewer that substantial progress has been made in providing access to CIE for Oregonians with IDD, including sheltered workshop and transition class members. It is the Independent Reviewer's recommendation that the State has satisfied the metrics and substantially complied with and implemented the other provisions of the Settlement Agreement. It is the Independent Reviewer's determination that certain actions should be implemented to sustain this progress and ensure that the efforts to date are durable:

1. The State should continue to implement relevant portions of Executive Order 15-01, including: Section I: Definitions, Section II: Target Populations, Section IV 1-2: Employment Services Provided Through ODDS and VR, Section V 1-2: Career Development Planning, Section VIII: Provider Capacity, Section X: Educational Provisions, XII: Quality Assessment and Improvement, XIV: Assuring Success (Policy Work Group).
2. The Statewide Employment First Work Group should continue to monitor the employment system, including ODDS employment services, efforts to support CIE for those with high support needs, VR services, transition planning and school employment

opportunities, the training and technical assistance program, the provider capacity plan, quality improvement plan, and other key components of that system.

3. The Statewide Employment First Work Group should develop standards and data elements to assess compliance with the State's policies that supported employment services are individualized, evidence based, flexible, and offered in an integrated setting.
4. The Statewide Employment First Work Group should develop standards and data elements to assess compliance with the State's commitment to provide Supported Employment Services that are based on an individual's capabilities, choices, and strengths, and are individually tailored to the person.
5. ODDS, VR, and ODE should on, at least an annual basis, provide the Work Group with information and data sufficient to allow them to monitor the statewide employment system and make recommendations for its improvement. DRO should be invited to be a part of the Employment First Work Group.
6. The State should work with the Statewide Employment First Work Group to develop new metrics for measuring success in creating access to CIE, including:
 - Metric for new employment services provided for transition aged youth and sheltered workshop workers.
 - Metric for number of people working 20 hours a week or more
 - Metric for paid employment opportunities for transition aged youth
 - Metric for waiting times for VR by region
 - Metric for required numbers of job coaches, job developers and discovery providers to build capacity.

Background and Overview of the Settlement Agreement

On January 25, 2012, eight individual “named plaintiffs” with intellectual or developmental disabilities (I/DD) and an organization, United Cerebral Palsy of Oregon and Southwest Washington, filed a class action Complaint on behalf of themselves and others similarly situated. The lawsuit was filed in the United States District Court for the District of Oregon. The lawsuit alleged that Oregon unnecessarily segregated individuals with I/DD in sheltered workshops, in violation of the rights of these individuals under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The United States intervened as a plaintiff in 2013.

Under the Settlement Agreement, Oregon agreed to continue its policy of decreasing the State’s support of sheltered workshops for people with I/DD in Oregon and expanding the availability of supported employment services that allow individuals with I/DD the opportunity to work in competitive integrated employment settings. The Settlement Agreement provides relief to two target populations – (1) adults with I/DD who are 21 years old or older and worked in a sheltered workshop on or after January 25, 2012 (sheltered workshop target population), and (2) transition-age youth with I/DD between the ages of 14 and 24 who are found eligible for services from the State’s Office of Developmental Disability Services (ODDS) (transition-age target population).

The Settlement Agreement requires that any individual with I/DD working in a sheltered workshop who wants a job in an integrated employment setting and is eligible for ODDS services can ask in the Career Development Plan (CDP) process for and receive supported employment services.

The Settlement Agreement requires that the State substantially implement and maintain the terms and systemic improvements of Oregon’s Executive Order 15-01. Specifically, over the next seven years, the State must provide 7,000 individuals with employment services. Of this number, 4,900 will be transition-aged youth (14 to 24 years old). The Agreement requires that at least half of the transition-aged youth who receive employment services, and who apply and are found eligible for Vocational Rehabilitation Services, will receive, at minimum, an Individual Plan for Employment. The State will also provide supported employment and related employment services so that 1,115 working-age adults (at least 21 years old) in the sheltered workshop target population obtain competitive integrated employment between July 1, 2014 and June 30, 2022. This is consistent with metric 11 measuring placements in competitive integrated employment (CIE) in the State’s July 6, 2015 Integrated Employment Plan. CIE is work where an individual is paid at least Oregon’s minimum wage and not less than the customary rate paid to non-disabled individuals for the same or similar work. CIE allows people

with I/DD to interact with others who do not have disabilities to the same extent that individuals without disabilities in comparable positions interact with other people, and to receive the same benefits provided to other employees.

The Settlement Agreement requires that ODDS establish and promote a goal that all persons with I/DD who want to work in the community will be afforded an opportunity to pursue competitive integrated employment that allows them to work the maximum number of hours consistent with their abilities and preferences.

All individuals in the Executive Order 15-01's ODDS/VR Target Population II(1)(a) (the sheltered workshop target population) should have received a Career Development Plan by July 1, 2015. All transition-aged youth with I/DD in Executive Order 15-01's ODDS/VR Target Population II(1)(b) (the transition-age target population) must also receive a Career Development Plan. Using person-centered planning principles, a Career Development Plan identifies the individual's employment goals and objectives, obstacles to achieving competitive integrated employment, and the services and supports necessary to overcome those obstacles.

The Settlement Agreement includes provisions covering transition services for youth with I/DD, training, system capacity to provide employment services, funding, data collection, and reporting.

The Settlement Agreement provides that a neutral Independent Reviewer will evaluate the State's compliance and issue annual written reports on implementation of the Agreement. The Court retains jurisdiction of this matter until substantial compliance is achieved. The Settlement Agreement includes a dispute resolution process and enforcement procedures by the federal court. The State may defend against an enforcement proceeding by proving an event which substantially impairs or impedes compliance, and which was not initiated, created, caused, or substantially contributed to by ODDS or ODE.

The State's responsibilities under this Settlement Agreement are subject to funding by the Legislature. The State is required to make diligent efforts to obtain funding necessary to comply with the Settlement Agreement. If Oregon fails to obtain funding necessary to comply with the Settlement Agreement, the Settlement Agreement may become void and litigation may resume.

Guidelines for Meetings of the Parties

Guidelines outlining the purpose and principles of joint meetings were established to assist the Independent Reviewer's work with the parties. These guidelines are listed below:

Purpose of the Meetings of Parties in *Lane v. Brown*:

Ongoing communication;

Status updates;

Clarification of information;

Dispute resolution;

Collaboration to identify obstacles to success within the implementation plan; and

Provide an opportunity to brainstorm strategies to overcome obstacles.

Guiding Principles for the Joint Meetings in *Lane v. Brown*:

Treat others with dignity and respect.

The primary purpose of the meetings is to review the Settlement Agreement to assure it enhances individual opportunities and systems change for employment outcomes.

The Settlement Agreement is the result of extensive, thorough, and good faith negotiations.

The terms of the Settlement Agreement have been voluntarily accepted.

The court has jurisdiction over this Settlement Agreement.

All parties will have access to the same information specific to the Settlement Agreement.

Meeting agendas will be available two weeks in advance of the meeting to the parties. The parties will provide input to the agenda three weeks in advance of the next meeting.

Meetings will be held quarterly.

The Independent Reviewer, in consultation with the Judge (if needed), shall determine the status of Settlement Agreement. Parties retain the right to disagree.

Summary notes on key decision points will be maintained by the Independent Reviewer for each meeting. These will be shared with the parties with an opportunity to review, comment and request changes. The parties retain the right to maintain their own notes.

Disability Rights Oregon will communicate on a regular basis with named plaintiffs and solicit their input in language that they understand. If an individually named plaintiff or the

organizational plaintiff wishes to provide input at a meeting of the parties, they would be welcome to do so at the beginning of the meeting.

The parties can suggest agenda items to the Independent Reviewer no later than three weeks before each meeting.

Plaintiffs will request data and information from defendants no later than 30 days before each meeting. The defendants will provide the data and information no later than two weeks before each meeting. Data requests must be reasonable and follow the Settlement Agreement. The Independent Reviewer will decide if data requests are too cumbersome or outside the scope of the Settlement Agreement.

Meetings of the Parties for 2021 and 2022

Parties have met to discuss the State of Oregon's progress on meeting the terms of the *Lane v. Brown* Settlement Agreement on the following dates:

January 14, 2021

April 15, 2021

July 8, 2021

October 21, 2021

February 2-3, 2022

April 21-22, 2022

June 21, 2022

In addition to the information exchanged at the parties' meetings, the Independent Reviewer reviewed the following pertinent information reported by the State in 2021-2022:

- *Lane v. Brown Data Reports 2021-2022*
- *Report on Post School Outcomes of Students Enrolled in ODDS Services from 2021*
- *Lane v. Brown Settlement Report on 20 Hour Policy (2021)*
- *Employment First Capacity Report 2021*
- *VR/WIOA data from 2021*
- *2021 CDP Audit Report*
- *2021 Quality Improvement Status Report*
- *States January 2022 Lane v. Brown Settlement Agreement Report*
- *VR Efforts to Improve Services Available to Individuals with IDD (June 2022)*

Analysis of Settlement Agreement and Executive Order Provisions: State's Performance in 2021

The following is a summary chart to track the State's compliance for 2017-2022 for the Settlement Agreement. Some items listed below have metrics for each year. Other items have ongoing provisions across the term of the Settlement Agreement. All statistical items below are based on data provided by the State. This is a tool for the IR to determine compliance.

Summary of Item	2017 Status	2018 Status	2019 Status	2020 Status	2022 Status
1. The State is no longer purchasing or funding new Sheltered Workshop placements	One reported new entry was discovered, and payment was disallowed. The individual was offered alternate service.	Met for 2018 No new sheltered workshop placements were funded in 2018.	2019: Met, there have been no placements since FY 16	Met- There have been no placements, and the service is no longer available.	Met. The last sheltered workshop closed in September 2020.
2. Decrease number of persons in sheltered workshops to no more than 1530 (Metric 9)	State data shows there were 1,043 people in sheltered workshops as of March 2017	Met for 2018 The March 2018 EOS census calculated that there were 664 individuals in sheltered employment, an annual	2019: Met. Decreasing number of people and decreasing number of hours. Target to have all closed by the end of	Met. Last sheltered workshop closed as of 8/31/2020.	Met. Last sheltered workshop closed as of September 2020.

		reduction of 379 individuals.	September 2020		
3. Decrease number of hours worked in Sheltered Workshops to 66,100 by June 30, 2017 (Metric 10)	State data shows 53,857 hours worked.	Met for 2018 The March 2018 EOS census calculated that there were 34,155 hours worked in sheltered employment, an annual reduction of 19,702 hours.	2019: Met. While this is not required by the Settlement Agreement, all sheltered workshops will be closed no later than 9-30-20	Met. As of 8/31/30 the number is down to zero.	Met. The number is down to zero
4. ODDS and VR will provide Employment Services to at least 7000 unique individuals by the end of the settlement and to at least 4600 individuals by 7-1-2019.	Updated data for SFY2017 showed an unduplicated count of 1848 unique individuals receiving an employment service.	Met for 2018 In SFY 2018, 1930 new supported employment services were received by ODDS. When duplication was removed, 1678 unique individuals received at least one	Met for 2019: Between SFY 2014-2019 5,786 unique individuals in the target population received a new Supported Employment Service.	Met for 2020: September Report FY 14-FY20 6,663 unique individuals	Met. 7,176 unique individuals received employment services.

		new supported employment service. As of the end of SFY 2018, 4980 unique individuals received such service.			
5. Increase the number of class members in sheltered workshops who obtain competitive integrated employment (CIE)	For SFY 2017 the state and plaintiffs disagree about how to count CIE, but under either method the number is at least 395 class members in CIE	Met for 2018 However, parties disagree on methodology for counting The SFY 2018 target had a goal of 170 individuals in the sheltered workshop class obtain CIE for a total of 565 jobs from SFY 2015-2018. In SFY 2018, 220 unique individuals obtained CIE for at least 90 days. From the state's perspective, the overall total of CIE is	Met for 2019: Agreement has been made around this metric. The cumulative count for SFY 2015-2019 is 914 unique sheltered workshop class members obtained competitive integrated employment for at least 90 days.	Met for 2020: The cumulative count for SFY 2015-2020 is 1,023 unique sheltered workshop class members obtained competitive integrated employment for at least 90 days.	Met. Last data report is at 1,138.

		780 unique individuals from SFY 2015-2018, according to how the state is counting metrics. The plaintiffs indicate, based on state data that for SFY 2018, 165 unique individuals obtained CIE for an overall count of 598 cumulative.			
6.The State shall issue a policy describing Supported Employment Services	A policy was issued in 2016, and state continues to implement in 2017	Met for 2018 The policy continues to be implemented .	Met for 2019 The State first issued this policy in 2017. Since then, updates have been made and further guidance issued around Ability One settings. The Independent Reviewer continues to	Met for 2020: The policy was issued in 2016, it continues to be part of training and the work that the agencies are doing.	Met. A policy has been issued. However, the Settlement Agreement requires that a policy be both established <i>and</i> implemented, requiring SE services to be "available as needed and desired" and "based on an

			<p>assess the State’s implementation of this policy and the extent to which services are individualized, evidence-based, flexible, offered in integrated settings, and available as needed and desired.</p>		<p>individual’s capabilities, choices, and strengths, and individually tailored.” There is evidence from the program review that SE services are not available as needed in parts of the State, especially from VR and also from Discovery providers, and are not consistently tailored to individuals. Therefore this is something that should continue to be monitored by the Employment First group.</p>
<p>7.Ensure at least 4,900 transition age youth are provided SES, and half of those receive an Individual</p>	<p>The total count of transition age individuals receiving SES is 2,453. 2,043</p>	<p>Met for 2018 The total count of transition age individuals receiving a supported employment</p>	<p>Met for 2019 3712 Transition aged youth received a new employment service from</p>	<p>Met for 2020: July 1, 2013- June 30, 2020 the number was 4,199. With 3,693 having an IPE.</p>	<p>Met.</p>

<p>Plan of Employment.</p>	<p>received an IPE.</p>	<p>service from July 2013 through June 2018 was 3,102. Of that number 2,706 have received an IPE from VR. 87.1% of these transition age youth received an IPE from VR.</p>	<p>SFY 2013-2019. Of that number, 3239 or 87.3 percent received an IPE from VR</p>		
<p>8.State to encourage schools to continue and expand evidence-based transition practices to achieve CIE.</p>	<p>State continues training on transition practices but could do more to encourage evidence-based practices</p>	<p>In process The state continues to encourage schools to continue and expand evidence-based practices to achieve CIE, but not all schools are receptive as others. While not all schools are receptive to change, the State is seeking to expand Seamless</p>	<p>2019: In process. The availability of YTP for students with IDD has expanded, and more students with IDD are participating in VR's summer work experience programs. On the other hand, while the State has made efforts to encourage the use of the Project</p>	<p>2020, in process. Virtual transition conference held in April 2020, another scheduled this April. The transition specialists have worked on tools to enable remote evidence-based transition practices.</p>	<p>Met. Numbers up for students with IDD in YTP. Continued push for expansion of YTP Project SEARCH. Part of the \$15 million, working to put a transition Project SEARCH grant out for at least two districts. State is also putting together a Project SEARCH</p>

		<p>Transition, Youth in Transition (YTP) sites and has funded a Transition Network Facilitator (TNF) in each region. In 2018 ODE conducted many trainings and progress continues in some schools.</p>	<p>Search and Seamless Transition models, there is limited evidence that these efforts go beyond isolated schools. The Independent Reviewer is continuing to assess the State's progress on this.</p>	<p>VR added 3 new Pre-ETs to assist in connecting VR and Transition.</p> <p>828 youth, or 27% of the total YTP have IDD</p>	<p>steering committee cross-agency. Three new programs starting. Several other projects hoping to start in Spring. The program review noted variation from school district to school district and the State should continue efforts to ensure adoption and expansion of these practices, and improve statewide consistency.</p>
<p>9.Those in Sheltered Workshops who state in their Career Development Plan that they want CIE shall receive SES toward that goal.</p>	<p>The state provides SES as requested. However, delays have slowed the delivery of such services. The State needs to focus on efficient</p>	<p>Not met for 2018 but the state is putting changes in place to reduce long wait lists for VR intake. Although the Settlement Agreement</p>	<p>In process for 2019</p> <p>There is evidence from the IR's program and client reviews that there are individuals</p>	<p>In process for 2020: This is a big part of the CDP audit, this year 10 individuals requested a SES and did not receive that service. The state is</p>	<p>Met. QA process indicated this is no longer a concern.</p>

	<p>delivery of available services to those who express an interest. There is evidence that there may be more individuals interested in CIE than is reflected in the current CDP's.</p>	<p>does not state a time frame by which supported employment services (SES) should be available for Sheltered Workshop participants who indicate that they want Competitive Integrated Employment (CIE), these services were not received by 29 individuals in the class who requested a SES. However, the state is making progress in this area.</p> <p>The State is taking steps to build capacity of job development and job</p>	<p>who would like to work in CIE but are not receiving supported employment services.</p> <p>In response, VR created 2 new temporary staff positions to create team meetings for SW participants to link them with VR and offer employment services.</p> <p>Some individuals in eastern Oregon who want employment services are waiting to access these services due to limited availability of providers in these areas of the State.</p>	<p>digging into the why on that, this year this has been impacted due to COVID.</p> <p>WIOA data also clarifies what services members of the class have been offered.</p>	
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		<p>coaching staff. VR has a plan to fill multiple vacant VR counselor positions statewide. VR is working diligently to reduce the waiting time for an appointment to determine eligibility.</p>	<p>However, the State is proactively working to recruit additional employment professionals .</p>		
<p>10. Adopt a rule encouraging individuals in SW Target Population to choose to leave SWs.</p>	<p>Rule released Jan. 2016 and in case management rule as of 7/16</p>	<p>Met for 2018 All but a handful of sheltered workshops remain open. The state has a clearly defined plan for closure with ongoing monitoring.</p>	<p>Met for 2019</p>	<p>Met for 2020, added into the rule that it is no longer an available service.</p>	<p>Met.</p>

<p>11. Adopt and promote a goal of working at least 20 hours a week</p>	<p>Rule and guidance adopted by ODDS and VR in 2016, data shows that the percentage of persons working at least 20 hours a week continues to rise.</p>	<p>The State met its obligation to adopt this goal in 2016 and continues to promote this policy toward increased implementation.</p> <p>The data demonstrates that the percentage of class members working 20 hours or more a week continues to increase. SAVII.1. requires that DHS establish and promote a goal of working at least 20 hours a week by June 30, 2016. This goal was fully accomplished in 2016. As an additional effort the</p>	<p>Met for 2019: A total of 320 individuals comprising 21.6% of all target population members (including 22.6% of the transition aged population and 17.4% of the sheltered workers) worked in CIE for at least 20 hours per week in March 2019. ODDS re-issued the 20-hour guidance to ensure that there is statewide understanding and training has been provided. The State has a 20 hour/maximizing outreach plan with multiple deliverables.</p>	<p>Met for 2020: 20 Hour Report was released again this year. This year has been challenging in the face of the pandemic, people are losing hours, or jobs. There is a toolkit geared towards employers and providers encouraging more hours.</p> <p>The data report: 15.3% are working 20 hours per more. 14.5% for transition age youth. 11.5% for sheltered work class members</p>	<p>Met.</p>
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		<p>State continues to promote this policy through an annual workplan. The statistics provided by the State indicate that the number of individuals working more than 20 hours a week continues to grow.</p>	<p>The Independent Reviewer is still assessing whether individuals are working the maximum number of hours consistent with their abilities and preferences.</p>		
<p>12. Seek approval from CMS for rates that incentivize SES to obtain jobs for class members who obtain CIE of at least 20 hours per week.</p>	<p>The state has sought approval for such rates from CMS, although their efforts have not been entirely successful.</p>	<p>In process. SA VII.3.b. requires the State to develop and seek approval for a rate change that incentivizes SES, which the state did. Although the federal government (CMS) approved a rate change,</p>	<p>In process for 2019: There is almost resolution with CMS around the rates, post public comment submission to CMS is expected by July of 2020 at the latest, needs to be approved and adjusted</p>	<p>Met for 2020, the final approval came in March of 2020, updated rates in January 2021. Rates should be stable for five years as of 1/21.</p>	<p>Met.</p>

		<p>it did not work out as an incentive. The State continues to explore innovative rate structures. The State met the requirement to seek approval for a new rate system, but at this time there is not a rate change that incentivizes SES</p> <p>The state continues to negotiate with the federal government to provide a sustainable employment rate structure. Some providers indicate that the current rate structure does not</p>	<p>by January 2021,</p>		
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		incentivize all SES.			
13. Issue guidance to Technical Assistance providers to train providers on the 20 hours per week standard	Guidance was issued in 2016 and is still in place	Met for 2018 Training contracts continue. Guidance is encouraged by ODDS employment specialists, ODE transition network facilitators and VR counselors.	Met for 2019	Met for 2020	Met.
14. Class members shall receive CDP by 7/1/2015. DHS shall determine whether CDPs have been done.	State issued a report on CDP, after gathering all CDPS of SW class and a sample of Transition age class. Quality of plans is being addressed through training	Met for 2018 Per SA VIII all individuals in a sheltered workshop had a CDP in the 2016 review. The 2017 and 2018 sample review of 360 individuals found that they all had a CDP. Changes to the ISP process now assure that the CDP is updated each year for individuals	Met for 2019 While it appears that all class members have a CDP, there is information from the IR's client review that needed services identified in the CDP are sometimes not provided. In addition, there is no method for collecting and validating data from	Met for 2020 ODDS did the CDP QA review that included 299 individual plans reviewed. The state will continue to do the QA reviews. The CDP has been fully integrated into the ISP. Implemented fines for an ISP that did not include a CDP, which was an	Met. QA process and client review verified.

		<p>receiving ODDS services. However, not all CDPs match the needs of each individual, and as such the State continues to mandate training and technical assistance for CDDPs who struggle with developing CDPs that are accurate. The State found a number of class members who had a CDP, requested an employment service, but did not receive that service. The State has a plan to address this issue.</p>	<p>CDPs to determine either whether identified services are actually provided. Beginning in 2020, ODDS intends to review a sample of those CDPs annually for quality control.</p>	<p>effective deterrent.</p>	
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		Although all individuals now have a CDP, the state is working with the case management system to improve the quality of the CDP's through training and ongoing technical assistance.			
15.ODE shall require transition planning may begin as early as age 14 and no later than 16; shall include information and opportunities to experience Supported Employment Services. No referrals to sheltered workshops or use of mock sheltered workshops.	ODE issued polices regarding transition practices and prohibiting mock sheltered workshops in 2016. The surveys by the Independent Reviewer indicate that the range of transition activities could be improved, and more training is needed.	Not met for 2018 but the state is taking steps to eliminate the use of mock sheltered workshop activities in all schools ODE has offered training on beginning transition as early as 14 but not later than age 16. Some school districts are	Not met for 2019. Some parents, report not hearing about transition until age 18. Some schools may still be providing mock sheltered workshop activities, especially in the areas of an in-school recycling business; and data is currently lacking as to	Not met for 2020: Included in IEP guidance for the past several years. Program review showed that mock sheltered workshop guidance was well understood. Still need understanding in all districts and among stakeholders on when Transition	Met. These requirements have been incorporated into a rule for ODE and sent out to every school district to ensure that School Districts were familiar. While ODE has expanded training and technical assistance to school districts to expand students' opportunities to experience supported

		embracing an earlier start to transition planning, while others are not. The number of possible mock sheltered workshops continues to decrease with training and TA, yet some school districts are still offering mock sheltered workshop activities.	how often transition planning includes the requisite information about and opportunities to experience supported employment. There are no referrals to sheltered workshops.	can and should begin.	employment, there is no data on students experiencing such paid employment. This data could help the State determine levels of success. Guidance from ODE would also be recommended .
16.ODE shall develop a professional development plan for transition services	ODE used an outside consultant to develop a plan which has stated goals. ODE needs to implement the goals identified	Met in 2018. SA IX.2 requires the completion of a Professional Development Plan for transition services, which was completed in 2017. The State reports periodically on the	Met in 2019 ODE with ODDS and VR continues to have and implement their professional development plan for transition services	Met in 2020, continue to have technical assistance with NTACTION. Goals around Discovery tool working for transition age youth. Transition trainings continue to be offered. In the process	Met, continuing to support TNF work to go into schools and support transition staff and administrators . Client review and program review showed improvements in transition and CIE.

		<p>implementation of the Plan.</p> <p>ODE, VR and ODDS are working collaboratively in the implementation of the professional development plan and report to the parties on their progress.</p>		<p>of developing new goals, including looking at apprenticeship. ODDS, VR and ODE continue to partner on this.</p>	<p>https://transitionoregon.org/ https://transitionoregon.org/handbook</p>
<p>17. Maintain training technical assistance through 6/30/19</p>	<p>Such assistance continues to be funded by the state.</p>	<p>Met for 2018 The state continues to fund the TA contract.</p>	<p>Met for 2019. Maintained through December 2019. ODDS continues to work with WISE to roll out new online classes while continuing existing online classes. ODDS is also funding peer to peer training between providers.</p>	<p>Met for 2020. The WISE contract ran through December of 2020. Created 32 trainings, are negotiating to get those trainings ACRE certified. Training and technical assistance provided statewide. So while met, this will</p>	<p>Met. The online modules worked on with WISE have continued. Cornell training. And Western Washington training. Clackamas county job coaching program.</p>

			ODE, ODDS and VR receive intensive TA from NTACTION, and ODDS has a contract with SELN for on-going technical assistance.	continue to be integrated in the work of ODDS.	
18. Maintain transformation grants through 6/30/19	Such grants continue to be in place. The state is now issuing a provider capacity report. As the state moves forward, the state should investigate options to enhance provider capacity in some areas of the state.	Met for 2018 Transformation grants continue to be funded. Providers are being held accountable for employment outcomes.	Met for 2019. A new WISE contract was added to assist with the closure of Rock West sheltered workshop.	Met for 2020: Rock West ran through June 30, 2020, so extended past 2019. All grants funded and completed.	Met. Ran through 2020. Per EO VIII, the State is making efforts to build provider capacity, yet numerous providers have significant workforce shortages, high staff turnover, and persistent vacancies.
19. Make diligent effort to obtain and	So far, sufficient funding has	Met for 2018 Funding continues to	Met for 2019.	Met for 2020.	Met.

maintain funding to comply with Agreement	been allocated to comply with the Agreement	be allocated to comply with the Agreement.			
20.Semi-annual data reporting required	The state has issued semiannual reports in accordance with 1.a. and b. The state continues to adapt report format to improve transparency.	The parties are working through a disagreement on section XIII.1.a.5. Otherwise, met for 2018 The state provides semi-annual data reporting.	Met for 2019	Met for 2020.	Met.
21. Post School Outcome survey to be conducted starting July 2016 and each year thereafter. Create a report with specified elements	The State has produced a report on the survey; however, it should be more robust. The state promises to improve this report	Met for 2018 ODE has made changes to the data collected and to the overall analysis of the data. Individual school districts are beginning to utilize the data in their planning efforts. The survey rate of return	Met for 2019	Met for 2020.	Met.

		continues to enlarge.			
22. Establish competencies for employment service providers	Standards established in 2016, computer-based training implemented in 2017	<p>Met for 2018 1,408 professionals completed training for job coaching, job development or Discovery.</p> <p>365 employment professionals completed ACRE Certification.</p> <p>363 employment professionals completed APSE certification.</p> <p>97 employment professionals obtained Employment First OELN certification.</p>	<p>Met for 2019. Core competency training for professionals continues to be required and implemented statewide for employment service providers.</p>	<p>Met for 2020</p> <p>Expanded Open Future Learning and provided remote ACRE training</p> <p>452 employment staff have ACRE certification; 3,222 passed all 10 core coms, 428 employment staff have APSE certification</p>	Met.

		<p>There are 62 job development vendors with VR for Sheltered Class Members and 86 job developers with VR for transition age ODDS clients.</p> <p>In addition, 11 staff at 6 independent living centers are offering benefits planning</p>			
23. Outreach and awareness program for members of target population	Employment First communication plan is in place	Met for 2018 This has been maintained and implemented since the origination of the "I Work We Succeed" campaign in 2015. This includes frequent messages, fact sheets, family	Met for 2019. The State continues to implement the Employment First Communication Plan. ODDS is also working to build a staff recruitment website for employment professionals	Met for 2020. The state has developed the IMPACT Oregon workforce website, to promote employment of people with disabilities. Podcast continues	Met. I Work, We Succeed campaign and continued Employment First resources.

		outreach, etc.	. The Independent Reviewer is continuing to assess whether these efforts are successfully reaching target population members.		
24. Use strategies to improve transition services for transition age youth to get CIE	The state continues to offer many trainings to providers and school personnel all over the state. In addition, Transition Network Facilitators are trained and available	Met for 2018 Trainings continue for providers and school personnel all over the state. Transition Network Facilitators remain trained and available. Transition services are detailed in the Executive Order X: Educational Provisions. The state has developed numerous strategies to improve	In process for 2019. ODE conducted 14 transition trainings during between July 2018 and June 2019, and the State has expanded the availability of Transition Network Facilitators by also creating Pre-Employment Training Specialists for schools and VR. However, many transition	In process for 2020, continue annual transition conference. New special education directors are getting required training around transition.	Met with School-business guidance. Expansion of Project SEARCH, YTP Centered around Transition conference Potential guidance to support collecting data on opportunities for paid employment. See notes on evidence-based transition practices (row

		services to youth.	aged students and professional staff in schools have reported to the IR that they have had no opportunities to work in CIE as part of their transition program. Many school districts have reported to the IR that transition aged students with IDD do not have opportunities to do paid work as part of their transition program.		8) and supported employment data (row 15).
25. Develop MOUs with ODDS.VR.ODE	Completed in 2016, and updated as needed	Met for 2018 The MOU was updated in SFY 2018.	Met for 2019. The MOU's continue to be in place and are executed.	Met for 2020, the MOU remains in place	Met.
26. Develop and	QA plan updated in 2016. State	Met for 2018. The Executive	Met for 2019.	Met for 2020. At the start of the	Met.

<p>implement QA plan</p>	<p>has shifted some items to the Provider Capacity report. Staff changes slowed QA activities, but state intends to continue QA plan</p>	<p>Order requires a QA Plan. The QA Plan was updated in 2016 and the State is in the process of implementing it.</p> <p>DHS has reported regularly on the QA plan. At the July meeting a QA update was presented including topics such as: HCBS implementation, CDP reviews, post-school outcomes information, and MOU's. In September 2018, DHS presented additional follow-up regarding the CDP reviews. DHS continues to have a QA</p>	<p>The QA plan has not been updated on a regular basis, due to staff turnover. Updates have not been forthcoming. It does not contain current goals, activities, data, outcomes, or findings.</p>	<p>year the CDP integration into the QA cycle. That has now merged with the typical QA process. The process was delayed for about a year, COVID obviously.</p>	
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		plan and reports regarding the implementation of that plan.			
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Detailed Status Update on Settlement Agreement

Settlement Agreement IV.1: By July 1, 2015, Oregon will no longer purchase or fund sheltered workshop placements for: a) transition age youth with I/DD; b) adults with I/DD who are newly eligible for ODDS or VR services; and c) adults with I/DD using ODDS or VR services who are not already in sheltered workshops.

Status Update 2022

September 2020 marked the end of ODDS-funded sheltered workshop services in Oregon. As noted in a message from ODDS Director Lilia Teninty dated October 2, 2020, “We want to recognize the tremendous effort by self-advocates, families, providers, case management entities and others to make this happen during the past decade.”

Settlement Agreement IV.2: By June 30, 2017, reduce sheltered workshop census to no more than 1,530 and decrease hours worked in sheltered workshops to no more than 66,100.

Status Update 2022

September 2020 marked the end of ODDS-funded sheltered workshop services in Oregon

Settlement Agreement VI.1: ODDS and VR will establish and implement a policy that Supported Employment Services provided under this Agreement shall be individualized, evidence-based, flexible, offered in an integrated employment setting, and available as needed and desired, but shall not be mandated as a condition of working or receiving services in an integrated employment setting.

Status Update 2022:

The 2021 client review showed that there has been improvement in the individualization of supported employment services, and more options to work in integrated settings. However, there were individuals interviewed who were interested in trying different types of work, or to work more hours, which indicates that the policy required by Section VI.1 is not consistently or fully implemented. The flexibility and options for shifts in employment should be monitored by the State. The program review lookback clarified that individuals are asked at least on a quarterly basis about their satisfaction on the job, so there are some built-in checks in the system.

Settlement Agreement VI.2: Supported Employment Services provided under this Agreement shall be based on an individual’s capabilities, choices, and strengths and shall be individually tailored to each person. All persons who receive Supported Employment Services in an integrated employment setting under this Agreement will have a goal of working the

maximum number of hours consistent with their abilities and preferences, without regard to the availability of employment opportunities.

Status Update 2022:

ODDS and VR have had a Supported Employment Service policy which was first adopted through Executive Order in 2013 and again in 2015, and OAR 407-025-0115. This policy is consistent with the requirements of Settlement Agreement VI.1. The State continues to encourage employment providers to assist individuals to be successful in Competitive Integrated Employment. However there continue to be capacity issues in many geographic areas with large populations of class members, and from the program reviews it was clear that this has not been completely remediated. The State has policies in place that say that supported employment services shall be individualized, evidence based, flexible, and offered in an integrated setting, but there is no method for monitoring or assessing compliance with these policies. There was some evidence from the client and program reviews that Supported Employment Services are not consistently planned and provided “based upon the individual’s capabilities, choices, and strengths” and individually tailored, for example class members wanting more hours, or to try a different type of job. This is something that the Employment First Work Group should be charged with monitoring as it remains a concern.

Settlement Agreement VI.3: Consistent with DHS’ Integrated Employment Plan and the State’s VR data, ODDS and VR will provide Supported Employment Services and Related Employment Services so that 1,115 Working-Age Individuals in the Sheltered Workshop Target Population will obtain Competitive Integrated Employment.

See discussion of Settlement Agreement XIII.1.a-b below.

Settlement Agreement VI.5 – Transition Age Youth Receiving Employment Services & IPE: By July 1, 2022, the State will ensure that at least 4,900 of the individuals provided Employment Services pursuant to Executive Order IV.3 are members of the transition-age target population. At least half of those 4,900 transition-age target population members shall also receive, at a minimum, an Individual Plan for Employment (IPE) with VR.

Status Update 2022:

The Lane Settlement Agreement requires that, by July 1, 2022, at least half (50%) of the Transition-age Target Population that are counted as having received a new Employment Service will also receive an IPE from VR. Of the 4,926 total Transition-age individuals counted, 4,300 of them (88%) received an IPE from VR since SFY 2014.

Settlement Agreement VI.6 - The State Will Encourage and Facilitate Oregon School Districts to Continue and Expand Models of Evidence-Based Transition Practices (e.g., the Seamless Transition Model, Project Search, Youth Transition Program) for the Purpose of Promoting and Assisting in the Achievement of Competitive Integrated Employment for This Population.

Status Update 2022:

The State provided updates regarding the above-referenced evidence-based transition practice models. It was clear from the Program reviews that the pandemic has impacted the expansion of programs like Project SEARCH, YTP, and others, but there are plans for expansions. While the State continues to encourage schools to expand evidence-based transition practices to achieve CIE, the Independent Reviewer's Program Review noted variation in how many individuals with IDD were participating in the YTP programs but overall improvement in the numbers from the last review, and the processes for selection of students varied district to district. The State should continue its efforts to ensure that school districts adopt and expand the transition practices discussed here, and that districts and VR offices receive guidance on eligibility, and to ensure consistency.

The State provided the following statistics for YTP programs in the upcoming Summer of 2022:

- Oregon currently has 1213 students actively receiving YTP services
- 34%, or 412 of the students, meet the definition of IDD
- Summer programming, including but not limited to work experience, will be occurring at all 65 sites across the State. 17 sites are paying students minimum wage or more for work-based learning experiences in integrated settings.

Settlement Agreement VI.7 –

Any individual in a sheltered workshop who states as part of the Career Development Plan (CDP) process that he or she desires a job in an Integrated Employment Setting will receive Supported Employment Services and Related Employment Services that allow the individual an opportunity to obtain a job. An opportunity is not a guarantee of employment.

Status Update 2022:

The 2021 Client Review, in addition to the information provided in the State's QA process, indicated that individuals are receiving the employment services when they indicate an interest in Competitive Integrated Employment. In addition, ODDS has implemented a data system – the Quality Assurance Field Review system has been utilized, which is used to generate the updated CDP reports in 2020 and 2021. This is a data system that has integrated employment reviews.

Settlement Agreement VI.9 –DHS Shall Adopt a Rule Requiring CDDPs and Brokerages to Encourage Individuals in Sheltered Workshop Target Population to Choose Options Other Than Sheltered Employment. If Appropriate for the Individual, These Options Shall Include

Non-Facility-Based Employment and Integrated Day Options and Community Inclusion Services, Provided in Settings Other Than Sheltered Workshops.

Status Update 2022:

All sheltered workshops in Oregon were closed as of September 2020. Under the Settlement Agreement, if appropriate for an individual, the options that the State encourages the individual to take in lieu of sheltered workshop services must include non-facility-based employment and integrated day options and community inclusion services. The Independent Reviewer conducted program reviews that showed progress with CDDPs and Brokerages offering a wide variety of employment services for class members, it also showed lower numbers in services like small group employment and facility-based day programming. The Independent Reviewer’s 2021 client review showed that the target population members are encouraged to choose community-based options for employment and other services in their meetings with their service coordinators/personal agents, including provision of information and assistance necessary to access those options if chosen.

Settlement Agreement VII.1.a: Establish and Promote a Goal That All Persons with I/DD Who Want to Work in the Community Will Be Afforded an Opportunity to Pursue Competitive Integrated Employment That Allows Them to Work the Maximum Number of Hours Consistent with Their Abilities and Preferences (with a Standard of at Least 20 Hours per Week); and Issue Guidance Regarding Same.

Status Update 2022:

The State’s efforts to implement this policy and promote 20 hours of CIE per week remain ongoing. The percentage of those working 20 hours per more has increased from 15.4% for the total ODDS population in March of 2020 to 29.6% in September 2021 -- almost doubled. The data report dated February 2022 (a copy of which is attached as an Appendix) includes the table below. This is a substantial system change which results in enhanced outcomes for people with IDD in Oregon.

Employment Counts in September 2021 EOS Data			
Population	Number in Competitive Integrated Employment (CIE)	Number in Competitive Integrated Employment (CIE) Working 20 Hours or More	Percent Working 20 Hours or More
Total ODDS Population	1,536	454	29.6%
ODDS Transition-age (14-24)	250	76	30.4%
ODDS Sheltered Worker Class Member	358	93	26.0%

Settlement Agreement VII.1.c: Provider Transformation Grants and Incentive Payments

The Settlement Agreement requires DHS to continue to include a goal in provider transformation grants that individuals with I/DD obtain Competitive Integrated Employment and work the maximum number of hours consistent with their abilities and preferences. The grants are to continue to provide one-time incentive payments to providers for each person who obtains Competitive Integrated Employment at least 20 hours per week.

Status Update 2022:

The timeline for these grants has reached its conclusion. However, the State is using American Rescue Plan Act (ARPA) dollars to put \$15 million into the field to support provider capacity building and also to support recruitment and retention of the direct care workforce supporting employment.

Settlement Agreement VII.1.b: DHS Will Develop and Seek Approval of New Rates from CMS

The Settlement Agreement requires DHS to develop and seek approval from the Centers for Medicare and Medicaid Services (CMS) for reimbursement rates for supported employment services for outcome payments or other financial incentives to providers for individuals with I/DD who obtain competitive integrated employment at a monthly average of at least 20 hours per week.

Status Update 2022:

The Settlement Agreement requires the State to develop and seek approval for a rate change that provides fiscal incentives to providers to offer supported employment services. The State has worked with CMS to get the outcome based rate structure approved and updated as needed. During the pandemic, the State made reasonable efforts to provide support to providers to maintain capacity, and to find ways to alternate service delivery. The Independent Reviewer conducted program review look back showed that providers were satisfied and thankful for the efforts made by ODDS, though there are concerns about the pandemic related supports ending, and how that will impact capacity.

Settlement Agreement VII.1.d: DHS will issue guidance to Technical Assistance Providers to train employment professionals and job developers on 20 Hours/Week Standard

Status Update 2022:

The program review look back from Spring of 2022 showed a clear understanding throughout employment stakeholders of the 20 hours/week standard. In addition, the number of individuals who are working more than 20 hours has doubled over the past couple of years showing a clear impact of the TA and training.

SA VIII – Career Development Planning

Settlement Agreement VIII.1 Consistent with ODDS policy and administrative rules, all individuals in Executive Order 15-01's ODDS/VR Target Population II(1)(a) (the sheltered workshop target population) shall have a Career Development Plan (CDP) by July 15, 2015. DHS shall determine whether all such CDPs have been developed and shall utilize performance based contracting metrics to impose financial penalties on responsible entities that fail to develop a CDP for any person in the sheltered workshop target population. Individuals in Executive Order 15-01's ODDS/VR Target Population II(1)(b) (the transition-age target population) will receive a CDP prior to their expected exit from the school district. If an individual leaves school prior to his or her expected exit, he or she will receive a CDP within one year of the unexpected exit. The provision of Employment Services will not be delayed or denied due to a lack of a CDP.

Status Update 2022:

The client review indicated that CDPs are being developed for clients and that the plans are more accurate and individualized. The CDP Plan Audit indicated improvement on the rate of completion and accuracy, services requested, matching services received, on CDPs. It is a strong sign that the CDP Audit has been made part of the quality assurance process. It is important to continue to find ways for ongoing quality monitoring of CDPs.

See the discussion of Settlement Agreement VI.7 above for further information regarding the State's progress on CDPs.

Settlement Agreement IX.1: ODE shall require that (a) the transition planning process may begin as early as age 14 but must not begin later than the start of the one year period of a student's IEP when the student reaches age 16; (b) the transition planning process shall include information about and provide opportunities to experience Supported Employment Services in Integrated Employment Settings; (c) local educational agencies may not include sheltered workshops in the continuum of alternative placements and supplementary aids and services provided to students; and (d) school instructional curriculum shall not include mock sheltered workshop activities.

Status Update 2022:

The State is offering training and technical assistance to school districts on the importance of beginning transition planning as early as age 14 but must begin no later than the start of the one-year period in which the student reaches age 16. During the Independent Reviewer's Program Review Lookback it was noted that most districts are clear in their understanding of starting transition as early as possible, and this seems to be understood across the State.

ODE is expanding training and technical assistance to school districts to encourage supported employment services in integrated setting prior to leaving transition programs. However, there

still appears to be no statewide data as to how many students with IDD in transition have paid employment either during the transition program or after. This data could help the State determine levels of success. Whether it is part-time employment, summer employment, or other opportunities, tracking on pay should be done. The PCOS does provide some information but not on paid employment per se.

The State has stopped referring students in transition to sheltered workshops. ODE also developed a policy and provided technical assistance about no longer offering mock sheltered workshop activities in schools. During the 2022 Program Reviews, there were no reports of schools offering mock sheltered workshop activities. In addition, all interviewees showed a clear understanding of the mock sheltered workshop guidance. The 2022 program review also showed less reliance on school-based businesses, though some of that is pandemic related shifts in programming.

In order to ensure that there is an understanding on school-based businesses the State provided the following update: Transition Network Facilitators (TNFs) developed the Job Skill template to use when observing school-based businesses. School-based businesses teach transferrable skills that students need for jobs in the community. This resource can be used with school staff to analyze the tasks involved in a given work experience, describe the specific skills needed to complete each task, and complete job mapping between these skills and their applicability to community job sites.

Settlement Agreement IX.2: The state will develop a broad based professional development plan for transition services.

Status Update 2022:

The State has a Professional Development Plan that includes coordinated action between ODE, ODDS and VR. The State is working with a National Technical Assistance Group on the development and the implementation of the Plan. The State has completed cross agency training in each region with VR, ODE and ODDS. There continues to be a need, noted again with the Independent Reviewer's 2022 Program Review, for school districts and transition programs to engage more with the adult service stakeholders. While it does appear that there has been progress in focusing on employment during transition services, the connection between the education systems and adult service agencies, and providers has room for improvement. Focusing on this will also lead to potential increased opportunities for paid employment for transition aged youth in schools.

XI – Provider Capacity

Settlement Agreement XI.1: Subject to the availability of sufficient funding, the State will maintain provider transformation grants until at least June 30, 2019. DHS will make diligent efforts to obtain sufficient funding.

See also EO VIII: State agencies will make good faith efforts, within available budgetary resources, to ensure that there are a sufficient number of qualified employment providers to deliver the services and supports necessary for individuals in the ODDS/VR Target Population to receive Employment Services consistent with the terms of this order.

Status Update 2022

The timeline for transformation grants ended in 2019. provider capacity was problematic before the pandemic, at least in several regions of the State, and has been exacerbated by the pandemic, but the State is making significant efforts to support and fund capacity building. Despite those efforts, numerous providers have significant workforce shortages, high staff turnover, and persistent vacancies – all of which create waitlist for employment services or diminished quality of services due to a lack of trained, qualified and consistent employment professionals.

Capacity in rural areas has been a challenge, historically. In 2020 and 2021, ODDS has enhanced its rural capacity building workgroup, which meets monthly to share resources, and trainings. Eastern Oregon Support Services Brokerage supported by ODDS (the main Brokerage in Eastern Oregon) has hired someone to focus on capacity building. ODDS will be issuing grants utilizing ARPA funding that will focus on rural capacity building. Further, despite some setbacks, new providers and services have recently started in Eastern Oregon. In the Ontario area, Thrive and WITCO, among others, continue to serve other parts of Eastern Oregon. ODDS has concentrated efforts on bringing on PSW Job Coaches in Southern Oregon and expanding providers such as Trendsitions and Voice of Reason (VOR). In the coastal areas of Oregon, while some providers have ended services (such as Mentor Oregon), others have taken on those services including Bay Area Enterprises and Star of Hope. This is due to diligent work by Regional Employment Specialists and VR branch managers to expand and replace lost capacity. More information can be found in the State’s COVID recovery plan.

Settlement Agreement XII.2: The State will make diligent efforts to obtain the necessary funding to comply with the Settlement Agreement.

Status Update 2022:

The State continues to advocate for funding to meet the requirements of the Settlement Agreement and to continue to promote competitive integrated employment for transition aged students and adults with IDD. During the Independent Reviewer’s Program Review, it was clear that providers recognized all of the State’s efforts to provide contingency funding, and to

streamline processes, but there are real fears due to the pandemic that several providers will not be able to continue offering employment services.

SA XIII – Data Collection and Reporting

Settlement Agreement XIII.1.a-b: Starting January 1, 2016, the State is required to report specific data about the target populations twice a year. Starting on July 1, 2016, the State is required to report specific information about supported employment services and providers once a year.

Status Update 2022:

All categories of data were reported in the State’s Employment First Report dated February 2022, which is attached as Appendix A. Some Relevant Tables Reproduced here:

New Supported Employment Services To Target Populations for SFY 2022			
Employment Service	Transition Age	Sheltered Workers	Total Unique Counts
VR Entered IPE	395	112	507
Completed Discovery Profiles	59	14	73
New Individual Supported Employment from ODDS*	198	139	337
New Small Group Supported Employment from ODDS*	19	60	79
Total Unique Count of Clients	305	607	912

Supported Employment Services to Target Populations for SFY 2022			
Employment Service	Transition Age	Sheltered Workers	Total Unique Counts
VR Entered IPE	395	112	507
Completed Discovery Profiles	59	14	73
Total Unique Count of Clients	430	124	554

Supported Employment Services To Target Populations in the First Half of SFY 2022			
Employment Service	Transition Age	Sheltered Workers	Total Unique Counts
VR Entered IPE	205	68	273
Completed Discovery Profiles	38	8	46
Individual Supported Employment from ODDS*	250	358	608
Small Group Supported Employment*	38	187	225
Total Unique Count of Clients	506	597	1,103

*EOS Data for Sept 2021 snapshot

New Supported Employment Services To Target Populations*			
State Fiscal Year	Minimum Required Number of Individuals*	Cumulative Count of Unique Clients Served	Amount Above Requirement
SFY 2014	600	882	282
SFY 2015	1,350	1,844	494
SFY 2016	2,200	3,071	871
SFY 2017	3,000	4,137	1,137
SFY 2018	3,800	5,029	1,229
SFY 2019	4,600	5,854	1,254
SFY 2020	5,400	6,528	1,128
SFY 2021	6,200	6,815	615
SFY 2022	7,000	7,176	176

* As set forth by Executive Order 15-01 section IV

The report states that between SFY 2014-2022 (July 1, 2013 to June 30, 2022), at least 7,176 unique individuals in the Target Populations received a new Supported Employment Service (see **Table 4**).⁹ This exceeds the goal of 7,000 unique persons in the Target Population required under the Executive order and Settlement Agreement by 176 persons.

Section VI.5 of the Lane Settlement Agreement also requires that “by July 1, 2022, Oregon will ensure that at least 4,900 individuals provided Employment Services pursuant to Section IV.3 of the Executive Order are transition-age individuals.” The total unique count of Transition-age individuals who received a new Supported Employment Service in the report was 4,926, which satisfies the Settlement Agreement.

In addition, Section VI.5.a requires that at least half (50%) of the Transition-age Target Population who are counted as having received a new Supported Employment Service will also receive an Individual Plan for employment (IPE) from VR. According to VR data, 4,300 of the 4,926 individuals counted have received an IPE from VR in the calculated time. This means that the State achieved an 87% IPE rate, which exceeds the requirement by a significant margin.

Employment Services to Target Population from ODDS SFY 2016-2022			
Employment Service	Transition Age	Sheltered Workers	Total Unique Counts
Completed Discovery Profiles	1,107	1,007	2,067
Individual Supported Employment from ODDS	1,502	1,009	2,449
Small Group Supported Employment from ODDS	409	894	1,245
Total Unique Count of Clients	2,490	2,034	4,390

The SFY 2022 target requires the State to provide Supported Employment Services and Related Employment Services so that an additional 100 individuals in the Sheltered Workshop Class newly obtain Competitive Integrated Employment, for a total of 1,115 individuals from SFY 2015-2022. The Settlement Agreement requires that employment be retained for at least 90 days, regardless of whether a person subsequently loses his or her job. Additionally, the Settlement Agreement provides for counting working-age adults (21 years or older) who obtain Competitive Integrated Employment, rather than adults who are any age. On May 3, 2019, the parties also executed an agreement concerning the counting methodology.⁷

The State’s cumulative count for SFY 2015-2022 under the agreed-upon methodology is 1,138 unique Sheltered Workshop Class members who obtained Competitive Integrated Employment for at least 90 days.⁸ The State has satisfied this part of the Agreement.

Settlement Agreement XIII.1.c: ODE will collect specified additional information in the Post School Outcomes surveys and will collect information from all school leavers starting in July 2016.

Status Update 2022:

A copy of the State’s Post-School Outcomes report is attached as an Appendix. Post School outcome measures are now available for 2020-2021. A relevant component is noted below:

In the 12 months after leaving high school, did you ever work?

	TOTAL	% TOTAL	ALL OTHERS	% OTHERS TOTAL	2020 EMP FIRST	% EMP 2020 TOTAL	2019 EMP FIRST	% EMP 2019 TOTAL
YES	1917	69.1%	1778	74.0%	139	37.3%	166	47.0%
NO	818	29.5%	587	24.4%	231	61.9%	183	51.8%
NOT SURE	40	1.4%	37	1.5%	3	0.8%	4	1.1%
TOTAL	2775		2402		373		353	

Executive Order Provisions Referenced in the Settlement Agreement

The Settlement Agreement requires the State to substantially implement and maintain Executive Order 15-01 – “Providing Employment Services to Individuals with Intellectual and Developmental Disabilities.” (Settlement Agreement V.A.1). The State’s progress on EO provisions that have not yet been addressed in this report is discussed below.

EO V: Career Development Plans: The CDP shall prioritize Competitive Integrated Employment, and then other employment in Integrated Employment Settings. The career development process shall focus on the strengths of the individual and shall be conducted with the goal of

maximizing the number of hours spent working, consistent with an individual's abilities and choices.

Status Update 2022:

As noted in the status update for Settlement Agreement VIII, the client review indicated that the CDPs have improved. In addition, more recent ODDS quality assurance reviews of CDPs indicate that employment services identified in the plans are provided. But CDPs do not regularly include a "goal of maximizing the number of hours spent working consistent with the individual's abilities and choices." This is another area that should be monitored by the Employment First Policy Workgroup.

EO VI.1: Competency-Based Training and Certification Standards: ODDS and VR will establish competencies for employment service providers and to establish competency-based training standards for Career Development Plans, job creation, job development, job coaching, and coordination of those services.

Status Update 2022:

According to Workday Learning data, the ODDS learning management system, 451 learners have completed the 12 Core Competency courses from July 2021 to date. The total learners who have completed the 12 Core Competency courses from SFY 2017 to date (or through SFY 2022) is 4,060. The Core Competency courses include topics such as job coaching, job development, benefits counseling and Discovery.

According to the Association of Community Rehabilitation Educators (ACRE) certificate registry, 490 employment professionals, to date, in Oregon have obtained an ACRE Certification.

According to the Association of People Supporting Employment First (APSE), 163 employment professionals have achieved and maintained the Certified Employment Support Professional (CESP) credential in Oregon.

According to VR's SFY 2022 data for job development contracts, there were 87 job developer vendors who served Sheltered Workshop Class Members and 121 job developer vendors served Transition-age ODDS clients.

Currently DHS/Work Incentives Network contracts with six Independent Living Centers to provide benefits counseling throughout the State. In total, the six centers have 11 benefits counselors. Disability Rights Oregon also administers a benefits planning program called "Plan for Work." Both programs serve all types of disabilities, not just the I/DD population.

ODDS currently has 13 benefits counselors who are trained and approved to give benefits counseling services to ODDS clients

EO X - Educational Provisions: The State will use specific strategies to improve transition services and prepare transition-age youth with I/DD for Competitive Integrated Employment.

Status Update 2022:

Prior to the Lane v. Brown settlement agreement, the Oregon Department of Education (ODE) established the Transition Technical Assistance Network (TTAN) to collaborate across agencies to improve the design and delivery of employment services for students with disabilities throughout Oregon's education, vocational rehabilitation, and developmental disability service systems. Since that time, the TTAN has grown to include ODE Transition Network Facilitators, ODDS Regional Employment Specialists and VR Pre-Employment Transition Services (Pre-ETS), including dedicated Pre-ETS Coordinators. The table below highlights ODE's TTAN activities that focused on cross-agency collaboration to improve employment service delivery and post-school outcomes for students experiencing disabilities.

TABLE M. TNF, Pre-ETS, VR Youth Team

		2017-18	2018-19	2019-20	2020-21
ACTIVITY	METRIC	AMOUNT	AMOUNT		AMOUNT
Agency 101 training for school psychologists	Number of school districts receiving	1			
APSE Conferences - Transition Toolkit Presentation	Number of presentations delivered		2		
BEST Trainings	Number of counties receiving	9			
Breaking Barriers Conference	Number of conferences organized		1		
Career Resource Network	Number of counties				7
CDP Training	Number of counties receiving	4			
CDP-IEP Overlap training	Number of counties receiving	1			
Collaborative Problem-Solving Training	Number of counties receiving	4	4		
Confederation of School Administrators Conference presentation	Number of presentations	1	1		
Cross-Agency training	Number of entities receiving	4			
Educator Institutes	Number of counties receiving	14			
Employer Engagement & Appreciation events	Number of events held	2	3		
Employment First Team Meetings	Number of meetings attended	27			281
Family Transition Community Information Events	Number of events held				2
File Verifications	Number completed		7		
Friendship & Dating Class	Number of classes taught				10
Guided Group Discovery trainings	Number of entities receiving	6			7
Heart of Oregon Camp LEAD (Leadership, Empowerment, Advocacy and Development)	Number of students participating				24
High Quality Transition IEP Training	Number of counties receiving	9			
Independent Living Fair	Number of events held				3
Inter-Agency Collaboration presentation to county employment council	Number of counties receiving	1			
Job coach training	Number of counties receiving		5		
Mock Sheltered Workshop training	Number of school districts receiving	4			
Morning of Learning Presentation (VR youth services & Pre-ETS)	Number of events held				5
Motivational Enhancement Group Intervention Training	Number of entities receiving	6			14
Motivational Enhancement Group Intervention Training	Number of 10 session classes completed		16		
Online Charter Schools - Transition Service Supports	Number of schools receiving				4
OR Assoc. of Higher Ed & Disability Conf. Navigating the IEP presentation	Number of presentations	1			
Oregon Statewide Transition Conference	Number of attendees	600			
Oregon Transition Podcast	Number of episodes produced				8
Parent Night Events	Number of events held	5			1
PATH Trainings	Number of entities receiving	14	18		1
Person-Centered Plan Training	Number of trainings delivered	21	13		
PIES Trainings	Number of trainings delivered	9			
Post-School and Annual IEP Goals training	Number of school districts receiving	2			
Post-School Outcomes Survey training	Number of trainings delivered	7			
Post-secondary school visits	Number of colleges visited				3
Pre-ETS	Number of students receiving				1907
Pre-ETS and Transition Services Agreements	Number of school districts participating				66
Professional Learning Community (PLC) Meetings	Number of meetings facilitated				46
Regional Employment Collaboration (REC) Training	Number of counties receiving	3	24		
Regional Job Clubs	Number of counties receiving	4	13		4
Seamless Transition Boot Camps	Number of counties receiving	5			
Seamless Transition Meetings	Number of schools receiving				8
Spotlight on Success Training	Number of trainings delivered		4		
Statewide Transition Conference	Number of attendees		650		652
STEPPS Training	Number of trainings delivered		3		
Summer Work Experience	Number of IDD students participating	100	181		
Summer Work Internship for Transition (SWIFT)	Number of IDD students participating		20		
System Performance & Review presentation	Number of entities receiving	8			
TA agency-brokerage collaboration training	Number of counties receiving	4			
TA School-Based Businesses	Number of school districts receiving	1			
TA Secondary IEP Development/Transition Planning	Number of school districts receiving	3			17
Transition Linkage Coalition Meetings	Number of meetings facilitated				10
Trauma Informed Care for Education training	Number of counties receiving	4			
Tribal relationship building	Number of tribes contacted		4		
Virtual Agency Resource Night	Number of counties receiving				5
Virtual Independent Living Fair	Number of events held				1
Virtual Mock Interviews with Local Employers	Number of events held				6
Youth Job Fairs	Number of events held	6			5
Youth Transition Program (YTP) Regionals - MSW/Transition Training	Number of trainings delivered		5		
YTP Technical Assistance Provider Site Visits	Number of site visits				192

EO XI.1: MOU with ODDS/VR/ODE: The State will develop at least one MOU between ODDS, VR, and ODE addressing allocation of responsibility, funding commitments, and authority to implement the EO; collaborating to achieve the EO’s employment outcomes; coordinating funding to achieve the EO’s goals; and coordinating outreach to the target populations.

Status Update 2022:

The State updated this memorandum of understanding during Fiscal Year 2019. The MOU runs until 2022. It was vetted by all parties before it was signed. The State will update the MOU

again in 2022, or sooner if needed. It is very important that this MOU continue as the settlement agreement closes out, and that the employment first workgroup stays updated on any changes.

EO XII: Quality Assurance/Quality Improvement Plan: DHS will develop and implement a quality improvement initiative to promote and evaluate the quality of Employment Services provided under the EO.

Status Update 2022:

The EO requires that State develop, implement, and update periodically a quality assurance initiative. This plan was implemented. Through ongoing quality improvement, the State has changed the CDP tool, the training and the protocol. The State did a CDP audit and has incorporated that process into their annual QA plan.

EO XIV: EO Policy Group and Integrated Employment Plan: The State will create of a policy group including individuals from ODE, DHS, legislators, and stakeholders to make recommendations about implementation of the EO and to recommend and monitor metrics to assess the State's performance.

Status Update 2022:

The Policy Group continues to meet on a regular basis with a variety of statewide leaders including families and self-advocates.

Client Review 2021

Interviews Completed in 2021, Report Finalized in 2022

Target Populations: The Target Populations are the Transition-age population and the Sheltered Workshop population.

Sheltered Workshop Target Population: All Sheltered Workshop Workers who appeared in EOS reports since March 2012.

Transition-age Individuals: Individuals with I/DD found eligible for ODDS services who are no older than 24 years of age and no younger than 14 years of age. For ease, we will pull files for students that left school during the 2014-2015 or later.

Sheltered Workshop population size: 3,900

For a confidence interval of 14, at a 95% confidence level, with the population of 3,900, the sample size needed is 49.

Transition population size: 4,900

For a confidence interval of 14, at a 95% confidence level, with the population of 4900, the sample size needed is 49.

Sample Selection: As before, it was necessary to identify a larger number of individuals (sample frame) in order to ensure that we can interview 49 persons from each Target Population. The Independent Reviewer (IR) worked with the State to identify a sample frame and oversample to ensure that we had a reliable number of responses for each Target Population. There was no stratification outside of the two target populations

Process: There were two different pilots of the client review, the first in the spring of 2021, after which IR and former IR updated the protocols and refined the data being sought. A second pilot of the client review was done in early fall of 2021. Following a successful pilot with two clients per target population, in September 2021, the rest of the files were provided by the State. Reviews included file reviews and conversations via zoom, phone or in-person to verify information collected.

Important Note: During the client review the omicron variant of COVID-19 began to emerge. This limited the ability to do in-person interviews, and also meant some individuals were still waiting to return to the workforce due to safety concerns during a National pandemic. This is an important consideration.

Client Review Data:

Overall

- 102 clients reviewed
- 51 sheltered workshop class
- 51 transition class

Broken down by region, however, clients selected based on availability. There will be no recommendations by region due to the lack of stratification.

Region 1:

- 28 clients, 15 transition class members and 13 sheltered workshop class members. All individuals were either in service or active in CIE.
- 4 transition class members currently working. 5 sheltered workshop class members working.
- 1 transition class member DNE due to treatment for drug addiction, 2 transition class member DNEs due to COVID. 4 DNEs for sheltered workshop class members, well documented.
- 7 transition class members connected to VR, 1 transition class member VR closure due to CIE (8 total of the 15). 5 sheltered workshop class members are connected to VR, 4 VR closures due to CIE for sheltered workshop class members (9 total of 13).
- 1 sheltered workshop client in small group employment.
- 2 sheltered workshop class members receiving employment path community.

Region 2:

- 3 clients, 2 transition class members, 1 sheltered workshop class members. All individuals were either in service or active in CIE.
- Both transition class members are connected to VR and are exploring work.
- Both class members have employment goals embedded in their transition plan.
- 1 sheltered workshop class member is working.
- 2 transition class members are connected to VR, 1 sheltered workshop class member has a closed VR file. All three clients had been connected to VR.

Region 3:

- 8 clients, 8 transition class members. All individuals were either in service or active in CIE.
- 3 transition class members are currently working.
- 1 transition class member DNE due to COVID.
- 3 transition class members were connected to VR. 1 transition class member VR closure due to employment, 3 others connected so 4 out of 8 total.

Region 4:

- 54 clients, 20 transition class members and 34 sheltered workshop class members. All individuals were either in service or active in CIE.
- 7 transition class members are currently working, 14 sheltered workshop class members are working
- 3 transition class member DNE due to COVID, 13 transition class member DNEs, most due to age, one due to criminal history.
- 1 transition class member reported not starting transition until 18.
- One sheltered workshop class member file brought to the attention to the State for concerns in Clatsop County around VR and job development.
- 8 transition class members are connected to VR, 2 transition class member VR closure due to CIE (10 total out of 20 total), 21 sheltered workshop class members are connected to VR, 3 VR closures due to CIE for sheltered workshop class members (24 out of 34 total)
- 3 sheltered workshop class members are currently in small group employment.
- 4 sheltered workshop class members currently receiving employment path community.

Region 5:

- 9 clients, 7 transition class members, 2 sheltered workshop class members. All individuals were either in service or active in CIE.
- 1 transition class member working, 2 sheltered workshop class members working.
- 3 transition class members DNEs due to COVID.
- 4 transition class members are connected to VR (4 of 7 total), 1 sheltered work class members connected to VR (1 out of 2 total).
- VR wait times reported as a deterrent by multiple clients.

IR Notes/Observations:

- All of the files had CDPs that were part of the ISP.
- Generally, the CDPs are much more thorough than in the past, and are individualized to the class member.
- CDP process is something that almost all respondents were familiar with and remembered being a part of.
- From the client reviews, it was clear that DNEs are reflective of the individual's decision, are verified and questioned before deciding against CIE.
- No evidence of clients not receiving requested services, though there may be delays.
- No evidence found of the use of mock sheltered workshops activities during the client review.
- The majority of transition client reviews showed the school beginning the conversation on employment, and that transition begins at 16 or earlier.
- Concerns remain around the waiting times for VR in all regions, concerning files were flagged for the State.

- Across the State, clients mentioned wanting to get different types of jobs than their current employment or to work more hours, all were noted in the files.
- While clients reported wanting to work more hours, all files reflected that, and all clients felt supported in that goal.
- Some parents need support to buy-in on the idea of their son/daughter participating in CIE.
- Continued concern around lack of paid opportunities for employment for transition aged youth, particularly before 18.
- More education for families about adult services available during high school is needed.
- The sheltered workshop class members in employment path community are in the first year of service, one of the class members in small group employment was in for the second year in a row, and CDP included goals for CIE.

Recommendations:

- Provider capacity to hire staff is a national issue and remains an issue in Oregon that requires support.
- Due to changes/limitations due to COVID, when there is post-pandemic, individuals currently in CIE should be supported if they wish to change jobs or find new opportunities.
- Once the statewide data system is implemented, the State should conduct an audit of VR wait times across the State.
- More training for case management staff and VR counselors on how to support people with behavioral support needs in CIE would be beneficial.
- The lack of paid work opportunities, particularly for students under 18 continues to be an issue. ODE should develop a statewide survey of transition programs of paid employment opportunities by age and school year for class members, with annual tracking to address this concern.
- ODE should work with ODDS and VR on developing materials for transition-aged students and their families on adult services available to support CIE.
- Guidance is needed for school transition programs on limiting the use in-school businesses as a pathway to CIE, and how those businesses must be integrated.
- Add a question to the CDP about how many hours a person wants to work to ensure any updates are captured.
- VR should serve class members as a priority given wait times.
- ODDS should take action to assist clients who want to increase hours or change jobs in order to obtain the goals in the CDP, and track how the changes to the Employment Path Community (“EPC”) rate are impacting this issue.

IR Report on 2022 Lane Program Review Lookbacks

The Independent Reviewer conducted Program Review Lookback interviews from March-April 2022. Reviews were done to capture every region in the State. Ultimately the breakdown of the Reviews were as follows:

- 5 interviews with VR
- 10 interviews with school transition programs
- 6 interviews with CDDPs
- 6 interviews with Brokerages
- 20 interviews with Supported Employment Providers

The individual program review lookback questionnaires were transmitted to the parties, along with this summary of findings.

VR Program Reviews:

Highlights:

- Communication between VR and transition is a strong component of success for transition-aged youth in Oregon.
- IR noted that there appears to be more VR engagement in IEP meetings and with school staff, caution to not just rely on YTP specialists so that non-YTP participants benefit from the collaboration.

Remaining Issues from both 2022 and 2020 Reviews:

- Barriers to obtaining VR services in a timely manner were identified in some regions, and in a couple of areas, no VRCs are present (Curry County and Pendleton). There are long waiting lists (3 months) in Washington County and in the metro Portland area. This leads to problems including wait lists for intake, and the slowing of the systems due to COVID. New staff and turnover was also noted as a barrier.
- It was noted multiple times that communication between the agencies could improve, on an individual case basis.
- VR systems not working in coordination with other services for example: "If someone is in EPC or small group, but lands a job before being found eligible for VR, there are other supports and structures through ODDS so sometimes we encourage people to bypass VR so our papers and process don't get in the way."
- All interviews with VR indicated concern of needing more job developers and job coaches. Every interviewee noted that capacity has been negatively impacted since

COVID. Specifically, hiring job developers trained to work with people with IDD was a major challenge, resulting in long wait times for job recruitment.

Case Management Reviews:

Highlights:

- Issues with completing CDPs seem to have been eliminated.
- IR reports strong understanding of when/how to complete a DNE, if necessary.
- There was a lot of excitement about the way that a new data system will impact client experiences and improve how the employment process moves.
- Assigning Regional Employment specialists as the point persons was reported to be very helpful and makes a huge difference.
- The changes from the pandemic, in types of services offered, including Employment Path Community, and Small Group, also has impacted how long people are staying in the service. IR reports that at times some people choose to stay in small group, even with support to find other work. But the issues around Employment Path Community (“EPC”) and small group being a place where individuals routinely get stuck on their path to competitive integrated employment seem to have improved.

Remaining Issues from both 2022 and 2020 Reviews:

- There is variability in the timeline for VR services, which negatively impacts motivation of individuals with IDD to pursue employment. In one interview it was reported that they were told that they can bypass VR, and approve an ISP and six months of initial coaching.
- There is continued variability in when and how case management entities engage VR, transition and employment providers in developing the CDPs for clients with IDD. Several case management entities highlighted ways that they engage in parallel processes or having separate meetings outside of the ISP that includes those entities so the focus is on employment.
- As a result of a lack of choice in advising, students with IDD are often not informed about their ability to select brokerage services. This was raised in every brokerage interview. This is particularly important given that brokerages tend to have smaller caseloads. Also, concerns about younger students (under 18) not knowing what adult services are available depending on family situation.
- Provider capacity concerns, generally a need for more job coaches and job developers trained to support people with I/DD. Despite all case management entities reporting people with significant support needs obtaining CIE, there was a clear consensus that there are not sufficient job coaches and job developers who can work with those with higher support needs.
- Process maps for CDPs and VR were suggested, with a proactive list of folks who *could* be invited.

- There were some case management entities that reported a lot of success with the EPC model. However, in a handful of interviews, it was still described as a place that some individuals could get stuck.
- On the questions around group employment, it was clear that this service has shrunk during the pandemic. However, it was noted in several interviews that people who use that service are often unwilling to try a different service.

Employment Provider Program Reviews:

Highlights:

- The technical assistance that ODDS has provided throughout the pandemic was raised as a positive by multiple interviewees.
- There were a lot of positive comments about the financial support during the pandemic, and excitement around applying for ARPA and other grant opportunities to expand capacity.
- Across the board the employment opportunities seem to be abundant, and more people are returning to services and interested in restarting or beginning to pursue CIE.
- Higher numbers of people working 20 hours per week or more.
- Most providers reported return to pre-pandemic capacity, despite some reports of having to pause taking new clients for some services based on capacity.

Remaining Issues from both 2022 and 2020 Review:

- Capacity issues remain a concern and multiple providers noted that the pandemic limited their growth and changed their organizational capacity.
- There continues to be a lack of supported employment providers willing to serve persons with more challenging needs, in significant part due to payment and rate issues.
- The PSW/job coaching model was mentioned in multiple interviews as a helpful piece of the solution. However, it was noted that the PSW/job coaching process could be simplified and made more intuitive so that more people participate and people coming into the work see it as an automatic option.
- There still isn't a strong connection or high referrals for transition-aged youth. The connection between schools and providers remains particularly weak.
- The mention of providers "bypassing VR" came up multiple times. When IR inquired further it was raised that they would find jobs and get case management to fund job coaching vs. waiting for VR.
- In terms of inviting providers to CDP meetings, it was clear that this remains an issue, but there do seem to be more attempts at some level of input and engagement than what was reported in 2020.

- Concerns about rates going down over the summer were mentioned by multiple interviewees. Also, strong support of new EPC 1:1 rate, but capacity concerns make that hard.
- The categories of jobs and examples of places where people are working was extensive. However there remained a common theme among the categories of jobs being based in food service, grocery, manufacturing, landscaping, janitorial or retail jobs. The types of jobs varied from courtesy clerk, document shredding, custodial jobs. But there were examples shared of full time, skilled employment for some people. Restaurant work was reported as an area of overall growth across the State.

Transition Program Reviews:

Highlights:

- More of the transition programs are partially or completely community-based.
- The use of school businesses has gone way down due to the pandemic, and anything raised was integrated.
- More focus on individualization of work experiences was noted by the IR. Types of job sites varied but included: transportation, food service, inventory, public works, garden centers, park and recreation. One person working as a personal trainer was noted.
- Transition conversations and services do seem to be starting much earlier than even the last review, including with a focus on CIE.
- Both TNF and YTP staff support was raised over and over as a positive factor to accessing CIE.

Remaining Issues from both 2022 and 2020 Review:

- Outside of YTP or summer programs, the vast majority of work experiences are either internships, or other unpaid opportunities. Also, only a few districts reported any tracking for paid employment.
- Work experiences generally seem to be short in duration, and the opportunities are tied to the transition program. While there are more opportunities leading to CIE than in 2020, this remains concerning.
- The connection between employment providers and transition seems minimal in most districts. The connection points need to be made clearer. It was raised that profiles of local employment providers would be valuable to all districts.
- Most interviewees reported that there are no limitations on the times of day that a student can work, and that the programs are flexible to support employment. However, school staff can only support during school hours. In order to increase opportunities for paid jobs in school, need more support with job coaching.
- It was noted across the board that fewer transition students were graduating with CIE. While some of that is pandemic-related, that was a note of concern.

Lane IR Portland Public Schools Site Visit Report 5.26.22

Met with Kendra Staley the program director, as well as Rachel, Tricia and Josh, as well as 3 of the vocational specialists. I was also able to observe work evaluations that vocational specialists were doing with several transition students with varying level of need. IR witnessed students coming and going in the morning both on foot and by bus with staff out into the community.

The PPS Transition program serves 150 students, about 100 are individuals that have IDD. There was observed to be a wide range of students from those with high support needs to those with greater independence. All students have IEP goals that are tied to their employment goals during their time in transition.

It was reported that before every semester, the goals and selections of each individual student is reviewed and aligned with potential work experiences. Work experiences are a semester long, any situation includes 2-4 students who work with employees without disabilities and are supported by staff. On the job students are evaluated including with task analysis. Reviewer was shown the task analysis rubric, it included visual cues, and other ways of supporting mastery of skills. Those task mastery reports are then shared with VR from different work experiences.

The job experiences are in a variety of different settings including: Walgreens, greenhouse (both off and on-site), coffee shops, American Red Cross, hospitals, Meals on Wheels. Working to partner with local child care centers for next year based on the interest of students.

- 70% of work experiences are in the community.
- 30% of work experiences are on site. This will go down, this was attributed to some of the limitations that still exist due to COVID.

PPS uses the seamless transition model, and reported that they track their students into adult services. They did share that COVID did cause a bit of a backlog, but that currently all students are connected to adult services, and that they are at their highest number to date of students who are currently connected to adult employment services. IR asked about when these connections to adult employment services happen, and it was reported that they are flexible, that if a first-year student comes in ready to work they will move forward in the process, in the same way that they take more time with those who need it.

It was acknowledged that it is difficult to track students who continue on into CIE, and that they rely on students letting them know. IR inquired about working with VR, and it was stated that they have a good open dialogue with the VR office, and if issues do arise the TNFs will jump in to troubleshoot. It was reported that they have worked hard to establish a lot of relationships

with adult service providers, and will set up interviews for students with providers so that they can make an informed choice.

IR inquired about parent concerns around employment. It was reported that safety concerns are easing for parents around COVID, and they are seeing less pushback generally with families. We outline the process and how much support is available. "Once they are shown that employment is a possibility for their student, they are open."

IR inquired about transition program outside of work experiences. It was reported that students both have community activities as well as working on independent living skills, travel training, academic work, and job readiness classes. All students graduate with a resume, their work evaluations and references in what they call a job portfolio.

IR witnessed work evaluations where students were getting meaningful feedback from the vocational specialists about their job experiences. IR also witnessed students arriving in the morning and then almost immediately heading to their programing, one group of students was walking to a community center with staff, others were going to classrooms. There was one student who was having a rough morning behaviorally, IR witnessed the student being supported to de-escalate and go into their classroom.

Update on Prior Recommendations:

1. In many areas of the state the wait time for VR services has been substantially reduced during the course of the Settlement Agreement implementation. However, significant wait lists remain in some areas with wait times ranging between 2-4 months, exacerbated by staffing issues related to the pandemic. The length of the process as a deterrent was mentioned over 10 times during the recent 2022 Program Review. Wait lists and other lags in the system lead to target population members losing interest in pursuing CIE. VR caseloads also continue to be an issue. The Independent Reviewer's Program Review in 2020 noted several stakeholders indicating that there need to be more counselors trained to support people with IDD, and that it was the "luck of the draw," if you got a trained counselor. VR counselors recently reported to the Independent Reviewer that there remains a lack of understanding of the need to support individuals with behavioral, medical or other needs that don't fall specifically into "typical" VR support. There were also reports of counselors requiring time consuming assessments, with the perceived intent of delaying the process.

Recommendation:

- In order to reduce wait times, the state should continue to explore ways to streamline the VR process using technology including the following updates by year.

2021 Update:

- Working to implement a statewide scheduling system. This will hopefully expedite the times.
- Allowing participants to sign IPEs and other VR documents using E-signature.
- Using virtual and hybrid supports.
- The caseloads of VR counselors who primarily serve individuals with IDD should be evaluated and reduced where appropriate.

2022 Update:

- Tried to spread out the caseload.
- Caseloads have gone down, but as they rise VR will also want to build capacity, are working on that in the long session. Caseload average is around 70, before the pandemic it was around 100.
- ICAP grant, over \$18 million in funding, those plans will be easier to process for the counselors which will hopefully support capacity.
- The state should continue to expand training opportunities so that all VRCs have a comfort level and the knowledge to support people with IDD.
- VR created an IDD think tank so that VRCs can call and get TA

June 2022 Update from State: VR has 22 field vacancies right now. All 22 positions are in the hiring process (recruitment, employment offer, or accepted offer and starting soon). But here is the breakdown of the vacancies:

- 11 VRCs
- 11 HSAs

In the meantime VR has added capacity by hiring temporary employees to backfill some of those positions while we are in the hiring process. VR have hired and have eight temps currently working:

- 3 VRCs
- 5 HSAs

It is the determination of the independent reviewer that this recommendation was substantially implemented.

2. Creation of a case management system would assist in all parts of the CIE process so that relevant agencies know when different employment services are being delivered and when shifts and transitions need to happen without emails and phone calls. This was raised multiple times as a reason for delay in the 2020 Program Review. A comprehensive case management system would allow the state to have accurate data and information across the state and across ODDS, VR, and transition. Access to data continues to be an issue, a comprehensive case management system would provide all entities and the clients access to the same information which would improve employment outcomes

Recommendation:

The state should continue to pursue funding from the legislature for a comprehensive case management system.

2022 Update: In process with ARPA dollars.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

3. During the 2020 Program Review including relevant stakeholders in the CDP process as well as the IEP process was raised as a reason for delays in services or for youth with IDD not being connected to the appropriate adult service agencies. During the 2020 Program Review most interviewees from the adult service system reported minimal direct interactions with transition programs and with the IEP process. Very few referrals were coming directly from school transition programs to employment providers. In addition,

some Brokerages, CDDPs and VRCs reported participating in IEP meetings, however the common refrain was “when we know about it.”

Recommendation:

- The state should re-train CDDPs and Brokerages on who should be included in the CDP process, and create guidance on how to include the individual with IDD, as well as the relevant agencies, including providers that should participate. The state should submit such guidance to the Independent Reviewer by December 2021.

2022 Update:

- Focused on re-training and also created a process map. The IR has gotten updates on this during the EF policy meetings and was verified by the program review lookback.
- Also the program review lookback interviewees indicated that they are participating more either in the CDP process or in independent meetings.
- The virtual options have helped.
- https://transitionoregon.org/sites/transitionoregon1.uoregon.edu/files/2022-01/Entire_Handbook_FINAL_5351-2021-22.1.pdf Page 20, Page 51, page 54. Specifically page 20 includes a checklist on who to invite, and includes providers.
- The state should provide funding to employment providers to do the work that they need to do to better connect with school districts. Because this work is tied to funding, the state should develop a grant program to support employment providers to create partnerships with school districts.

2022 Update: Program review indicated that this is a work in progress. No funding but support.

- ODE should develop guidance for transition staff on best practices for including adult agencies to IEP meetings. The state should submit such guidance to the independent reviewer by December 2021. This was done through updates in meetings.
- In the Oregon transition resource handbook. Updated every year.
- General Supervision guidance.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

4. On multiple occasions in 2019 and late 2018, the Independent Reviewer encountered school districts that either were in danger of violating the mock sheltered workshop guidance or expressed uncertainty as to whether they were in compliance with the guidance. In addition, while some districts are continuing to expand the availability of Youth Transition Program (YTP) slots for students with I/DD, such availability remains limited. Only a small number of districts appear to be participating in other evidence-based transition practices such as the Seamless Transition Project or Project SEARCH. While school districts may face resource constraints in implementing some of these practices, at least some districts also indicated a lack of awareness

regarding how they might do so or plan to do so in the future. Some of the school districts have in-school businesses that include activities and characteristics of sheltered work

Recommendation:

(a) ODE has developed policy and training under SA IX.1(4) which explain what a Mock Sheltered Workshop (MSW) consists of and how to identify whether a school is engaging in activity that could be considered a MSW, and that MSW's are prohibited. Investigations by the IR indicate that several schools may have activities; including in-school businesses that may resemble MSWs. ODE should investigate such activities when reported and, provide technical assistance and training. ODE should adjust its MSW policy to provide clarity, if needed.

Independent Reviewer: The 2020 program review showed that there has been great progress in the understanding of school transition programs on the Mock Sheltered Workshop guidance, however there are still concerns over how in-school businesses are run, whether or not they are integrated, and the fact that they are mostly unpaid or that funds made are used for "social events." ODE should either expand or create updated guidance on in-school businesses, identify best practices and guidelines. This recommendation is ongoing.

2022 Update: ODE took proactive steps to ensure that all districts are familiar with the MSW Guidance. This was verified through the 2022 Program Review.

(b) ODE should expand access to evidence-based transition practices for youth with I/DD such as YTP, the Seamless Transition Project, and Project SEARCH; and

Independent Reviewer: In the program reviews, some schools are still reporting low rates of participation in YTP of students with I/DD and even fewer are students with significant disabilities. In addition, during the 2020 program reviews for YTP several interviewees reported different selection processes for the program. ODE and VR should work together on developing a standard and also tracking. These programs show great promise along with the summer work programs, but paid work experiences should not only be coming through summer employment or these programs and needs to be tracked. ODE does not track the number of students who have had a paid work experience. There should be guidance and tracking to capture the use of paid and unpaid opportunities. This recommendation is ongoing.

2022 Update: There is still no tracking of paid employment opportunities during transition.

(c) ODE should provide updates to the Independent Reviewer of the status of these processes in December 2020.

Independent Reviewer: This status update has not been provided by the parties, given the pandemic, this is understandable, but should be something that is reviewed in 2021.

2022 Update: Outside of Post- School Outcome Survey data there is no system in place.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

5. Numerous stakeholders reported either that students preparing to exit schools experience long delays in connecting with Vocational Rehabilitation, or that supported employment service providers lack the kinds of relationships with local school districts that might enable them to assist in transition or provide information to students as they go through the transition process beginning at age 14.

Recommendation:

SA VI.5 requires that at least 4900 individuals receive Employment Services from the Transition Age population, The State is on track to achieve that number. Recommend that the State should focus on removing any delays between schools and employment providers, including VR so that students may access services more readily.

Independent Reviewer: It is still a concern, from the program reviews that local public school districts in Oregon are still not frequently playing a significant role in helping current students with I/DD access paid, individualized work experiences and would benefit from greater technical assistance, information, and encouragement from the State. The coordination between the education system and the adult service system was raised by multiple interviewees. This recommendation is ongoing.

2022 Update: There remains room for improvement in connection between the education system and adult services system and opportunities for paid employment for transition aged youth per the 2022 program review.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

6. The Client Review conducted by the Independent Reviewer found that some persons who are not working and have an interest in working are not receiving employment services they want.

Recommendation:

The State identify the geographic areas where class members are unable to receive employment services and in December 2020, the State will report to the Independent Reviewer on the progress made to expand capacity.

Independent Reviewer: Provider capacity is an issue that the State has been in open conversation about with stakeholders during monthly Employment First meetings. The concern around capacity building has been exacerbated by the pandemic. There are areas in the state of Oregon where all types of employment services are not currently available, including Discovery. The State is working diligently to increase employment providers. This is a provider capacity problem. The State has made efforts, in addition to aid capacity building, ODDS has also

provided start-up and innovation grants, provider technical assistance grants and reimbursement for online ACRE/APSE training for rural development to help providers expand into new areas. As a result, Albertina Kerr and CAS are now in Hood River; Rise is now in Eastern Oregon; Trellis is considering Southern Oregon, and Full Life is in Clatsop county. And, as noted above, ODDS has rolled out a jobs board website with some unique features that will help address capacity statewide. The State has taken strides, however, *this must be a focus of 2021 as many providers have lost staff and funding during the pandemic. This recommendation is ongoing.*

2022 Update: A provider capacity plan was provided by the State and IR was part of conversations on the EF Statewide Workgroup to discuss the tactics included. This should remain a focus as capacity was raised often during the 2022 program reviews.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

7. Shortages in provider capacity, especially for job developers, job coaches and Discovery providers, remain a significant problem and a barrier holding back the State's progress in achieving compliance with other settlement agreement obligations. Provider capacity is a National issue. As a result of these shortages many individuals with I/DD experience long wait times for VR and ODDS services and sometimes have not yet received their desired community-based services at all. Such problems appear most acute in rural areas and with regard to services for persons with significant disabilities.

Recommendation:

The State develop and submit to the Independent Reviewer a plan, by September 1, 2020, to expand provider capacity. The plan should set forth specific goals, action steps, and timelines for improving provider capacity and should include a component to address capacity deficiencies for individuals with more severe disabilities. (This is consistent with the 2018 recommendation from the Independent Reviewer to conduct a review by county and region to determine where the needs are greatest and to prepare plans for addressing these shortages.)

Independent Reviewer: A plan has not been submitted, but understandable given the pandemic. This should be a focus of the state in 2021, and the state should develop and submit the plan referenced above by June 1, 2021.

2022 Update: A provider capacity plan was provided by the State and IR was part of conversations on the EF Statewide Workgroup to discuss the tactics included. This should remain a focus as capacity was raised often during the 2022 Program Reviews.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

8. Development and implementation of accurate Career Development Plans (CDPs) that reflect individuals' preferences continues to be a problem. The Independent Reviewers Program Review found that there is no statewide system to track basic information from the CDPs or on competitive integrated employment for individuals with I/DD who have an ISP. As a result, any aggregation of data requires going through paper documents, which is time-consuming and inefficient.

Recommendation:

a. The State develop a data tracking system for employment data and report to the Independent Reviewer on the state of the system in December 2020.

Independent Reviewer: There has not been a data system developed or implemented. During the 2020 program reviews the lack of a system for data collection and information outside of Xpress was raised by multiple interviewees. The state should provide an update on progress towards a statewide data system by September 1, 2021.

2022 Update: ARPA funds will be utilized to develop a statewide data system.

b. The State create a monitoring mechanism, such that the CDDP and Brokerages are monitoring the quality and implementation of their client's CDPs. In order to ensure that all recommended employment services are provided through the State's monitoring mechanism, the State should analyze and report to the Independent Reviewer whether all recommended employment services are provided by December 31, 2020.

Independent Reviewer: The State did complete the audit of Career Development Plans, and have incorporated the CDP audit into the QA process.

2022 Update: The 2021 IR Client Review process did find that the issues with CDP accuracy and individualization has been markedly improved.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

9. Visits to Portland Public Schools (PPS) showed that a relatively small number of transition-aged students appeared to be receiving individualized and person-centered opportunities to learn about, plan for, or explore post-school competitive integrated employment. Because PPS is largest public-school district in the State, educating over eight percent of all of Oregon's public-school students, this has a significant impact on the target population.

Recommendation:

ODE, working with the IR, partner with and provide technical assistance to PPS regarding the transition services provided to students with I/DD ages 14 and up. Increased technical assistance offered and provided to PPS could benefit an unusually large number of target

population members given the large size of the district and the potential for the State to more readily provide follow-up assistance if needed. The focus should be around individualized transition services and access to competitive, integrated employment.

Independent Reviewer: There has been no update received by the Independent Reviewer on the status of technical assistance or work with PPS on their transition services. An update to the Independent Reviewer should be provided to the IR by June 1, 2021.

2022 Update: IR did a site visit with PPS, there is a new principal and the supports for adults with IDD, including opportunities to CIE has vastly improved.

It is the determination of the independent reviewer that this recommendation was substantially implemented.

FINAL RECOMMENDATIONS:

1. It is the determination of the Independent Reviewer that substantial progress has been made in providing access to CIE for Oregonians with IDD, including sheltered workshop and transition class members. It is the Independent Reviewer's recommendation that the State has satisfied the metrics and substantially complied with and implemented the other provisions of the Settlement Agreement. It is the Independent Reviewer's determination that certain actions should be implemented by the state to sustain this progress and ensure that the efforts to date are durable.

Recommendations to the state for Ongoing Compliance:

1. The State should continue to implement relevant portions of Executive Order 15-01, including: Section I: Definitions, Section II: Target Populations, Section IV 1-2: Employment Services Provided Through ODDS and VR, Section V 1-2: Career Development Planning, Section VIII: Provider Capacity, Section X: Educational Provisions, XII: Quality Assessment and Improvement, XIV: Assuring Success (Policy Work Group).
2. The Statewide Employment First Work Group should continue to monitor the employment system, including ODDS employment services, efforts to support CIE for those with high support needs, VR services, transition planning and school employment opportunities, the training and technical assistance program, the provider capacity plan, quality improvement plan, and other key components of that system.
3. The Statewide Employment First Work Group should develop standards and data elements to assess compliance with the State's policies that supported employment services are individualized, evidence based, flexible, and offered in an integrated setting.
4. The Statewide Employment First Work Group should develop standards and data elements to assess compliance with the State's commitment to provide Supported Employment Services that are based on an individual's capabilities, choices, and strengths, and are individually tailored to the person.
5. ODDS, VR, and ODE should on, at least an annual basis, provide the Work Group with information and data sufficient to allow them to monitor the statewide employment system and make recommendations for its improvement. DRO should be invited to be a part of the Employment First Work Group.
6. The State should work with the Statewide Employment First Work Group to develop new metrics for measuring success in creating access to CIE, including:
 - Metric for new employment services provided for transition aged youth and sheltered workshop workers.
 - Metric for number of people working 20 hours a week or more
 - Metric for paid employment opportunities for transition aged youth

- Metric for waiting times for VR by region
- Metric for required numbers of job coaches, job developers and discovery providers to build capacity.

APPENDICES ATTACHED SEPARATELY

APPENDIX A: OREGON DATA REPORT, JUNE 2022

APPENDIX B: 2021 CAPACITY REPORT

APPENDIX C: CAREER DEVELOPMENT PLAN AUDIT REPORT

APPENDIX D: POST SCHOOL OUTCOME DATA REPORT FROM ODE

APPENDIX E: OREGON DATA REPORT, FEBRUARY 2022