

## **ODE Guidance: Avoiding Mock Sheltered Workshop (MSW) activities in schools – What they are and how this requirement impacts planning for appropriate vocational instructional activities.**

### Overview

This guidance document is provided for special education directors, secondary special education teachers, administrators and transition specialists. The Settlement Agreement for the Lane vs. Brown case was approved in December 2015, and relates to persons with intellectual and developmental disabilities (I/DD) who worked in or were referred to sheltered workshops. There has been some confusion regarding the definition of Mock Sheltered Workshop (MSW) activities contained in the Settlement Agreement and their prohibition within public schools. Clarification is needed around pre-vocational activities, similar to those that might occur in a sheltered workshop.

### Mock Sheltered Workshop - Inappropriate Activities

The Settlement Agreement defines MSW activities as:

*"Mock sheltered workshop activities" are prevocational training activities (for example, folding, sorting, shredding, packaging, and labeling activities) that are:*

- a. *Conducted during the school day;*
- b. *Performed only by students with disabilities;*
- c. *Closely resemble the vocational work tasks performed by adults with I/DD in Sheltered Workshops, including by being activities:*
  1. *designed to fulfill the demands of a contractor, business, charitable organization, school or school district, retail store, or other entity; and*
  2. *performed by individuals without compensation or in exchange for subminimum wages; **and***
- d. *Not part of an instructional sequence, such as teaching generalization of skills. Instructional sequence does not include instruction that consists solely of the activities described in all of (a), (b), and (c) above. (Section II.6).*

It is important to become familiar with the definition, language and scenarios of MSWs in order to help make determinations about appropriate activities in your district.

Appropriate pre-vocational activities/transition services must be included in a student's program as a part of a vocational instructional sequence and be aligned to a student's measurable post-secondary goals that are based upon the student's preferences, interests, needs and strengths (PINS). Appropriate and measurable post-secondary goals for students with disabilities, including intellectual and developmental disabilities, are competitive, integrated employment opportunities.

### What Is An 'Instructional Sequence'?

An instructional sequence is the effective ordering of content in such a way as to help the student learn a skill. It is the task analysis of a skill, whereby the task is broken down into its component parts for the purpose of systematic instruction.

A vocational instructional sequence should be related to the student's post-secondary goal of integrated employment. The vocational instructional sequence should also be tied to the student's

transition services focusing on interests and needs. Periodic reviews of student progress should be conducted so that a student does not continue with a vocational instructional sequence after the skill has been mastered and generalized. When skills are achieved, the student, parent and IEP team should identify and implement new vocational goals that support successful work experiences.

#### Examples of Mock Sheltered Workshop Activities that ODE Does Not Allow

- ❖ A sheltered workshop contracts with a school district to provide labeling of packages at a district high school. The school district arranges for students with intellectual disabilities to do the labelling work – nondisabled students are not involved. The school sees some benefits for students with disabilities, but the labeling is not part of an instructional sequence. The students are paid a subminimum wage.
- ❖ A school district program operates its own coffee cart. The only students working with the cart are students with disabilities, though peers without disabilities may sometimes assist in mentoring. The program benefits from the proceeds of the coffee cart to support its continued availability. Students learn how to make coffee drinks, serve patrons and order needed materials. They also gain some good work habits, but this is not part of an instructional sequence related to individual student's IEP goals or transition program.
- ❖ Students with intellectual disabilities are assigned by a school to help shred papers. Some staffs believe the tasks will benefit the students, but the tasks are not part of an instructional sequence. Students without disabilities do not participate in this activity, which is unpaid and meets a need of the school.

Each of these pre-vocational/transition activities are inappropriate and are considered MSW activities because the school activity:

- 1) is conducted during the school day
- 2) is performed only by students with disabilities
- 3) is similar to work tasks performed in sheltered workshops and designed to fulfill the demands of a business or school without compensation; and
- 4) is not part of an instructional sequence, such as teaching generalization of skills.

#### Examples of Appropriate Pre-vocational Activities/Transition Services (That Are **Not** Mock Sheltered Workshop Activities)

- ❖ A high school is engaged in a fundraiser to support its students and programs. A special education classroom at the school consists of students with intellectual disabilities. Students with and without disabilities stuff envelopes together with letters to parents asking them to help with the fundraiser. Students in the special education classroom participate. This is not a mock sheltered workshop activity, because the activity is not performed only by students with disabilities.
- ❖ A school has a voluntary recycling program, in which students are asked to help out by sorting cans and bottles. Proceeds from the program help pay for school activities. The IEPs for some students with intellectual disabilities provide that students should spend a limited time in sorting activities, including the sorting of recycling materials, as part of an instructional sequence related to the student's measurable post-secondary goals, to be

followed as appropriate by other instructional activities in the sequence. Students with and without disabilities participate together in the program during the school day. Students are not paid for this activity. This is not a mock sheltered workshop activity, because the work is part of a vocational instructional sequence for students, related to their post-secondary goals, including teaching generalization of skills. In addition, both students with and without disabilities work in the recycling program.

- ❖ A school has a deli store on site, where students with and without disabilities work side-by-side. All students are paid at minimum wage. Students with disabilities that work in the deli have specific IEP goals related to pre-vocational skill acquisition. The work includes a full-range of work-related tasks and skills, such as preparing and serving food, running a cash register and ordering weekly supplies. This is not a mock sheltered workshop activity 1) because all students are paid at minimum wage, 2) because the activity is not limited to students with developmental disabilities, and 3) because students with disabilities participate based on targeted vocational skill development identified in their individual transition plans, as part of a vocational instructional sequence.

These activities are appropriate and are not considered a MSW activity because the school activity:

- 1) is not performed only by students with disabilities
- 2) is not similar to activities performed by adults with I/DD in a sheltered workshop solely designed to fulfill the needs of a business or school
- 3) pays students at minimum wage, or
- 4) is part of a vocational instructional sequence, such as teaching generalization of skills.

#### Other Considerations Related to Expectations and Student Progress

Students with intellectual disabilities can achieve competitive, integrated employment, and Oregon public schools will prepare these students to successfully transition to integrated work opportunities. *The IEP development for each student should be individualized to address unique post-secondary goals based on needs, interests and areas of strength, through age-appropriate transition assessments.* The instructional sequence should include periodic progress reports so that early achievement of skills can be recognized and new goals developed, as the student gains proficiency. Continuation of the same IEP goals from year to year, without review and revision, is not best practice; IEP goal development should challenge the student to gain additional skills and experiences leading to the post-secondary outcome of competitive, integrated employment.

For more information or for specific questions regarding a program, please contact Heather Lindsey, Secondary Transition Liaison, ([heather.lindsey@state.or.us](mailto:heather.lindsey@state.or.us)) at 503-947-5791 or your Regional Transition Network Facilitator.