

AD HOC COMMITTEE ON EMPLOYMENT AND COMMUNITY PARTICIPATION

DDD Rule Section 16.626 Committee Subgroup Final Recommendation

May 26, 2005

Preamble:

In July 2003, the Colorado Division for Developmental Disabilities (the “Division”) published its Strategic Plan. Incorporated in the Strategic Plan was an Action Plan to form an Ad Hoc Committee for the purpose of exploring “viable options to create financial and other incentives for CCB/Service Provider Organizations to find/create and realize gainful community employment outcomes for persons with developmental disabilities.”

The Ad Hoc Committee was formed and met for approximately six months and issued an *Interim Report on Employment Recommendations* on August 17, 2004. One of the Report’s recommendations was to “convene a small workgroup to develop a written plan to be added to each adult’s individualized plan to include a statement that addresses section 16.626 A.2. of the Division for Developmental Disabilities rules and regulations, which states, ‘Integrated employment should be considered as the primary option for all persons receiving Day Habilitation Services and Supports’.”

A diverse workgroup was formed and initially met on November 24, 2004. The workgroup was comprised of the following members:

1. Bruce Cline, a parent and Colorado Developmental Disabilities Council Member;
2. Christen Mason, Denver Options;
3. Chad Fear, Arkansas Valley Community Centered Board;
4. Candie Dalton, Colorado Division for Developmental Disabilities;
5. Gayann Brandenburg, CTAT;
6. Bob Lawhead, Employment Link/Parent; and,
7. Bill Baesman, Chair, The Arc of Colorado/Parent.

The Subgroup met an additional four times and convened by conference call once.

Subgroup Examination:

Section 16.626

At the outset it should be noted that the Subgroup was formed after the *Interim Report on Employment Recommendations* (“Interim Report”). Since that Report the Ad Hoc Committee discussions have had an impact on the Subgroup’s work. For example, The Ad Hoc Committee has developed and defined Supported Community Connections as a new service. This development, ongoing data collection results, and the new definition for Community Employment already recommended in the *Interim Report on Employment Recommendations* have caused the subgroup to expand its function.

The Subgroup agrees with the findings of the Ad Hoc Committee’s *Interim Report on Employment Recommendations* at page 17 that “It is apparent that many, many persons with developmental disabilities, who are capable and could be involved in community employment, are choosing or being directed to community participation services rather than community employment. The data collected by the Division in 2004 that accounted for enclaves and mobile work crews separately from community employment under the category of “integrated work” for the purpose of establishing baseline data for tracking future growth community employment was even more compelling, indicating that 43% of the individuals characterized as receiving integrated work services were receiving group employment services as opposed to individual community jobs.

The Subgroup concluded that agency personnel conducting IP meetings are not consistently communicating a preference for community employment, and thus, are not implementing Rule Section 16.626 A. 2. The Subgroup agreed that the Rule as currently written was too broad and tolerant, and needed to be more prescriptive. The Subgroup determined that Rule Section 16.626 needed to be revised in its entirety and include the new definitions for Community Employment and Supported Community Connections as developed by the Ad Hoc Committee as well as more prescriptive provisions. The Subgroup further agreed that changes to Section 16.626 must require agency personnel conducting IP meetings to be accountable for discussion and planning to successfully place individuals in paid community employment. This accountability should come in the form of requiring a listing of the barriers to successful placement and the action taken to overcome these barriers.

IP Attachment

The Subgroup members all agreed that changing the Rule itself was not sufficient and that a process should be developed for the Interdisciplinary Team (“IDT”) to follow to make the Rule operational. The Subgroup also was mindful that the process should be one where data could be collected for future identification of the barriers that are most consistently found to inhibit or prevent successful placement into Community Employment. The Subgroup agreed that this process should not be one that is overly burdensome for the IDT and thus time efficient.

The Subgroup worked on several drafts of a checklist that could be attached to the IP that would both compel the IDT to follow the process and be painless for data collection. All agreed that use of the checklist should be mandatory by either attaching it to the CCB's IP or by the CCB incorporating the same process language in its IP form.

The process ultimately developed is one where the IDT can check a box representing the barrier or barriers to Community Employment. Each barrier has a code for data collection. Following the identification of the barriers is a section for the IDT to list the coded barriers and set forth an action plan to address the barrier. The Subgroup members all agreed that while a list of the barriers was important, genuine accountability would emerge from requiring an action plan to remove or address the barrier. This process would also allow the Division's QA to easily determine whether Section 16.626 was in fact being followed during surveys.

Coding the checklist barriers should streamline data collection. The IDT merely has to make a copy of the IP Attachment and send it to a central location for input. Of course a CCB could use whatever method it chose with regard to a process to collect the data. It is the Subgroup's understanding that this data collection is essential to the ongoing mission of another subgroup exploring funding options and funding methodology. Further, this data is expected to refine the State's understanding of critical, systemic barriers described within the Interim Report under the section titled "Perceived Impediments to Community Employment" (p. 22) and within the Interim Report Summary, major issue #1 (p. 33). The importance of following through on the collection of this data cannot be over emphasized. This information will be essential for guiding future policy and funding decisions related to the expansion of community employment opportunities in Colorado.

In addition to the IP Attachment, the Subgroup developed a Resource Form that would assist the IDT in identifying action steps to address the barriers. This Resource Form would not be required, but would simply be an aid to development of an action plan.

Recommendation:

Section 16.626

The Subgroup recommends that Rule Section 16.626 be revised and rewritten with the language set forth beginning on page 5 herein. The Subgroup recommends that this rule change be done at the earliest possible date. That until the Division is able to make a rule change to Section 16.626, Directives or Guidelines be written and issued consistent with the language beginning at page 5 and implemented immediately by the Division.

IP Attachment

The Subgroup recommends that the IP Attachment set forth beginning at page 9 be adopted by the Division as either a mandatory attachment to all future IPs, or in the alternative, that the specific language of the IP Attachment set forth beginning at page 9 be incorporated in all future CCB IPs, at the CCB's discretion. As previously described, this data must be collected to guide future policy decisions made by DDD and to fully

implement the Policy and Resource Allocation section of the Employment Recommendations within the Interim Report. The Subgroup further recommends that the Division develop Directives or Guidelines consistent with the language beginning at page 9. The Subgroup recommends that these IP Attachment recommendations be issued and implemented immediately by the Division.

The Subgroup further recommends that the Resource Form set forth beginning on page 11 be adopted by the Division as a standard resource aid by the Division and offered to CCBs as such upon implementation of the IP Attachment and Directive or Guidelines.

Respectfully Submitted:

Bill Baesman, Chair

16.626 DAY HABILITATION SERVICES AND SUPPORTS

A. Day Habilitation Services and Supports provide training, support and supervision activities that maximize functional abilities and skills necessary to enable adults to be employed in their community and interact with non-disabled persons in the community.

1. Day Habilitation Services and Supports are to be provided outside of the person's living environment, unless otherwise indicated by the person's needs, through meaningful employment within their community and/or community connections. If services cannot be provided outside of the living environment due to a person's medical or safety needs, the specific barriers shall be documented.
2. Community Employment shall be pursued for all persons receiving Day Habilitation Services and Supports. Other options may be considered only when:
 - a. the person makes an informed choice based on sufficient information and community experience not to take part in community employment, and/or,
 - b. barriers exist to the person taking part in community employment that after all efforts through training, support, supervision, and accommodation, the barriers cannot be eliminated.

If any option other than community employment is pursued, the rationale for considering such options, including the process undertaken to obtain informed choice or eliminate barriers shall be documented in the persons Individualized Plan.

Receiving Community Employment Services shall not preclude also receiving services for Supported Community Connections.

3. Day Habilitation Services and Supports include:
 - a. Non-Facility based employment services include:
 - i. **Community Employment services** that provide individuals with ongoing services and supports sufficient to obtain and maintain employment with a community business that pays the prevailing wage and where there is regular meaningful interaction with non-disabled persons. These jobs should include the option of a full time work schedule and

employer paid benefits. An alternative to a community employer is community employment related services and supports to obtain and maintain an individual's own business in the community if self-employment is the choice of the individual.

(a) The process of obtaining community employment services shall incorporate self direction of job choice based on community experience and information that facilitates an individual's informed choice making through a method of person-centered planning that takes into consideration the continuation of eligibility for federal benefits.

(b) A primary goal of Community Employment services and supports shall be to build natural supports with non-disabled persons in the individual's workplace and diminish paid services and supports over time in a manner that accounts for the individual's safety and job security.

ii. **Group Employment Services** include:

(a) Enclave Model – A small group of persons with disabilities (generally 5-8) trained and supervised among employees who are not disabled at a host company's work site. Another variation is the dispersed enclave model where each person works on a separate job, and the group is dispersed throughout the company.

(b) Mobile Work Crew – A small crew of person with disabilities (generally 4-6) working as a distinct unit and operating as a self-contained business. The crew may work at several locations within the community under the agency supervisor.

b. Non-facility based activities services include:

- i. Supported Community Connection that are ongoing non-congregate services and supports that facilitate

and maintain an individual's association within, including direct membership, typical community organizations such as clubs, teams, typical community groups, etc., that gives rise to regular meaningful interaction with non-disabled persons. In addition, Community Connection services and supports facilitate the opportunity for an individual to participate in such organization's community events and to contribute to the community by volunteering with community organizations such as churches, charities, etc.

(a) The process of obtaining community connection services shall incorporate self direction of choice relating to organizations, activities and events based on community experience and information that facilitates an individual's informed choice making through a method of person-centered planning.

(b) A primary goal of Supported Community Connection services and supports shall be to build natural supports with non-disabled persons in typical community organizations and diminish paid services and supports over time in a manner that accounts for the individual's safety.

(c) Sheltered/segregated or other congregate groups or organizations of persons with disabilities shall not be considered typical community organizations.

- ii. Community Participation/Access are services, often in a small group, that support the abilities and skills necessary to enable the individual to access the community and/or provide the basis for building skills which will assist the individual to access the community. These types of services include socialization, adaptive skills, personnel to accompany and support the individual in all types of community settings, supplies, travel including arranging and providing transportation, and providing necessary resources for participation in activities and functions in the community.

- c. Facility based work services which are focused on providing supervision to persons who are engaged in remunerative work and instructions, as needed, to perform remunerative work. These services are provided in sheltered/segregated settings in which the majority of individuals have a disability or the primary purpose of the agency/business is to provide training or day activities for individuals with disabilities.
 - d. Facility based activities services engage individuals in a variety of functional activities that are primarily habilitative in nature with an emphasis on skill development and focus on generalizing those skills. These activities are provided in sheltered/segregated settings in which the majority of individuals have a disability or the primary purpose of the agency/business is to provide training or day activities for individuals with disabilities.
- B. The physical facilities where day habilitation services are provided shall meet requirements for physical facilities pursuant to Section 16.630.
- C. Each program approved service agency shall have written plans to address emergencies regardless of service location or type of program.



COMMUNITY EMPLOYMENT BARRIER IDENTIFICATION & REDUCTION DATA FORM & WORKSHEET

Please complete the following for all persons presently participating in enclaves, mobile crews, sheltered work, or non-work services like community participation:

1. Please describe the person's attributes, strengths, and skills related to employment:

2. Please indicate which of the following items are barriers to Community Employment (please note that Community Employment does not include enclaves, mobile crews, or sheltered workshops) and identify in #3 how the team will support the individual with overcoming the barriers. Barriers are broken down into 5 categories: Individual, Family, System, Supports, and Other. (Check all that apply).

CODE	BARRIER <small>(Check if applies)</small>	
INDIVIDUAL		
I1		Person does not express an interest in working in Community Employment
I2		Lack of previous Community Employment experience
I3		Person is comfortable in current day program setting
I4		Person's desire to maintain existing friendships in current day program setting
I5		Person's fear of the unknown and/or of failure, safety concerns, etc.
I6		Previous unsuccessful work experience
FAMILY		
F7		Family's fear of the unknown and/or failure, safety concerns, etc.
SYSTEM		
S8		Funding Issues
S9		Benefit Issues
S10		Lack of available transportation
S11		Lack of exposure to different types of community employment
S12		Lack of Community Employment Service Providers
SUPPORT		
SU13		Person needs assistance to develop work skills
SU14		Scheduling concerns
SU15		Need for support with daily living skills
SU16		Lack of appropriate work accommodations
SU17		Need for daily supervision
SU18		Mental health/behavioral issues
SU19		Medical concerns
SU20		Legal issues
SU21		Age (retirement age)
OTHER		
O22		Other (please explain):

3. ACTION PLANNING

Include items such as job awareness building activities to insure informed choice, discussion of priorities to address barriers identified above (refer to resource page for ideas) along with action steps the IDT is going to take to remove the barriers. Attach additional pages if needed.

CODE	ACTION PLAN

Resource to the IP Process for Community Employment Services

Use this information to help the team address barriers identified during the IP process.

Barriers		Suggestions/Solutions
INDIVIDUAL		
I1	Person does not express an interest in working	<ul style="list-style-type: none"> • Establishing ways to stay connected w/ friends outside day program • Include an employment provider on the team • Meet with an employment provider • Participate in a “job club” • Participate in job information gathering • Participate in job shadows and situational assessments • Investigate job seeking skills class • Investigate community college/trade school classes • Contact local workforce development center for potential resources • Investigate volunteer opportunities to develop skills • Investigate on the job training opportunities to develop skills • Other, please describe:
I2	Lack of previous community employment experience	
I3	Person is comfortable in current day program setting	
I4	Person’s desire to maintain existing friendships in current day program setting	
I5	Person’s fear of the unknown and/or of failure, safety concerns, etc.	
I6	Previous unsuccessful work experience	
FAMILY		
F7	Family’s fear of the unknown and/or failure, safety concerns, etc.	<ul style="list-style-type: none"> • Refer to family support group • Provide information (brochures, videos, etc) on community employment • Other, please describe:
SYSTEM		
S8	Funding Issues	<ul style="list-style-type: none"> • Refer to Vocational Rehabilitation • Investigate split funding or other funding available through CCB • Confirm current benefits and impact of employment on benefits • Team education on impact of earned income on benefits • Consult with a Benefits Specialist • Investigate a PASS plan, IRWE, or subsidy • Brainstorm options for transportation • Eligible for specialized transportation • Customer training to use community transportation option(s) • Review status on waiting list • Refer to Vocational Rehabilitation • Other, please describe:
S9	Benefit Issues	
S10	Lack of available transportation	
S11	Lack of exposure to different types of community employment	
S12	Lack of Community Employment Service Providers	

SUPPORT		
S13	Person needs assistance to develop work skills	<ul style="list-style-type: none"> • Brainstorm natural and/or paid supports in a work environment • Brainstorm accommodations that would be necessary in the workplace • Brainstorm what works/what doesn't work • Rule out medical and mental health issues • Brainstorm environmental preferences/what works/what doesn't work • Brainstorm what works/what doesn't work • Investigate other day services to supplement employment • Obtain Social Security card, Colorado ID • Investigate other identification options • Investigate citizenship options • Investigate employment through non-traditional/cultural resources • Other, please describe:
S14	Scheduling concerns	
S15	Need for support with daily living skills	
S16	Lack of appropriate work accommodations	
S17	Need for daily supervision	
S18	Mental health/behavioral issues	
S19	Medical concerns	
S20	Legal issues	
S21	Age (retirement age)	
OTHER		
O22	Other Barrier	<ul style="list-style-type: none"> • Please describe: