

## **APPENDIX ONE**

### **Detailed Strategies to Implement the Recommendations**

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## **Recommendation 1: Produce data for all applicable EFAP agency Partners that allow measurement of Colorado's progress toward compliance with federal law requiring people with disabilities receive state-funded services in integrated settings, consistent with *Olmstead v. L.C.***

**1.-A** Develop a system to track employment outcomes and day service participation for Coloradans with significant disabilities and produce an annual report to the Colorado General Assembly consistent with CRS 25.5-10-204 (1) (g) (III).

### **Potential Strategies:**

- a) Develop and/or refine the current DVR method to track employment outcomes for individuals with the "most significant disabilities" accessing supported employment services through CDE, HCPF, and other applicable partner agencies and co-served by DVR. (separate data sets should be provided for people with intellectual and developmental disabilities (I/DD), people with serious mental illness and people with acquired brain injuries).

***Partners involved/responsible:*** CDLE

***Timeframe:*** January 1, 2019

***Measurable goal:*** Segmented data report on DVR employment outcomes accomplished.

- b) Contact and obtain written information from State Employment Leadership Network (SELN) about employment-day service database solutions used by other states systems including specific bid information from SELN on their technical assistance and product costs for a system that can provide statistics for Colorado consistent with SB16-077.
- c) Determine whether a database from the State Employment Leadership Network (SELN), an existing Colorado database system or some other data collection technique<sup>i</sup> will be utilized.
- d) Implement and populate a data system consistent with CRS 25.5-10-204 (1) (g) (III) with information including: The number of individuals served who are employed, the number of individuals employed in competitive integrated employment, the number of individuals earning subminimum wage and wage level, wages per hour earned and benefits received, paycheck issued by, hours worked per week, and hours by activity (e.g. Individual Employment, Group Employment, Community Based Non-Work, Prevocational Activities) to track Colorado's progress towards compliance with the United States Supreme Court's decision in *Olmstead v. L.C.*<sup>ii</sup>

- e) Produce an annual report to the Colorado General Assembly consistent with CRS 25.5-10-204 (1) (g) (III). CRS 25.5-10-204 (1) (g) (III): “Establishing annual reporting of the number of individuals employed, number of individuals employed in competitive integrated employment, wages per hour earned, and hours worked per week for individuals served by the Division” [HCPF].

**Partners involved/responsible for b) through e) above:** HCPF

**Timeframe:** November 1, 2018

**Measurable goal:** Employment outcome report consistent with CRS 25.5-10-204 (1) (g) (III) submitted to the Colorado General Assembly.

**1.-B.** Consistent with states responding to recent Olmstead concerns,<sup>iii</sup> set specific numerical annual competitive integrated employment (CIE) goals for Home and Community Base Services (HCBS) participants.

**Partners involved/responsible:** HCPF

**Timeframe:** January 31, 2018

**Measurable goal:** Measurable employment outcome goals determined for HCBS participants seeking CIE.

**1.-C.** Modify as appropriate, the policy, service rates, rules and regulations for Medicaid Home and Community Based Services (HCBS) community connections services to enable people supported by HCBS waivers to obtain inclusive community opportunities available to all citizens.

**Potential Strategies:**

- a) Redesign the current Medicaid Supported Community Connections service to allow for person-centered, individualized community connection services as opposed to the congregate group services allowed under the present service.
  - 1) Modify the current service definition for Supported Community Connections services to assure that services that result in building “social capital<sup>iv</sup>” so that the resulting personal relationships with community members can be utilized to develop potential employment opportunities and outcomes for program participants.
  - 2) After service redesign, examine the rate for Supported Community Connections services within Medicaid waiver programs. If rate modification is determined necessary, work with Colorado's General Assembly to identify and secure funding for these new rates while coordinating with Colorado's Medicaid Provider Rate Review Advisory Committee (MPRRAC) charged with HCPF rate review and making funding recommendations to the General Assembly.

**Partners involved/responsible:** HCPF

**Timeframe:** July 1, 2018

**Measurable goal:** Service redesigned and rate modification examined.

- b) Implement financial incentives for HCBS waiver-based Community Connection services that provide gradual service intensity fading while building natural supports among other community members to enhance quality and efficient use of funding.

**Partners involved/responsible:** HCPF

**Timeframe:** January 1, 2019

**Measurable goal:** Rate and service redesigned.

**1.-D.** Review the HCBS Medicaid waiver program Prevocational Service definition<sup>v</sup> to disallow segregated or congregate implementation characteristics, within the framework of the Centers for Medicare and Medicaid Services (CMS) Final Setting Rule<sup>vi</sup> and U.S. Department of Justice guidance to states on its application to state employment services<sup>vii</sup>.

**Potential Strategies:**

- a) Evaluate the feasibility of eliminating pre-vocational services in facility-based or site-based settings from Colorado’s HCBS Medicaid Waiver programs This is consistent with CMS guidance which clarifies that “states have flexibility in determining whether or when to offer HCBS in facility-based or site-based settings, as the regulation only establishes a floor for federal participation.”<sup>viii</sup>
- b) Modify the current service definition for Prevocational Services to assure that service is modeled on “discovery” and characterized by a menu of services and should include collaboration with area technical colleges, and two- and four-year institutions. This definition should be developed in collaboration with DVR so that the WIOA-based definition for Pre-Employment (PETS)<sup>ix</sup> may be considered.
- c) Develop incentives or a milestone system for providers to support individuals with disabilities to develop employment skills in natural community environments that are well matched to the individual’s’ skills and interests and which lead to individual competitive community employment opportunities.
- d) Develop future HCBS waiver applications consistent with the integration and self-direction mandates of the CMS Final Setting Rule.
- e) Consider limiting the maximum participation time period for Prevocational Services to one year with time period limitation extensions for participation in technical colleges and two and four year educational institutions.

**Partners involved/responsible:** HCPF

**Timeframe:** July 1, 2019

**Measurable goal:** Utilize our state discretion, allowable under CMS guidance, to modify the Prevocational service definition and to limit prevocational services to one year.

**1.-E.** Modify Colorado's Community Living Plan: Colorado's Response to the Olmstead Decision<sup>x</sup> to include sections that address employment segregation and provide guidance consistent with the Centers for Medicare and Medicaid Services (CMS) Final Setting Rule and the previously referenced Community Living Advisory Group (CLAG) report. The Employment First Advisory Partnership (EFAP) will provide strategic support to provide recommended changes.

**Partners involved/responsible:** HCPF, CDHS, DOLA, CDLE, EFAP

**Timeframe:** July 1, 2019

**Measurable goal:** EFAP will provide Olmstead Plan modifications and implementation recommendations to HCPF and HCPF will examine implementation options.

## **Recommendation 2: Implement department-wide Employment First policies and practices.**

### **I. Prepare students and youth with disabilities for the world of work through CDE**

**2.-A.** Develop practices that reflect a presumption that all persons with significant disabilities are capable of full participation in competitive integrated employment and community life and promote a vision and a culture throughout CDE and all Local Education Agencies (LEA's), to cultivate best practices by educators that result in the outcomes of individual competitive employment or enrollment in a post-secondary options.

#### **Potential Strategies:**

- a)** Provide staff development opportunities to instruct educators how to best create the Individual and Career and Academic Plan (ICAP) to align with the transition Individual Education Plan (IEP).
- b)** Develop and pilot a Colorado Indicators of Effective Transition Practices: A Self-Assessment Tool for Local School Systems to determine the current state and plan for meaningful career exploration and work-based learning in individual competitive community employment throughout secondary education. This may be achieved through innovative programs (e.g. internships, sector partnerships, apprenticeships, and any other work-based learning opportunities).

- c) Provide training opportunities for educators, youth with disabilities and their families highlighting key indicators and best predictors of employment success for students and youth (e.g. students would have at least one internship, apprenticeship and/or paid work experience opportunity before high school graduation).
  - 1) Offer information about the importance of individual, paid community employment throughout professional development trainings and meetings.
  - 2) Offer Employment First philosophy, values and key indicators of high employment outcomes for students, families, and educators.
- d) Provide ongoing technical assistance to LEAs about utilizing Indicator 14<sup>xi</sup> data to evaluation programs and make changes in practice to improve employment outcomes for youth with disabilities.
- e) Publish a report of the number of students with CIE<sup>xii</sup> or who are enrolled in post-secondary education/training, one year after exit to measure progress of the Employment First Policy from Indicator 14 data collection.
- f) Offer opportunities for all students being served with an IEP (or 504 Plan) to engage in an internship, apprenticeship or paid work experience prior to graduation, in collaboration with CDE and DVR.
- g) LEAs effectively use the Transition Action Plan (TAP) to guide programs and services to improve post school outcomes for students with disabilities.
- h) Develop a comprehensive, sustainable, high-impact system of professional development for educators involved with youth w/disabilities, youth who are served on a IEP or 504 plan, and families of transition age youth secondary transition.
- i) Provide training specific to collaborating with WIOA partners on work-based learning activities for students with disabilities and youth with disabilities and their families within local communities.
- j) Expand collaboration between CDE, EFAP Agency Partners and other local partners to enhance access to transition success resulting in Competitive Integrated Employment.

**Partners involved/responsible:** CDE

**Timeframe:** July 1, 2019

**Measurable goal:** Implementation of all CDE-related Employment First strategies

**2.-B.** Implement a process to evaluate the current state of technology practices within the K-12 setting, identify best practices, determine gaps in education, postsecondary settings, and employment systems and make recommendations to improve access to technology for all students with disabilities transitioning to postsecondary and employment.

**Potential Strategies:**

- a) Increase awareness and utilization of SWAAAC (Statewide Assistive Technology, Augmentative, and Alternative Communication), and AT Partners (Assistive Technology Partners-University of Colorado) services to educators and families for home, play, school and work
- b) Create criteria to assist educators on evaluating the need for technology and potential advantages. Update and enhance the manual, in collaboration with SWAAAC.
- c) Develop cross-training for teachers and families on what assistive, accessible and universal technology is available and how it could assist students via professional development opportunities (i.e. Transition Leadership Institute, SWAAAC conference, Inclusion Conference, educational leadership conferences etc.)
- d) Update the state level and local level agreements between CDE and DVR to address assistive technology needs and transfer of equipment.
- e) Engage the DVR state lead leadership on AT to identify the need for AT evaluations and resource acquisition at the local level in the workplace for youth to obtain and maintain employment. Ensure AT considerations are part of pre-employment transition services for students with disabilities.
- f) Investigate public/private partnerships (for example with technology companies such as Apple and Google) that will lead to accessible technology development, information and training, and implementation for schools, teachers, students and families. Consider support for pilot programs in school districts that can lead to widespread implementation.
- g) Engage Institutes of Higher Education, especially at the Community College level, to develop accessible technology equipment and on-going training and support for students, families, and support staff.

**Partners Involved:** CDE (Lead Agency), AT Partners, SWAAAC (CDE and local school district teams), Higher Education Disability Access staff, DVR, Workforce Center staff, Family members with expertise in assistive technology systems.

**Timeframes:** SFY 2019, 2024

**Measurable Outcomes:** To be determined by the research itself.

## II. Champion Employment First policy and practice through CDLE

**2.-C.** Develop practices that reflect a presumption that all persons with disabilities are capable of working in competitive integrated employment if they choose to do so and ensure that options for competitive integrated employment with appropriate supports are explored before consideration of segregated activities consistent with 8-84-302 (b), pertaining to CDLE.

**Potential Strategies:**



- a) Conduct a stakeholder-involved process to evaluate current DVR practices and make recommendations on developing modified or new practices consistent with the presumption that all persons with disabilities are capable of working.

**Partners involved/responsible:** CDLE

**Timeframe:** July 1, 2019

**Measurable goal:** Recommendation report completed and submitted to CDLE leadership.

- b) Create an advisory group of stakeholders to monitor and advise DVR in implementing the associated recommendations report.

**Partners involved/responsible:** CDLE

**Timeframe:** October 1, 2019

**Measurable goal:** Advisory group recruited and initial meeting scheduled.

- c) Provide DVR counselors and staff with tiered levels of training in Supported Employment, Supported Self Employment and Customized Employment technologies including Discovery.

**Partners involved/responsible:** CDLE

**Timeframe:** January 1, 2019

**Measurable goal:** Training completed by all DVR staff.

- d) Consider creating a separate specialty unit within DVR with a focus on supported employment which would include enhanced compensation for DVR Counselors who developed research-based best practice expertise in this area.

**Partners involved/responsible:** CDLE

**Timeframe:** January 1, 2019

**Measurable goal:** Specialty function on Supported Employment within the DVR structure developed and implemented.

- e) Expand state matching funds for the Division of Vocational Rehabilitation through Long Bill authorization to access the 21.3% to 78.7% state fund to federal fund match.

**Partners involved/responsible:** CDLE

**Timeframe:** October 1, 2019

**Measurable goal:** Full federal match drawn down annually through statute in collaboration the Colorado General Assembly.

### **III. Embrace Employment First policy and practice through State Agencies**

**2.-D.** Develop practices that reflect a presumption that all persons with disabilities are capable of working in competitive integrated employment if they choose to do so and ensure that options for competitive integrated employment with appropriate supports are explored before

consideration of segregated activities consistent with CRS 25.5-10-204 (1), (g), (l), pertaining to HCPF. This could include modification of case management contract requirements, provider letters, and training, consistent with the CLAG report.

**Potential Strategies:**

- a) HCPF should receive funding to conduct a stakeholder-involved process to evaluate current HCPF practices and make recommendations on developing modified or new practices consistent with the presumption that all persons with disabilities are capable of working. Use this input process to inform the expansion of supported employment services to all HCBS Medicaid Waiver programs.
- b) Create an advisory group of stakeholders to monitor and advise HCPF in implementing the associated recommendations report.
- c) Provide funding to develop and implement training in Supported Employment, Supported Self-Employment, and Customized Employment technologies to all HCBS Case Managers and Support Need Assessors.
- d) Build Employment First capacity and employment service coordination expertise for HCBS system case managers through participation in content-focused work groups or councils. More specifically, build cross-systems Employment First teams.
- e) Utilize expertise provided by the State Employment Leadership Network (SELN) to improve systems implementation of Employment First mechanisms within the areas data tracking systems, funding mechanisms, service capacity-building and service provider transformation, including staff training.
- f) Modify service definitions for relevant HCBS services to include references to employment.

**Partners involved/responsible:** HCPF

**Timeframe:** October 1, 2019

**Measurable goal:** All strategies implemented or justification provided for non-implementation.

**2.-E.** Determine the feasibility of expanding the Supported Employment services to all HCBS Medicaid waiver programs and align service definitions, consistent with the CLAG report.<sup>xiii</sup>

**Partners involved/responsible:** HCPF

**Timeframe:** October 1, 2019

**Measurable goal:** All strategies implemented or justification provided for non-implementation.

**2.-F** Expand access to Colorado's Medicaid Buy-In program for Working Adult with Disabilities<sup>xiv</sup> to all HCBS Medicaid waiver program working age adults.

**Partners involved/responsible:** HCPF

**Timeframe:** October 1, 2019

**Measurable goal:** All strategies implemented or justification provided for non-implementation.

### **Recommendation 3: Implement a training plan for state-contracted service providers on evidence-based practice to expand employment outcomes, in conjunction with employer-led initiatives and networks.**

**3.-A:** Require ongoing training and/or certification on job development and related topics for supported employment providers designed to enhance the quality of services and knowledge of employees, in collaboration with organizations like the Washington Initiative on Supported Employment (WISE), Coaching, Training and Transformation LLC, formerly the Center for Technical Assistance and Training (CTAT), the Colorado Association of People Supporting Employment First (COAPSE), mental health centers, and others engaging in training.

**Potential Strategies:**

- a) Conduct an environmental scan of competency studies for the field of supported employment
- b) Design training curricula based on evidenced-based practices when available for a variety of topics, including:
  - 1) Job Development
  - 2) Assistive Technology
  - 3) Discovery
  - 4) Customized Employment
  - 5) Situational Assessment
  - 6) Working with Families
  - 7) Systematic Instruction
  - 8) Benefits Planning
  - 9) Career Planning
  - 10) Individual Placement and Support model
- c) Work with existing providers to determine the best format to provide training in and modify the curriculum as needed to maximize participation
- d) Begin training

**Partners Involved:** DVR, HCPF, OBH, other community providers

**Timeframe:** Design curriculum by December 1, 2018

**Measurable goal:** 50% of all supported employment providers complete training and/or certification by December 1, 2019 ; Training incorporated into all onboarding procedures for job developers by December 1, 2019.

**3.-B:** Obtain resources and technical assistance to develop programming that establishes more robust partnerships between stakeholders and the public workforce system.

**Potential Strategies:**

- a) Offer training to American Job Centers on the ICI self-assessment tool for use in the certification process to identify and remove barriers to access
- b) Provide a training program for front line staff of American Job Centers to learn how to best support people with significant disabilities;
- c) Establish cross-agency employment services teams between DVR and American Job Centers to develop job leads and assessment sites;
- d) Build capacity of American Job Centers to offer all services to all job seekers no matter the severity of disability, including assurance of physical and programmatic accessibility;
- e) Connect current employee development programs with Work Force Centers (WFCs) and educate WFCs to better include people with disabilities;
- f) Expand technology/assistive technology understanding to improve types of employment available to people with most significant disabilities;
- g) Integrate employee support services into virtual job fairs and hiring fairs;
- h) Incorporate models such as Wyoming's MentorAbility program where students with disabilities meet with employers, polish resumes, work on interview skills and begin to build social capital into transition programs and pre-employment services;
- i) Integrate best practices on job development such as IPS into the approaches utilized by workforce centers and make the IPS trainers available to support implementation;
- j) Provide access to the Job Accommodation Network (JAN) for business/employment recruiters.

**Partners Involved:** DVR, Workforce system, CDE, School Districts, Employment Providers, OBH, HCPF

**Timeframe:** July 1, 2018

**Measurable Goals:** Measurable improvement in numbers of job seekers with disabilities and their support participating in current programs.

**3-C:** Develop a statewide and local Business Leadership Network(s) or a like model for Colorado to expand employee recruitment programs for individuals with disabilities, working within existing employer-led initiatives (i.e. Sector Partnerships, Industry Intermediaries), based on business needs, and incorporating libraries and community colleges

**Potential Strategies:**

- a) Explore business interest and needs through existing structures;
- b) Examine data on previously existing BLN to determine what can be revitalized;
- c) Research expansion opportunities of existing advisory councils, such as from Project Search.
- d) EFAP Agency Partners offer training and technical assistance to employers and these organizations re: technology/assistive technology, disability awareness training, support in developing resumes etc.
- e) Offer resource information about DVR/employment/Waiver opportunities utilizing existing library community resources website.<sup>xv</sup>
- f) Identify a lead individual and agency to take responsibility for this effort.

**Partners Involved:** CWDC, CDLE, Veterans Programs, Chambers, Rotaries, fraternal organizations, DVR, Workforce Centers, CDE, School Districts, Employment Providers, OBH, HCPF

**Timeframe:** 2020

**Measurable goal:** Active BLN with engaged membership, local BLNs in 50% of workforce areas

**3.-D:** Develop and promote self-employment opportunities, both full- and part-time, with youth and adults.

**Potential Strategies:**

- a) Educate WIOA programs on use of self-employment as a positive outcome
- b) Incorporate pre-apprenticeships and apprenticeships as options to help build their own business
- c) Create career exploration activities related to self-employment for students with disabilities
- d) Create standardized training on supported self-employment and assure wide distribution to DVR counselors
- e) Disseminate work done by DVR self-employment program to provide models for other EFAP Agency Partners.
- f) Develop directory of Community Supported Artisan business programs promoting competitive, integrated employment in artisan business and actively promote through existing programs<sup>xvi</sup>
- g) Obtain grants to fund existing arts programs to include people with disabilities transforming their art a successful business.

**Partners Involved:** DVR, Workforce Centers, SWAP

**Timeframe:** 2020

**Measurable goal:** 10% increase in self-employment outcomes obtained

**3.-E:** Increase access to implement the Individual Placement and Support (IPS) model across all interested EFAP agencies to include all people with disabilities and align with the Governor's Vision 2018 that IPS is implemented at all Colorado Community Mental Health Centers.

**Potential Strategies:**

- a) Provide funding for one (1) FTE trainer/fidelity reviewer for every three (3) new IPS teams by hiring staff through a university, nonprofit, DVR, OBH, and/or other state or local agencies.
- b) Provide funding for agencies to hire qualified staff to provide IPS services.

**Partners Involved:** All interested EFAP agencies

**Timeframe:** 2019

**Measurable goal:** 25% increase in adoption of IPS model by agencies

**Recommendation 4: Implement a communication plan with messaging describing available services that support the achievement of successful employment outcomes for people with disabilities, including those with the most significant disabilities, which targets employers, educators, people with disabilities and their families.**

**Detailed Recommendation:**

Allocate sufficient funding to the State Rehabilitation Council to develop and implement a communications plan on Employment First Policies for state agencies, educational entities, and civic organizations promoting the concept and value of competitive, integrated employment, and resulting in enrolling more individuals and families in employment initiatives.

**Potential Strategies:**

- a) Curate existing marketing materials and messaging materials about competitive integrated employment, supported employment, customized employment and Employment First concepts and repackage as necessary to create consistent and open messaging to incorporate into the TalentFOUND gateway;
- b) Pursue education and outreach with a Government track--state and local;
- c) Pursue education and outreach with an Education track--K-12, Area Technical colleges, Community colleges, Four-year colleges (collaborate with the three pilot Inclusive higher

education institutions who admit and serve students with intellectual and developmental disabilities);

- d) Pursue education and outreach with the Business Community--Create a speakers bureau, stock presentations, and a video; seek funding to support effort;
- e) Create and disseminate a PSA, push content out through YouTube and social media;
- f) Declaration from the Governor, Legislators and Cabinet officials initiative on Employment First as the lead message during Disability Awareness Month
- g) Examine the "It's Different" campaign materials for utility; review and replicate sites from other states
- h) Create a campaign that focuses on developing a broader understanding of work options for people with disabilities;
- i) Create targeted messaging for families to challenge beliefs about employment possibilities;
- j) Disseminate flyers and materials through healthcare providers to spur engagement

**Partners Involved:** CDLE, CDHS, CDE, CDHE offer staff to a multi-agency cross training group, SRC Members, Employer Champions, OBH, HCPF, Providers, Medical Entities, family groups, stakeholder groups

**Timeframes:** Start planning process in January 2018. Develop the communications plan by July 1, 2018. Implement the communications plan by September 1, 2018.

**Measurable goal:** Develop and deliver 36 educational presentations.

## **Recommendation 5: Create an Office of Employment First to coordinate cross-departmental efforts to implement Employment First policies, regulations and practices.**

**5.-A.** Create an Office of Employment First to implement, in consultation with the State Rehabilitation Council and the Governor's Office, a cross departmental process within EFAP Agency Partners to identify state policy, regulation and practice within the five state partner agencies that present barriers to Employment First implementation and develop strategies to remove those barriers and align policy, regulation and practice between EFAP Agency Partners as described within 8-84-303. The departments shall report their suggestions to the EFAP for inclusion in the annual report to the legislature.

**Potential Strategies:**

- a) Identify barriers to competitive integrated employment for persons with disabilities including policy, procedural, financial, educational, transportation, service delivery and other barriers.
- b) Identify unnecessary, inefficient, or conflicting rules and regulations that make it more difficult for employers to hire persons with disabilities.
- c) Utilize the WIOA definition for Competitive Integrated Employment (CIE)<sup>xvii</sup> across all Employment First state Agency Partner departments and related divisions.
- d) Implement “Discovery”<sup>xviii</sup> as a purchased service option through DVR, HCPF and other EFAP Agency Partners.
- e) Implement Supported Employment and Customized Employment, as defined within WIOA,<sup>xix</sup> including consideration of the individual Placement and Support Model of Supported Employment (IPS), across all EPAP Agency Partners.
- f) Require national employment support professional certification<sup>xx</sup> of competence for service agency staff who provide employment supports through EFAP Agency Partners.
- g) Define and implement an “informed choice” process, which is aligned with the Olmstead Ruling, across all Employment First state Agency Partner departments and related divisions (DVR, CDLE, HCPF, OBH, CDHS, CDE, CDHE) in accordance with WIOA 34 CFR 361.52<sup>xxi</sup>
- h) Expand age eligibility for HCBS employment service eligibility to individuals age 14 and above to align with school and DVR transition services.
- i) Develop and implement a statewide Employment First marketing plan through the collaboration of all EFAP Agency Partners. This marketing plan would develop messaging based on specific target audiences including persons with disabilities and their families, employers, state agency personnel and the general public.
- j) Develop a system of collaboration between the workforce system, DVR, HCPF and other EFAP Agency Partners for sharing employer contacts, internship opportunities and skill assessment sites.
- k) Advocate for increased access to transportation to facilitate employment outcomes consistent with the findings generated through SB 17-11, Study Transportation Access for People with Disabilities.<sup>xxii</sup>
  - 1) Actively support the progress of Autonomous Vehicle Technology.
  - 2) Allow HCBS Medicaid waiver funding to be more easily used to help individuals who do not have access to public transportation get to work through reviewing potentially restrictive requirements for use of HCBS non-emergent transportation services.



**Partners involved/responsible:** HCPF, CDHS, CDE, CDHE, CDLE

**Timeframe:** January 1, 2020

**Measurable goal:** Comprehensive recommendations to remove cross-departmental barriers and align policy, regulation and practice established and implemented.

**5.-B. Explore funding options to** provide dedicated staffing that will be assigned to Employment First policy and practice implementation for each EFAP partner (HCPF, CDLE, CDHS, CDE, CDHE) and reassign staff or hire additional staff for this function as appropriate.

**Potential Strategies:**

- a) Dedicated staff to implement Employment First policy within HCPF <sup>xxiii</sup> <sup>xxiv</sup>.
- b) Dedicated staff to implement Employment First policy within CDLE.
- c) Dedicated staff to implement Employment First policy within CDHS.
- d) Dedicated staff to implement Employment First policy within CDE.
- e) Dedicated staff to implement Employment First policy within CDHE.

**Partners involved/responsible:** HCPF, CDLE, CDHS, CDE, CDHE

**Timeframe:** July, 1, 2018

**Measurable goal:** Develop and implement staff reassignment strategy or begin staff recruitment effort necessary to coordinate Employment First activities within EFAP Partner Agencies.

**5.-C. Increase funding to the EFAP Agency Partners to increase capacity and expertise for public benefits planning resources accessible to all Colorado communities so that the employment barrier associated with fear of benefit loss is reduced. Consistent with the CLAG<sup>xxv</sup> report, increase the number of and training for Community Work Incentive Coordinators (CWICs) and leverage the SOAR model<sup>xxvi</sup>**

**Potential Strategies:**

- a) Develop cross-departmental policies that expand the use of Social Security Administration work incentives consistent with the Community Living Advisory Group (CLAG) report.
- b) Analyze, fund and create a benefits planning process through DVR/CDLE (consider the Community Work Incentive Coordinator (CWIC) FTE within the Colorado Benefit Offset National Demonstration (BOND) program<sup>xxvii</sup>) with coordinated access by HCPF, CDHS, CDE, CDHE;
- c) Assure the availability of Community Work Incentives Coordinators (CWICs) who are adequately trained and competent to provide accurate benefits planning information.

- d) Create and/or strengthen benefits planning resources that include information on both state and federal benefits;
- e) Integrate benefits planning into a comprehensive, ongoing process of “informed choice”<sup>xxviii</sup> assurance;
- f) Consider a benefits planning pilot program between DVR and HCPF to share the cost of CWICs with collaboration from CDE and OBH/CDHS which includes ongoing CWIC involvement over time;
- g) Include an online tool, such as Disability Benefits 101<sup>xxix</sup>, as a piece of the benefits planning process to expand access to more individuals.
- h) Increase and leverage SOAR model intervention to increase SOAR training and certification across Colorado, including within Centers for Independent Living.

**Partners involved/responsible:** HCPF, CDHS, CDE, CDHE, DVR, CDLE

**Timeframe:** January 1, 2020

**Measurable goal:** Comprehensive statewide response to benefits planning established and implemented.

## **Recommendation 6: Develop appropriate funding structures that will increase employment service and support capacity for people with disabilities within Colorado to successfully align service outcomes with the definition of Competitive Integrated Employment (CIE) within the Workforce Innovation and Opportunity Act (WIOA)<sup>xxx</sup>.**

### **Detailed Recommendation:**

Analyze supported employment funding structures within CDLE and HCPF and make recommendations to assure rates and other state agency support are sufficient to encourage service providers to expand capacity for competitive integrated employment services and supports to Colorado citizens with disabilities.

### **Potential Strategies:**

- a) Explore funding options to implement supported employment service structures that provide service agencies with funding levels that allow them to recruit, hire and retain high quality employment support professionals resulting from a collaborative rate setting approach between CDLE, HCPF, CDHS (including DVR, and OBH) and supported employment service agencies.

- b) Consider funding incentives for under-served rural areas, under-served populations who may require services characterized by cultural competence, Centers for Independent Living and peer-run employment services.
- c) Continually monitor Medicaid reimbursement rates to ensure that there are equal opportunities for the following four (4) billing codes found in the 2015 Colorado Uniform Service Coding Standards Manual, <https://www.colorado.gov/pacific/hcpf/mental-health-rate-reform-0>
  - 1) H2023 Supported Employment, per 15 minutes
  - 2) H2024 Supported Employment, per diem
  - 3) H2025 Ongoing Support to Maintain Employment, per 15 minutes
  - 4) H2026 Ongoing Support to Maintain Employment, per diem
- d) Provide funding incentives to service providers who volunteer to build capacity and transform services from segregated to integrated options using best practice, research-based service innovative models.
- e) As one interim strategy to staff certification, consider incentives for service agencies by providing differential rates for services provided by more highly trained staff.
- f) Exclude funding for competitive integrated employment services from annual service funding caps for HCBS waiver programs.
- g) Facilitate employment services funding through the blending or “braiding” of funding from different systems (Education, Medicaid and Vocational Rehabilitation).
- h) Implement a rate structure within HCPF that incentivizes competitive integrated employment outcomes to agencies providing supported and customized employment services.
- i) Explore additional funding for systems training through alternative funding sources including the Colorado Developmental Disabilities Council

**Partners involved/responsible:** DVR/CDLE and HCPF

**Timeframe:** July 1, 2019

**Measurable goal:** Examine funding structures developed and implemented through collaboration between EFAP agency partners and service agencies.

- j) Create the infrastructure for autonomous peer-run employment support services through development of billing mechanisms and services through one of the EFAP Agency Partners.

**Partners involved/responsible:** HCPF, CDHS, CDE, CDHE, CDLE

**Timeframe:** January 1, 2019

**Measurable goal:** Implement a peer-run employment support service through one of the EFAP Agency Partners.

## **Recommendation 7: Design and coordinate locally-based pilot projects to demonstrate the expansion of employment outcomes for people with disabilities through best-practice employment services and supports implementation.**

### **Detailed Recommendation:**

Provide funding to create and implement up to three pilot programs statewide in 2018 to demonstrate the systematic expansion of competitive integrated employment outcomes through the use of supported employment models such as Individualized Placement Services (IPS), training in customized employment and overall technical assistance with collaboration between the workforce system, DVR and HCPF.

### **Potential Strategies:**

- a) Design and launch program;
- b) Provide technical assistance to community leadership (government, school districts, employers);
- c) Create competitive application process potentially for communities that includes funding the discovery process with dollars from DVR
- d) Use Wyoming work as a model; examine HEAL Cities and Towns effort from LiveWell Colorado; Use education as a top level and ground level partner; determine population focus; create realistic time frame based on geography with a path to sustainability
- e) Identify a university partner for design and evaluation (possibly one of the three pilot Inclusive higher education institutions who admit and serve students with intellectual and developmental disabilities)
- f) Identify a lead individual/agency to take responsibility for this effort.

**Partners Involved:** *Steering group of diverse stakeholders to design program; Local governments; providers; state agencies*

**Timeframe:** *Launch first phase of pilot in the spring of 2019. Launch additional phases in the fall of 2019.*

**Measurable goal:** *Create successful supported employment opportunities in all facets of a community; Create a case study-based step-by-step guide/toolkit on the implementation of employment first communities; set specific goals for hiring and placement of individuals with disabilities in each community*

## **Recommendation 8: Become a "model employer" for Colorado citizens with disabilities.**

**8.-A.** Make recommendations for changes to Colorado Revised Statutes that require the State of Colorado to serve as a model employer of individuals with disabilities consistent with the "Colorado Hires" recommendation of the Community Living Advisory Group (CLAG) Report.<sup>xxx</sup> This should include an annual report of the number of people with disabilities employed by the state along with average earnings for state employees with and without disabilities.

### **Potential Strategies:**

- a)** The State of Colorado will identify and report the number of people with disabilities hired annually.
- b)** The State of Colorado will strive to increase the number of people with disabilities hired through use of a process modelled after the federal government affirmative action program in response to Section 501 of the Rehabilitation Act of 1973<sup>xxxii</sup>.
- c)** The State of Colorado will consider implementing a noncompetitive hiring process modelled after the federal "Schedule A" Hiring Authority for people with "an intellectual disability, a severe physical disability, or a psychiatric disability."<sup>xxxiii</sup>
- d)** An internship program will be created in collaboration with DVR with the goal of training post-secondary students for state positions.

**Partners involved/responsible:** *CDLE in collaboration with the Colorado Department of Personnel & Administration.*

**Timeframe:** *January 1, 2019*

**Measurable goal:** *Recommendation report completed and submitted to the Colorado General Assembly.*

**8.-B.** Implement C.R.S. 27-10.5-902,<sup>xxxiv</sup> State Employment Program for Persons with Developmental Disabilities.

**Partners involved/responsible:** *HCPF*

**Timeframe:** *July 1, 2018*

**Measurable goal:** *Implementation of the State Employment Program for Persons with Developmental Disabilities consistent with the above referred to state statute.*

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<sup>i</sup> Between 2005 and 2010 this data was self-reported by Colorado's network of Community Centered Boards.

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<sup>ii</sup> The above strategy is meant to be responsive to Colorado Revised Statute created by SB 16-077 Employment First for Individuals with Disabilities, specifically: CRS 8-84-304 (2) (e): Duties of the employment first advisory partnership - strategic plan, (2), (e) Identify the data available and the gaps in data collection that prohibit the measurement of Colorado's progress towards compliance with the United States Supreme Court's decision in *Olmstead v. L.C.*

<sup>iii</sup> See Settlement Agreement, *United States v. Rhode Island and the City of Providence*, 1:13-cv-00442 (D.R.I. June 13, 2013); Consent Decree, *United States v. Rhode Island*, 1:14-cv-00175 (D.R.I. April 9, 2014); Consent Decree, *Lane v. Brown* (formerly *Lane v. Kitzhaber*), 12-cv-00138 (D. Or. Sept. 8, 2015), available at [https://www.ada.gov/olmstead/olmstead\\_enforcement.htm](https://www.ada.gov/olmstead/olmstead_enforcement.htm)

<sup>iv</sup> See Appendix 1 – Glossary for definition.

<sup>v</sup> Prevocational Service Definition. Application for a 1915(c) Home and Community-Based Services Waiver (p. 56). Colorado Department of Health Care policy and Financing. Accessed April 27, 2017 at: <https://www.colorado.gov/pacific/sites/default/files/HCBS-SLS%20Waiver%20Application.pdf>

<sup>vi</sup> CMS HCBS Final Setting Rule Press Release. Accessed June 7, 2017 at:

<https://www.cms.gov/Newsroom/MediaReleaseDatabase/Fact-sheets/2014-Fact-sheets-items/2014-01-10-2.html>

<sup>vii</sup> Statement of the Department of Justice on the Application of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* to State and Local Governments' Employment Service Systems of Individuals with Disabilities. Accessed April 27, 2017 at:

[https://www.ada.gov/olmstead/olmstead\\_guidance\\_employment.htm](https://www.ada.gov/olmstead/olmstead_guidance_employment.htm)

<sup>viii</sup> HCBS FINAL REGULATIONS 42 CFR Part 441: Questions and Answers Regarding Home and Community Based Settings: Public Notice and Comments Accessed June 7, 2017 at:

<https://www.medicaid.gov/medicaid/hcbs/downloads/q-and-a-hcb-settings.pdf>

<sup>ix</sup> DVR and WIOA System Information and Strategies for Youth, Slide 11: Pre-Employment Transition Services (PETS). Accessed June 7, 2017 at: [https://www.cde.state.co.us/cdesped/2016tli\\_05\\_ppt\\_wioadvr\\_carver-wright](https://www.cde.state.co.us/cdesped/2016tli_05_ppt_wioadvr_carver-wright)

<sup>x</sup> *Colorado's Community Living Plan: Colorado's Response to the Olmstead Decision*. Colorado Departments of Health Care Policy and Financing, Human Services and Local Affairs. Accessed on April 27, 2017 at: <https://www.colorado.gov/pacific/sites/default/files/Colorado%20Community%20Living%20Plan-July%202014.pdf>

<sup>xi</sup> See Appendix 1 – Glossary for definition.

<sup>xii</sup> See Appendix 1 – Glossary for definition.

<sup>xiii</sup> *Colorado's Community Living Plan: Colorado's Response to the Olmstead Decision*. Colorado Departments of Health Care Policy and Financing, Human Services and Local Affairs. Accessed on April 27, 2017 at: <https://www.colorado.gov/pacific/sites/default/files/Colorado%20Community%20Living%20Plan-July%202014.pdf>

<sup>xiv</sup> Health First Colorado Buy-In Program for Working Age Adults. Accessed April 27, 2017 at:

<https://www.colorado.gov/hcpf/medicaidbuyinprograms>

<sup>xv</sup> <https://www.denverlibrary.org/content/community-resources>

<sup>xvi</sup> <http://www.denverpost.com/2017/02/08/artisan-foods-beer-community-supported-agriculture/>, <http://calltoarmsbrewing.com/csa/>

<sup>xvii</sup> *Regulations Implementing the Rehabilitation Act of 1973, as Amended by the Workforce Innovation and Opportunity Act, Employment Outcomes, Competitive Integrated Employment and Limitations on the Use of Minimum Wage*. Rehabilitation Services Administration. Accessed April 27, 2017 at:

<https://www2.ed.gov/about/offices/list/osers/rsa/wioa/employment-outcomes-competitive-integrated-employment.pdf>

and *RSA: Integrated Location Criteria of the Definition of "Competitive Integrated Employment" FAQs*. Accessed April 27, 2017 at: <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/competitive-integrated-employment-faq.html>

<sup>xviii</sup> See Appendix 1 – Glossary for definition.

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<sup>xix</sup> *Customized employment* means competitive integrated employment, for an individual with a significant disability, that is— (i) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability; (ii) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and (iii) Carried out through flexible strategies, such as— (A) Job exploration by the individual; and (B) Working with an employer to facilitate placement, including— (1) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs; (2) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location; (3) Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and (4) Providing services and supports at the job location. Federal Register Vol. 81, No. 161, August 19, 2016. Accessed on April 27, 2017 at: <https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15980.pdf>

<sup>xx</sup> See the Certified Employment Support Professional (CESP) program. Accessed August 7, 2017 at: <http://apse.org/certified-employment-support-professional/>

<sup>xxi</sup> Informed choice provisions. Accessed April 27, 2017 at: <https://www.law.cornell.edu/cfr/text/34/361.52>

<sup>xxii</sup> SB17-11 Study Transportation Access for People with Disabilities. Accessed July 25, 2017 at:

<https://leg.colorado.gov/bills/sb17-011>

<sup>xxiii</sup> Final Report on Employment and Community Participation Recommendations by the Ad Hoc Committee on Employment and Community Participation. This internal DIDD report defined employment outcomes consistent with the SB16-077 CIE definition, recommended that DIDD clarify that "community employment is the primary goal and expectation for all working age adults in the State DD system," and recommended that one FTE be dedicated to this effort. Accessed May 4, 2017 at:

<http://www2.cde.state.co.us/artemis/humonos/hu252em72005internet/>

<sup>xxiv</sup> Colorado Findings and Observations Report, State Employment Leadership Network (SELN), September, 2011. This report recommended that DIDD dedicate a single staff person to focus on DD employment systems development.

<sup>xxv</sup> *Community Living Advisory Group (CLAG) Report: Final Recommendations, September 2014*. Colorado Department of Health Care Policy and Financing. Employment recommendations: pp. 26-31. Accessed on April 26, 2017 at:

[https://www.colorado.gov/pacific/sites/default/files/Community\\_Living\\_Advisory\\_Group\\_Final\\_Report\\_09-30-14.pdf](https://www.colorado.gov/pacific/sites/default/files/Community_Living_Advisory_Group_Final_Report_09-30-14.pdf)

<sup>xxvi</sup> SOAR (SSDI/SSI Outreach, Access and Recovery) administered by the Colorado Disability Benefits Support Program. Accessed on July 24, 2017 at: <https://soarworks.prainc.com/states/Colorado>

<sup>xxvii</sup> Benefit Offset National Demonstration (BOND). Accessed August 9, 2017 at:

<https://www.ssa.gov/disabilityresearch/offsetnational.htm>

<sup>xxviii</sup> See Appendix 1 – Glossary for definition.

<sup>xxix</sup> Disability Benefits 101 is an online platform sponsored by the World Institute on Disability and presently used by 8 states to provide "community outreach, training, and web-based services that support employment."

Accessed on August 7, 2017 at: <https://wid.org/tag/db101/>

<sup>xxx</sup> See note 33.

<sup>xxxi</sup> *Community Living Advisory Group (CLAG) Report: Final Recommendations, September 2014*. Colorado Department of Health Care Policy and Financing. Employment recommendations: pp. 26-31. Accessed on April 26, 2017 at:

[https://www.colorado.gov/pacific/sites/default/files/Community\\_Living\\_Advisory\\_Group\\_Final\\_Report\\_09-30-14.pdf](https://www.colorado.gov/pacific/sites/default/files/Community_Living_Advisory_Group_Final_Report_09-30-14.pdf)

<sup>xxxii</sup> Affirmative Action for Individuals with Disabilities in Federal Employment. Accessed October 13, 2017 at:

<https://www.federalregister.gov/documents/2017/01/03/2016-31397/affirmative-action-for-individuals-with-disabilities-in-federal-employment>

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<sup>xxxiii</sup> Schedule A Hiring Authority. Accessed October 13, 2017 at: <https://www.usajobs.gov/Help/working-in-government/unique-hiring-paths/individuals-with-disabilities/>

<sup>xxxiv</sup> C.R.S. 27-10.5-902: State employment program for persons with disabilities. Senate Bill 08-004 accessed April 27, 2017 at: [https://leg.colorado.gov/sites/default/files/images/olls/2008a\\_sl\\_425.pdf](https://leg.colorado.gov/sites/default/files/images/olls/2008a_sl_425.pdf)