
Implementation Status of H.B. 1230 Workgroup Recommendations



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and the Texas Legislature
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Executive Summary

H.B. 1230, 80th Legislature, Regular Session, 2007, was enacted to improve the services provided to Texas youth with disabilities as they transition from school to adult living with an emphasis on transition into successful employment. A stakeholder workgroup developed and submitted a plan to the Executive Commissioner of the Health and Human Services Commission (HHSC) on August 13, 2008. The plan consists of five major goals for the delivery of employment/supported employment services to youth with disabilities and recommendations to accomplish those goals.

This report highlights health and human service (HHS) agencies' current or planned implementation of the tasks and activities required to carry out recommendations from the workgroup, including noting which recommendations would require legislative funding and legislative direction to accomplish the goal. The agencies' report of implementation activities addresses recommendations in each of the five goals:

- (1) Program Changes
- (2) Infrastructure Model Reform
- (3) Capacity Building
- (4) Outreach and Public Awareness
- (5) Texas Education Agency (TEA) Transition Services and Employment Programs

Department of Aging and Disability Services (DADS) will adopt the *Program Changes* recommendations to adopt a working definition of supported employment, and Department of State Health Services (DSHS) may be able to adopt it as well. However, agencies reported that the recommendations around changes to waivers and other long-term care programs will require additional legislative direction and funding, as well as approval from the Centers for Medicare and Medicaid Services (CMS), our federal partner. The Department of Assistive and Rehabilitative Services (DARS) and DADS have completed the recommendation to conduct an analysis of barriers to employment in Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR) and state schools. The analysis is included in Appendix A of this report.

Agencies report a number of barriers, largely centered on the need for legislative direction and funding to implement the *Infrastructure Model Reform* recommendations to ensure uniform minimum standards for providers. DARS has made progress in implementing several of the *Capacity Building* activities, and other agencies are working to implement those which require no additional legislative appropriations or direction. The *Outreach and Public Awareness* recommendations can be partially carried out by DARS within current resources, with added support from DADS, DSHS, and HHSC. HHSC and TEA, with support from the other agencies, have begun working on the collaborative effort to produce a Transition/Employment manual as called for in the *TEA Transition Services and Employment Programs* recommendations.

HHS agencies are committed to continued efforts to improve access to employment and supported employment services for youth transitioning to adulthood. Agencies have embarked on a number of actions and initiatives to implement various components of the recommendations put forth by the H.B. 1230 Workgroup. Upon additional guidance and funding, agencies are committed to implementing those recommendations that require additional legislative direction or appropriations.

I. Background

H.B. 1230 is comprised of three sections:

- Section 1 requires HHSC to monitor programs offered through health and human services (HHS) agencies; to consider whether programs or services result in positive outcomes in employment, community integration, and quality of life; and to collect information regarding the outcomes of the transition process.
- Section 2 requires DARS to provide specialized training to employees who provide transition services.
- Section 3 requires the formation of a workgroup, development and implementation of a plan to improve the services and outcomes for Texas youth with disabilities, and cooperation among agencies and community providers.

The stakeholders in the workgroup required by Section 3 developed a plan designed to accomplish the stated goals. Section 3 also required the Executive Commissioner, “not later than January 1, 2009, to present to the appropriate committees of the senate and the house of representatives for consideration by the 81st Legislature a report that describes the actions taken by the health and human services agencies to implement the plan recommended by the work group and any actions the agencies intend to take during the next biennium in accordance with the recommended plan.” This report fulfills this legislative requirement.

The HHS agencies reported further on their implementation tasks and activities for each of the recommendations which impacted them, as well as noting which recommendations would require legislative funding and/or legislative direction. The Texas Workforce Commission (TWC), the Texas Education Agency (TEA) and the Social Security Administration (SSA) also participated on the workgroup and are included in the reports on recommendations which required interagency collaboration.

II. Stakeholder Workgroup Plan

The plan developed by the workgroup consists of five major goals for the delivery of employment/supported employment services to youth with disabilities and includes recommendations under each goal for the various state agencies to implement as part of the plan. In the report, where appropriate, each state agency provided a status on the implementation of the recommendations for each of the five goals below:

- (1) Program Changes
- (2) Information Model Reform
- (3) Capacity Building
- (4) Outreach and Public Awareness
- (5) Texas Education Agency (TEA) Transition Services and Employment Programs

III. Implementation of Recommendations

Assumptions

Underlying the following recommendations are several general assumptions made by the advocates and stakeholders in the workgroup:

- All materials and printed information should be presented in plain language and in English, Spanish, and accessible formats. Those providing employment or supported employment services should have Spanish speakers available to work with consumers.
- Agencies should seek opportunities to apply for all available grants whenever possible to implement the recommendations that require funding.
- In addition to the outreach efforts for the Medicaid Buy-In program, to enable those not normally eligible for Medicaid to pay reduced premiums and receive coverage, DARS should also utilize funds under the Medicaid Infrastructure Grant to implement recommendations in this plan.
- The appropriate agencies should implement any portion of the following recommendations that can be implemented within current resources and legislative direction.

Goal 1: Program Changes

Recommendation 1.1

All agencies providing transition-related employment and supported employment services for youth with disabilities should use the working definition of supported employment as stated below whenever allowed by federal regulations:

Individual Supported Employment consists of activities needed to obtain and maintain employment in the general workforce, in an organization in which individuals without disabilities compete for jobs, and in a business developed and operated by the individual. The employment provides regular, meaningful interaction with non-disabled employees and the general public (other than service providers) to the same extent that a worker without disabilities in a comparable position interacts with others. While supported employment may assist individuals in obtaining and maintaining employment in an organization that employs other persons with disabilities, it is not work performed in sheltered workshops, in enclaves, or in other work tailored to multiple individuals with disabilities. The provider encourages the employee to work to his or her maximum potential. The employer pays a wage commensurate with that of non-disabled employees that perform similar work.

Activities, services, and funding are subject to each agency's specific eligibility criteria and divided into two phases. Phase I services assist the individual with preparing for and obtaining employment described above. Phase II services include job-related support needed for the individual to maintain stable employment.

Agency Responses

DARS: DARS cannot implement this recommendation in programs for which federal funds are accessed due to the restrictions in the federal regulations, [34 Code of Federal Regulations Part 361; Sec. 361.5(b)(53) supported employment; Sec. 361.5(b)(11) competitive employment; Sec.

361.5(b)(33) integrated setting; Sec. 361.5(b)(20) extended services; and Sec. 361.5(b)(56) transitional employment].

DADS: DADS plans to adopt the proposed definition in all programs that offer supported employment (SE).

DSHS: DSHS is not a direct provider of employment-related services; rather, the agency contracts for services through local mental health authorities (LMHAs) and their sub-contracted providers throughout the state. The services encompassed in the DSHS description are similar to Phase I services described in the recommendation. The differences between the DSHS description and the working definition will need to be taken into consideration; most specifically, as such a definition might impact subsequent LMHA contractual descriptions and performance standards.

Recommendation 1.2

DADS and HHSC should make waiver and program changes necessary to remove existing barriers preventing individuals from accessing needed employment services, including but not limited to eliminating budget and time limitations in waivers for employment services and allowing consumer choice and self-determination on how much of their budgets they want to use for employment services.

Agency Responses

DADS: Additional funding would be needed to avoid reducing the number of individuals served and the amount of services individuals receive in Home and Community-based Services, the only program that limits the amount of supported employment an individual may receive. Eliminating budget and time limitations in waivers for employment services may create the risk of increased numbers of individuals approaching the 200 percent cost ceiling. This could become a threat to waiver cost neutrality. As with any other service, an increase in the number of hours of supported employment a particular individual receives could only be approved in the individual's plan of care if the individual's health and safety was assured (i.e., did not result in the cutting of other needed services).

HHSC: STAR+PLUS waiver policy is developed in conjunction with DADS to ensure consistency within the enterprise for individuals receiving long-term services and supports.

Recommendation 1.2(a)

Add employment services to all Medicaid waivers that currently do not include these services [e.g., Community Based Alternatives (CBA), STAR+PLUS, and Integrated Care Management (ICM)].

Agency Responses

DADS: To avoid reducing the number of individuals served and the amount of services received in those waivers (CBA, STAR+PLUS, ICM and Medically Dependent Children Program (MDCP)), additional funding would be needed. Approval from the Centers of Medicare and Medicaid Services (CMS) would also be needed, related to the permissibility of offering supported employment (SE) in waivers that do not offer habilitation (see CFR § 441.302, State Assurances).

HHSC: STAR+PLUS waiver policy is developed in conjunction with DADS to ensure consistency within the enterprise for individuals receiving long-term services and supports.

Recommendation 1.2(b)

Change rules to ensure provision of transportation to competitive employment locations. Enforce rules to ensure compliance with requirements to provide appropriate transportation [e.g. currently Intermediate Care Facilities for persons with Mental Retardation (ICFs/MRs) and Community Living Assistance and Support Services (CLASS) Medicaid waiver];

Agency Response

DADS: Enforcement of current rules requiring the provision of transportation to employment locations (in the CLASS waiver and in ICFs/MR) is planned. ICF/MR providers have indicated that the daily rate does not adequately cover supported employment. A rate increase, which would require additional funding, may be necessary to make SE and employment-related transportation viable service options.

Recommendation 1.2(c)

Increase rates to adequately pay for employment services.

Agency Response

DADS: Rate increases would require additional funding.

Recommendation 1.2(d)

Develop an outcome-based methodology to pay for employment services across HHS agencies and programs.

Agency Response

DADS: This would apply to waiver programs, ICF/MR services, and general revenue funded services. While this would require a significant restructuring of rates [with accompanying Information Technology (IT) and contract changes] for all of these programs, the changes would be especially significant for ICF/MR and general revenue funded services. ICF/MR providers are paid a daily rate for all services, while mental retardation authorities are given a quarterly general revenue funded amount to serve individuals. Carving out supported employment services to be reimbursed in a separate manner would require additional funding and approval from CMS. At this time, no state has implemented an outcome based methodology with benchmarks for employment services in 1915 (c) Medicaid waiver programs.

Recommendation 1.3

DADS should develop and pilot a plan to divert clients of the home and community-based services (HCS) waiver and the mental retardation authorities (MRAs) from sheltered workshops to integrated employment, including self-employment opportunities, with a vision to eliminate sheltered workshops within ten years, using all federal funding opportunities.

Agency Response

DADS: Implementation of a pilot to eliminate habilitation services in a sheltered environment would require legislative funding and direction due to the magnitude and system-wide nature of this effort and the restructuring of the waiver.

Recommendation 1.4

Require DADS and DARS, by conducting an analysis of the current programs, to identify and develop recommendations that address the barriers to competitive community employment for people who reside in ICFs/MR, including state schools, to be included in the January 2009 legislative report update.

Agency Responses

DADS and DARS: These agencies conducted a preliminary analysis of barriers to supported employment in ICFs/MR. Their preliminary findings are in Appendix A of this report.

Goal 2: *Infrastructure Model Reform*

Recommendation 2.1

Require DARS to approve employment/supported employment providers (ESPs) for all HHS agencies, or otherwise ensure that the ESPs meet minimum standards.

Agency Responses

DARS: DARS currently contracts with businesses providing employment services, including supported employment, for DARS clients in the Vocational Rehabilitation program. DARS will explore agreements with other HHS agencies to facilitate the use of DARS contracted providers by other HHS agencies.

DARS would also need legislative direction to implement this recommendation. Currently, DARS does not have the authority to license, certify, register, or regulate employment service providers. DARS cannot use federal funds from the Vocational Rehabilitation program to pay employees to approve ESPs for other agencies. DARS would need additional general revenue and additional full time equivalent positions (FTEs) to handle the workload required to approve employment services providers, including supported employment, for all HHS agencies.

DSHS: DSHS recognizes that the goals of the recommendation are to improve statewide access to and establish consistent quality standards for employment/supported employment services. DSHS supports these goals. It is not clear yet how the recommendation impacts employment services provided through LMHAs or their sub-contractors and whether these entities would be required to meet these standards.

If LMHAs or their sub-contractors must obtain DARS approval in order to provide their current level of employment services, the difficulty of securing the approval will determine implementation. If the approval process is costly, cumbersome, or requires a level of service that exceeds the capabilities of the LMHAs or their sub-contractors, implementation may prove problematic. Alternatively, if the approval process is inexpensive and straightforward, or if mental health authorities are excluded from this requirement, then implementation for DSHS and LMHAs would be less difficult.

Recommendation 2.1(a)

DARS, in consultation with DADS, should develop minimum criteria for ESPs.

Agency Responses

DARS: DARS will assist DADS in developing its own criteria for ESPs.

DADS: DADS does not currently require providers to have employment-specific qualifications.

Recommendation 2.1(b)

In order to facilitate timely implementation of the Infrastructure Model Reform, initiate these changes in the Consumer Directed Services (CDS) service options.

Agency Response

DADS: While it would require fewer administrative changes to initiate this recommendation in CDS, requiring employment-related qualifications where there are none currently would likely

require a rate increase. A rate increase would help to attract qualified providers and sustain an adequate provider pool.

Recommendation 2.1(c)

ESPs must request approval from DARS regardless of whether they provide short-term employment services, long-term (ongoing) employment services, or both.

Agency Response

DARS: DARS doesn't have current authority to license, certify, register, or regulate employment service providers and would need legislative direction to fulfill this recommendation.

Recommendation 2.1(d)

Current ESPs will have two years from the effective date of the changed rule to meet the necessary requirements as a DARS-approved ESP.

Agency Responses

DARS: DARS doesn't have current authority to license, certify, register, or regulate employment service providers and would need legislative direction to implement the necessary rules.

DADS: DADS does not currently require providers to have employment-specific qualifications. Adopting such qualifications would require a rate increase for providers, and this would require additional funding.

DSHS: DSHS will actively participate in the collaboration, ongoing development, and implementation of the model. Adopting such qualifications would require a rate increase for providers, and this would require additional funding.

Recommendation 2.1(e)

Implement cross-agency agreements/contracts as needed to qualify DARS-approved ESPs to contract as necessary with other HHS agencies.

Agency Responses

DARS: DARS does not currently have the authority to license, certify, register, or regulate employment service providers. DARS will explore agreements with other HHS agencies to facilitate the use of DARS contracted providers by other HHS agencies.

DADS: DADS will participate in the implementation of such a model, as system and IT changes would be required and additional FTEs could be required.

DSHS: DSHS will participate in collaboration and ongoing development of the model.

Recommendation 2.1(f)

Make available the list of approved ESPs to all HHS program participants requesting employment/supported employment services.

Agency Response

DARS: DARS will provide a list of its contracted ESPs for distribution to all HHS program participants.

Goal 3: *Capacity Building*

Recommendation 3.1

Agencies should implement specific strategies to increase the recruitment of ESPs and participating employers.

DARS and HHSC should ensure re-application for the Medicaid Infrastructure Grant (MIG) each year through 2011. Stakeholder participation must be included in the re-application process. DARS and HHSC must make amendments to the re-applications to incorporate recommended actions from this plan.

Agency Responses

DARS: DARS reapplied for continuation of the MIG in 2009 and intends to do so until the end of the grant period, through 2011. H.B. 1230 recommendations were incorporated as appropriate in the 2009 outcome measurement projections.

The 2009 MIG activities will include outreach and public awareness presentations about work incentives and health supports for people with disabilities, including Texas youth with disabilities who are transitioning to adult living, as they seek to obtain and/or maintain successful employment outcomes through the following:

- MIG Advisory Committee strategies and recommendations.
- Disseminating education and outreach material and including information on the MIG website about Medicaid Buy-in, and other work incentives that support the employment of people with disabilities.
- Conducting regional presentations for service providers, stakeholders, advocates, self-advocates, and consumers.
- Continuing development of education and outreach materials for employers about the resources and work incentives available supporting employment of people with disabilities and the benefits of hiring them.
- Providing education and outreach to parents, educators, and others around youth transition issues.
- Reviewing and capitalizing on available and appropriate training opportunities, including state, regional, and local venues.
- Coordinating with existing state and national resources with expertise in supported employment services, employer recruitment, planning, and benefits.

HHSC: HHSC concurs and will support DARS in its reapplication of the MIG grant and in its activities which support the H.B. 1230 recommendations.

Recommendation 3.1(a)

TWC, TEA, DADS, DSHS, independent school districts (ISDs), and DARS should develop and implement a plan to educate employers regarding the benefits, and dispelling the misconceptions, of hiring people with disabilities. This plan should be coordinated with the outreach plan developed in response to the outreach/public awareness recommendations in this plan.

Agency Responses

DARS: DARS will continue to make presentations to local community groups, educating employers and providers about DARS and the benefits to businesses of hiring qualified persons with disabilities and will do so within current resources. DARS participates in a national vocational rehabilitation network and has established itself as part of a national campaign to build partnerships with business that benefits both business and persons with disabilities.

A contracted design, development, and multi-year implementation of a multi-year, multi-media, statewide outreach and public awareness campaign, and the development of a speakers' bureau will require additional funding in order to avoid reduction of services to existing consumers.

TEA, TWC, DADS and DSHS: All will participate with DARS in accomplishing this recommendation.

Recommendation 3.1(b)

DARS, DADS, and DSHS should:

- increase rates to adequately pay for employment/supported employment services; and
- develop an outcome-based methodology for payment of ESPs.

Agency Responses

ALL: Legislative funding is required to provide rate increases for employment/supported employment services.

DARS: The DARS Rate Review Workgroup (RRW) was established by the legacy Texas Rehabilitation Commission (TRC) and continues to meet quarterly to: (1) identify consumer goods and services for which DARS has established, by policy, rates of payment, or payment limitations; (2) establish a regular review cycle for each identified good and service; (3) identify or establish a rate setting methodology for each category of goods and services; and (4) recommend appropriate modifications to established rates.

On January 1, 2007, DARS implemented and currently uses an outcome-based payment system for supported employment services. On December 1, 2008, the DARS Division for Rehabilitation Services implemented an outcome-based payment system for job placement services (non-supported employment services). DARS Division for Blind Services currently uses an outcome-based payment system for job placement services. Payment is based on accomplishing specific employment outcomes.

DADS: The outcome based methodology would apply to waiver programs, ICF/MR services, and general revenue funded services. While this would require a significant restructuring of rates (with accompanying IT and contract changes) to all of those services, the changes would be especially significant for ICF/MR and general revenue funded services. ICFs/MR providers are paid a daily rate for all services, while mental retardation authorities are given a quarterly general revenue amount to serve individuals.

Carving out SE services to be reimbursed in a separate manner would require additional funding and CMS approval. At this time, no state has implemented an outcome-based methodology with benchmarks for employment services in 1915(c) Medicaid waiver programs.

DSHS: Employment services are provided to consumers through LMHAs. Supported employment services are funded primarily through general revenue and Medicaid rehabilitative dollars. The general revenue is provided to LMHAs through a quarterly up-front payment. To the extent that rehabilitative services are provided to Medicaid clients, the state's Medicaid rate for rehabilitative services is applied. Some LMHAs may choose to subcontract with supported employment providers in their communities. LMHAs are expected to establish reasonable rates for services when they elect to subcontract for services such as these.

DSHS will collaborate with other state agencies as it examines its rates. DSHS will work to assure that its contract provisions, rates, or other structures in place do not inhibit client access to employment services provided through the LMHAs or other agencies.

Recommendation 3.1(c)

DARS should provide a one-time, start-up, or program expansion funding to increase the number of ESPs through-out the state. Provisions should be made to allow ESPs to apply for funding through a competitive bid process with employment and supported employment outcome measures.

Agency Response

DARS: DARS can explore other sources of funding, such as the Texas Council for Developmental Disabilities, which may have the authority and funds available for a one-time, start-up, or program expansion to increase the number of ESPs.

DARS does not have authority or resources to issue one-time, start-up, or program expansion funding and would therefore need legislative direction and funding.

Recommendation 3.2

TWC and DARS should explore and/or request additional funding and supports to increase positive employment outcomes for youth with disabilities.

TWC should encourage local workforce development boards to explore available funding options (federal, state, local, public/private) to continue and possibly expand disability navigator positions within the workforce system to partner with local board business service representatives to:

- assist employers to become aware of the needs of transitioning youth; and
- assist transitioning youth with disabilities to gain employment.

Agency Responses

DARS: Funding for DARS' Vocational Rehabilitation programs, which include services seeking to increase positive employment outcomes for youth with disabilities, was included in the 2010-2011 DARS LAR.

TWC: TWC concurs with this recommendation and will continue to conduct activities to implement the recommendations.

Recommendation 3.2(a)

DARS should request legislative appropriations for 100 additional transition vocational rehabilitation counselors (TVRCs).

Agency Response

DARS: DARS has included in its 2010-11 LAR an additional 43 FTEs for TVRCs. DARS expects to fund the salaries, benefits, operating expenses, and case service funds from anticipated growth in the vocational rehabilitation grant over the biennium. DARS has also included in the LAR a request for sufficient general revenue funds to match the anticipated vocational rehabilitation grant growth. The LAR also includes additional FTEs and general revenue funds to cover salaries, benefits, and operating expenses for transfer to HHSC for oversight of the additional 43 DARS FTEs.

However, DARS is limited by both the current FTE allocation and the federal VR grant funds available during the biennium. Additional funding that was not requested in the LAR would be necessary for an increased number of TVRCs to serve consumers.

Recommendation 3.2(b)

DARS should request appropriations for ongoing supports for persons who have completed the DARS supported employment services and would benefit from ongoing supports, but are not receiving DADS, DSHS, or other services. The funding for the ongoing supported employment supports should be activated by the DARS counselor once the individual has completed the short-term, time-limited rehabilitation period as provided in the DARS supported employment definition. Funding should provide for a minimum of a monthly contact with the consumer, and a maximum of personal supports no greater than 30 hours per month, as determined in the person's employment plan.

Agency Response

DARS: To implement this recommendation, DARS would need additional funding to conduct a study to determine the full extent of resources necessary to implement such an ongoing state-funded program. This would include an examination of the role that various waiver funds might play as similar benefits. Such a complex study cannot be accomplished within the 2010-11 LAR cycle.

Supported employment in the DARS VR program is time-limited by federal regulation to 18 months [34 CFR 361.5(b)(54)]. This recommendation would require a new program in DARS authorized and funded with state general revenue funds. Implementation would also require legislative direction to DARS of general revenue funds for salaries, benefits, operating expenses, and case service funds, as well as an increase in the DARS FTE cap to operate this program.

Recommendation 3.2(c)

DARS should house vocational rehabilitation counselors on a regular basis to stay a minimum of one day a month at each youth transition center that contracts with Department of Family and Protective Services (DFPS).

Agency Responses

DARS: This recommendation is currently partially accomplished as some TVRCs already go to DFPS youth transition facilities. DARS supports TVRCs spending one day a month or more, depending on the availability of appropriate referrals at DFPS youth transition facilities. DARS statewide transition specialists will discuss this concept with the appropriate contact at DFPS.

Transition specialists or TVRCs will meet with representatives of local DFPS youth transition facilities to establish relationships where they do not already exist.

Additionally, the DARS Division for Blind Services (DBS) transition counselors can meet referrals as needed at DFPS transition centers and facilities. However, the DBS does not have enough transition counselors (23) to house at or cover DFPS centers on a monthly basis.

DFPS: DFPS supports housing TVRCs within any transition center as needed and will work with DARS to accomplish this goal and meet the needs of DFPS youth.

Recommendation 3.3

DARS should improve training for state staff contracted staff.

Capitalize on all available and appropriate training opportunities, including state, regional, and local gatherings; conferences; workshops; and on-line courses. Existing state and national resources with expertise in supported employment services, employer recruitment, planning and benefits, school curriculum, and ongoing supports should be tapped.

Agency Response

DARS: DARS utilizes and actively seeks such training opportunities, and welcomes suggestions on additional training opportunities not currently being utilized.

Recommendation 3.3(a)

Ensure vocational rehabilitation counselors, transition vocational rehabilitation counselors, and regional transition program specialists (RTPSs) are trained on the basics of social security work incentives and how employment will affect SSA benefits.

The RTPS must have the knowledge and experience to access and utilize SSA work incentive programs. The RTPS should serve as a resource and provide technical assistance for regional staff.

Vocational rehabilitation and transition vocational rehabilitation counselors should be able to provide appropriate information and referrals, access the technical assistance of RTPS, and refer consumers to the Work Incentive Program to gain access to private and community resources.

Agency Response

DARS: DARS counselors are currently instructed to refer clients to a SSA Work Incentives Planning and Assistance (WIPA) specialist for individualized information on SSA benefits. Specific training on SSA benefits and community resources is included in the specialized training for transition VR counselors and specialists mandated in Section 2 of H.B.1230, 80th Legislature, Regular Session, 2007. This training has already been implemented by DARS. Additionally, DARS has an ongoing training module that is routinely updated. As the combined DARS training unit comes into existence, these materials may be used for wider dissemination as needed. VR counselors can be trained in the basics of the SSA work incentives and reminded to make referrals to the local WIPA.

Recommendation 3.3(b)

Establish, monitor, and maintain benchmarks for utilization of federal work incentive programs. Increases in the use of work incentive programs are expected.

Agency Response

DARS: Objectives of the Medicaid Infrastructure Grant (MIG) include facilitating linkages between federal work incentives and employment and continuing to build an informed consumer base focusing education and outreach efforts on work incentive eligibility, benefits planning, and employment choices. Collaborating with the Social Security Administration Texas Work Incentives Planning and Assistance (SSA-WIPA) staff will assist people with disabilities in finding and maintaining jobs.

Activities include:

- consulting with Imagine Enterprises and Sandy Hardy (Region 6 WIPA TA Trainer and Liaison with Virginia Commonwealth University);
- providing dollars for dedicated WIPA outreach and education on work incentive programs targeting consumers and providers;
- developing tools to support and inform service providers, stakeholders, and consumers about work incentives available that support employment objectives for people with disabilities;
- supporting regional meetings/summits on work incentives for WIPAs, including the community work incentives coordinators and other stakeholders with ongoing technical assistance for participants;
- targeting training to partners and providers that impacts employment outcomes;
- training vocational rehabilitation counselors, transition vocational rehabilitation counselors, and regional transition program specialists on the basics of social security work incentives and how employment can affect SSA benefits; and
- developing a strategy for MIG and WIPA collaboration to assist consumers and stakeholders.

Outcome measures include:

- developing strategy for MIG and WIPA collaboration to assist consumers and stakeholders;
- conducting three regional meetings; and
- disseminating media products.

DARS has neither the authority nor access to the necessary federal data (complete SSA records) to establish further benchmarks or quantify an increase in the use of federal work incentive programs.

Recommendation 3.3(c)

Ensure that vocational rehabilitation and transition vocational rehabilitation counselors are able to provide appropriate information and referrals, and understand and be able to explain the Medicaid Buy-In program to consumers, families, and vendors, particularly those who are transitioning using supported employment services.

Agency Response

DARS: A basic set of training materials and/or job aids will be developed to assist counselors in understanding the premise of the Medicaid Buy-in program. DARS divisions will implement use of the materials in new counselor training programs and deliver a module to counselors currently

on staff. Resource information for contacts within the program will be included so that counselors can provide appropriate resource referral information for consumers.

Fact sheets or job aides will be developed by subject matter experts with basic information that could be provided for consumer use.

Recommendation 3.4

DADS should ensure DADS' case managers and the ESP case managers have basic information on the use of the Social Security work incentives and the Medicaid Buy-In program.

Agency Response

DADS: DADS will work with HHSC to distribute information to and to train DADS' case managers and the ESP case managers.

Recommendation 3.4(a)

Designate a regional staff to serve the same functions of RTPS and provide technical assistance to consumers and families.

Agency Response

DADS: Additional staff dedicated to this function would require additional funding.

Recommendation 3.4(b)

Ensure that each MRA designates staff to serve in the same capacity.

Agency Response

DADS: To ensure that each MRA employed a staff member responsible for technical assistance and referral, DADS would need to additional funding in order to increase funding for the MRAs and further monitoring of their functions.

Goal 4: Outreach and Public Awareness

Recommendation 4.1

DARS, in consultation with DADS and other appropriate agencies and stakeholders, should contract for the design, development, and multi-year implementation of the statewide comprehensive outreach and public awareness plan. DARS should request exceptional item funding in order to contract for this plan. DARS and HHSC should include outreach and public awareness recommendations in future Medicaid Infrastructure Grant applications.

The plan will include, but not be limited to the following:

- Comprehensive outreach efforts designed to have a measurable impact at the local level.
- Using public service announcements, newsletter articles, billboards/other media to be used statewide to increase the awareness and promote capacity building of ESPs and potential employers of people with disabilities.
- Developing a multi-media campaign for the dissemination of information, intended to educate the targeted audiences.
- Developing and disseminating needed information to health care providers, particularly regarding disability determinations and implications of their documentation for Supplemental Security Income (SSI) eligibility. Information should also be provided to enable health care providers to refer their patients to appropriate employment services.
- Developing a comprehensive, easily accessible website that provides information on employment services/supported employment to providers and potential employers to include information on:
 - (1) benefits of employing people with disabilities;
 - (2) SSI/Social Security Disability Insurance (SSDI), Medicaid Buy-In, and other work incentives;
 - (3) how to become an ESP;
 - (4) the current tax incentives for employers that promote the hiring of individuals with disabilities (i.e., Work Opportunity Tax Credit);
 - (5) existing tools such as the Employer Assistance and Recruiting Network that connect employers with skilled jobseekers with disabilities, and the Job Accommodation Network, a free consulting service designed to increase the employability of people with disabilities;
 - (6) employment provider success stories;
 - (7) self-employment options and opportunities; and
 - (8) information on opportunities for self-advocacy, including information on the importance of transition planning and how to create an effective transition plan for youth and families.
- Mentoring activities to include the development of a speaker's bureau to present in local communities, conferences, seminars, etc., to increase awareness of the provider and to increase employment opportunities for people with disabilities.

Agency Responses

DARS: DARS can partially implement this recommendation within current resources. Upon CMS approval of the 2009 MIG continuation request, the MIG funds will be used to facilitate linkages between work incentives and employment and continue building an informed consumer

base by focusing education and outreach efforts on work incentive eligibility, benefits planning, and employment choices to assist people with disabilities in finding and maintaining jobs. Grant funds will also be used and leveraged to develop education and outreach events and marketing and media products to inform service providers, stakeholders, and consumers about MBI, personal attendant services (PAS) and other work incentives and employment supports (e.g., leverage funding to the SSA-WIPA programs at regional meetings/summits on work incentives for WIPAs, including the community work incentives coordinators/other stakeholders with ongoing technical assistance for participants in the summits). A peer support evaluation model, training plan, and strategy/methodology will be developed and implemented to provide education and outreach to parents, educators, and others around youth transition issues.

The contracted design, development, and multi-year implementation of a statewide comprehensive outreach and public awareness campaign would require additional funding in order to avoid reduction of services to existing consumers. The workgroup recommendations were received after DARS was required to submit its LAR for the 2010-11 biennium and, therefore, could not include this request for funding. However, DARS will explore other sources of funding, such as the Texas Council for Developmental Disabilities, which may have the authority and funds available for further and complete implementation of this recommendation.

DADS: DADS will participate in the workgroup charged with developing this outreach plan.

DSHS: Although DARS and DADS are named as the lead agencies for the development of a comprehensive statewide outreach and public awareness plan, DSHS will participate in providing information and consultation.

Recommendation 4.2

HHSC should enhance the information available regarding employment of people with disabilities offered through the state 2-1-1 system.

Agency Responses

HHSC: HHSC will enhance the information available through the 2-1-1 system.

DADS, DARS, DFPS and DSHS: The enterprise agencies will all assist in providing needed information to HHSC for the update of the 2-1-1 system.

Goal 5: TEA Transition Services and Employment Programs

Recommendation 5.1

Transition/Employment Manual: TEA should develop a Texas-specific comprehensive, transition and employment manual with assistance from HHSC in gathering and compiling all necessary information. The manual will include, but not be limited to information regarding:

- transition services and the transition process;
- a definition of supported employment/employment services (see *Program Change*);
- SSI/SSDI and social security work incentives;
- community services for people with disabilities, including Medicaid and Medicaid waivers and non-Medicaid long-term services and supports;
- employment and supported employment programs administered by HHS agencies, TWC, and local ISDs;
- accessing post secondary educational programs and services;
- informed consent of the parent/guardian or adult student if student information is shared with HHS agencies and their service providers;
- rights at the age of majority and guardianship/alternatives to guardianship;
- contacts for all relevant agencies; and
- student and parent/guardian rights, self-advocacy, person-directed planning, and self-determination.

Agency Responses

TEA and HHSC: TEA will collaborate with HHSC in the development of this manual. An initial meeting among the agencies has already occurred.

DADS, DARS, DFPS, DSHS and TWC: As supporting agencies, all will participate in the workgroup and provide the needed information.

Recommendation 5.1(a)

TEA will ensure that local ISDs distribute this manual to students 14 years and older who will graduate under Texas Administrative Code (TAC) 891070(c).

Agency Response

TEA: TEA will work with the education service centers (ESCs) and local education agencies (LEAs) in facilitating a manual distribution of transition-related information provided by HHSC. There will be a fiscal impact on TEA for printing and distribution of the manual.

Recommendation 5.1(b)

This manual should be updated biennially and be placed on the TEA website and appropriate HHS agencies websites to be available for downloading and distribution by ISDs. (See the Outreach/Public Awareness recommendation).

Agency Responses

DARS, DADS, DFPS, DSHS, HHSC, TEA and TWC: All will post this material on their websites or, if more appropriate, will provide links to the manual website. Changes to this manual will result in a fiscal impact to TEA for new development, printing and distribution of the manual.

Recommendation 5.1(c)

TEA should develop rules to ensure that ISDs will distribute these manuals annually to the students specified above. The distribution of these manuals will be recorded by a check box on the Individualized Education Program (IEP), documentation required by federal law that outlines a student's goals and objectives, as well as any accommodations or modifications that are appropriate for the student.

Agency Response

TEA: TEA will determine the need for rule development related to this topic based on information available after the initial manual distribution.

Recommendation 5.1(d)

TEA will monitor ISDs to ensure compliance. ISDs may also choose to distribute the manuals to other students as appropriate or at parental request.

Agency Response

TEA: TEA monitoring activities ensure compliance with state and federal transition-related requirements. TEA will determine the need for additional monitoring activities related to this topic based on information available after the initial manual distribution.

Recommendation 5.2

To support students and parents, TEA and local ISDs should ensure appropriate agency representation at the Admission, Review, and Dismissal (ARD) committee meetings and offer information sessions to support students and their parents/guardians in the transition planning process. The ARD Committee consists of a group of educators, administrators, parents, educational diagnosticians, and others who convene to discuss and make decisions regarding the needs of a student eligible for special education services.

TEA should fully implement federal law and regulation to invite DARS and other appropriate agency representatives to the ARD meetings, and document which representatives were invited and attended if the parent/guardian and student have agreed to have the representative(s) present.

Agency Responses

TEA: TEA and local ISDs are unable to ensure appropriate agency representation at ARD Committee meetings. Current federal regulations require ISDs with parental consent to invite appropriate agency representatives to the ARD meetings (called an Individual Education Plan (IEP) team meeting in federal regulations). TEA will continue to enforce the federal requirement through its systems of general supervision.

DADS and DSHS: DADS case managers and service coordinators and DSHS contracted LMHA staff currently participate when requested as agency representatives at ARD meetings. DADS and DSHS welcome opportunities to continue and promote this practice for the purpose of achieving improved employment/supported employment service coordination for its clients.

Recommendation 5.2(a)

TEA should ensure each district or co-op designates a transition specialist with working knowledge of the content of the manual.

Agency Response

TEA: Secondary Transition Education Service Center (ESC) Leadership at Region 11 and the associated 20-region network provide training for district personnel with responsibilities related to transition. The TEA holds districts accountable for the results of transition activities not the designation of specific personnel. Region 11 will incorporate the information from the new transition manual into the current training when it is available and TEA will encourage LEAs to identify transition/interagency contracts to coordinate with other agency representatives.

Recommendation 5.2(b)

Local ISDs, co-ops, and DARS will offer information sessions to parents of each ISD at least once each semester. Information to be covered must include transition and employment/supported employment services.

Agency Responses

TEA: There will be a fiscal and personnel impact for LEAs (1,200) to offer information sessions for parents twice a year. TEA will work with ESCs and LEAs as well as DARS to reduce the cost of such information sessions.

DARS: Since each ISD has at least one counselor assigned, DARS is ready to work with each ISD to offer an information session annually to parents regarding transition and employment/supported employment services.

Recommendation 5.3

Data: TEA should develop data indicators for students in special education who are receiving employment/supported employment services. These data indicators will include at a minimum:

- the number of students receiving employment services; and
- of these, the number of current special education students in paid competitive/supported employment and/or self-employment as defined in this document.

TEA should require ISDs to document and report the above information annually to TEA for public dissemination.

Agency Response

TEA: Through the Public Education Information Management System (PEIMS), the state collects data on students with identified disabilities in a vocational adjustment class (VAC) instructional arrangement, who are placed on a job with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP (19 TAC §89.63(c)(9)). However, if additional information is collected, there will be a fiscal note for TEA and ESCs. In addition, the federally mandated special education state performance plan requires TEA to collect data related to transition through a student's IEP. TEA also engages in transition-related continuous improvement, including stakeholder input, through the Texas continuous improvement process.

Recommendation 5.4

Funding: TEA should request legislative funding to increase the availability of employment/supported employment services for students with disabilities. This funding could be used for, but not limited to, the following:

- Utilizing mini-grants to provide opportunities for ISDs to increase the number of students placed in employment/supported employment, excluding sheltered workshops.
- Creating funding weight incentives to increase ISD funding when students are in supported employment settings, excluding sheltered workshops.
- Providing training and education for students age 18-22 in age-appropriate settings.
- Supporting additional employment transition specialists in ISDs with an emphasis on placing them in rural and other underserved areas. TEA will utilize a needs assessment survey to develop the funding request and placement of the transition specialists;
- Recognizing financially those ISDs who have exemplary grassroots programs already providing employment/supported employment services.
- Funding training on employment/supported employment and person-directed planning.

Agency Response

TEA: TEA supports opportunities to collaborate with other agencies in optimizing the use of funds for employment and supported employment programs. Currently, an instructional arrangement already exists to support many of these efforts. Additionally, TEA has flexibility to expand the current instructional arrangements/funding weights to accomplish this result and does not see a need at this time to request legislative funding in support of the recommendation.

Recommendation 5.5

Other TEA recommendation should encourage ISDs to utilize person-directed planning and promote self-advocacy and self-determination, especially for those who remain in school after the age of 18.

Agency Response

TEA: Current transition-related trainings/strategies provided by the ESCs address person-directed planning and self-advocacy skills for students ages 16-21 or earlier if appropriate.

Recommendation 5.5(a)

TEA should develop minimum qualifications for ISD employment services comparable to DARS minimum requirements.

Agency Response

TEA: TEA will discuss the DARS minimum requirements for employment services to determine if they are appropriate for consideration.

IV. Other Implementation Requirements

H.B. 1230, 80th Legislature, Regular Session, 2007, Section 1 also requires HHSC to monitor programs offered through health and human services agencies; to consider whether programs or services result in positive outcomes in employment, community integration, and quality of life; and to collect information regarding the outcomes of the transition process.

HHSC has collected data for fiscal years 2007 and 2008 from HHS agencies regarding enrollment levels, health insurance, community living status, and employment status of youth with disabilities. At the request of legislative staff, HHSC, under a contract with the University

of North Texas (UNT), also conducted focus groups and a telephone survey of Texas youth with disabilities to better understand their transition experiences.

UNT is in the final phase of the telephone survey, and results of data collected from the agencies are being compiled. A report on HHSC monitoring activities is expected to be finalized in February 2009 and will be submitted to the designated legislative committees at that time.

Appendix A

Barriers to Supported Employment for Individuals Residing in Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions

Report to the Legislature

Background

Program Change Recommendation #4 of the *Plan for Improving Employment Services for Texas Youth with Disabilities Who are Transitioning to Adult Living* (See Appendix B) requires the Department of Aging and Disability Services (DADS) and the Department of Assistive and Rehabilitative Services (DARS) to identify and develop recommendations that address the barriers to competitive community employment for people who reside in intermediate care facilities for persons with mental retardation (ICFs/MR), including state schools, to be included in the January 2009 legislative report regarding the implementation status of the recommendations in health and human services agencies.

To address this charge, DADS and DARS took the following steps:

- Formed a workgroup in October 2008;
- Conducted a survey of the following groups:
 - ICF/MR providers, including state schools, and
 - DARS staff and providers with experience serving individuals residing in an ICF/MR, including:
 - DARS Vocational Rehabilitation Counselors,
 - DARS Transition Counselors, and
 - Community Rehabilitation Programs;
- Conducted focus groups of state school residents; and
- Researched other states that have focused on community employment for individuals residing in ICFs/MR.

The survey contained 19 statements, with which respondents could strongly disagree, disagree, agree, or strongly agree. The statements addressed a number of topics, including ICF/MR staff knowledge of DARS; supported employment; availability of transportation; and the adequacy of incentives to provide supported employment services. It also included four open-ended questions about state, federal or other requirements.

DADS does not collect information related to the specific services that individuals receive in ICFs/MR in Texas. As such, there is no baseline from which to measure progress toward increasing levels of individualized, competitive employment. However, DADS does conduct an annual survey of a sample of individuals enrolled in some of its programs. The most recent survey, conducted in 2008, included a sample from the ICF/MR population (small, medium, and large community facilities, as well as state schools). The survey found an average of 8 percent

of individuals in an ICF/MR (all settings) was employed in individualized, competitive jobs in the community.

Principal Findings

Staff and Provider Survey

Survey participants included:

- 21 state school respondents;
- 20 private ICF/MR respondents;
- 8 public ICF/MR (excluding state schools) respondents;
- 157 Vocational Rehabilitation Counselors;
- 31 Transition Counselors; and
- 19 Community Rehabilitation Provider respondents.

The majority of respondents from both DADS and DARS agreed with the following statements:

- Individuals residing in ICFs/MR and their legally authorized representatives (LARs) do not have accurate information about Supported Employment (SE), and have concerns about losing Medicaid or other benefits due to increased income;
- The limit on income that an individual in an ICF/MR is allowed to keep when working discourages participation in SE;
- ICF/MR staff have neither accurate information about SE nor the expertise to provide it;
- ICF/MR staff either do not know about or do not understand DARS role in providing SE services;
- There is not sufficient coordination between DADS and DARS in the provision of SE services;
- ICF/MR management does not promote or emphasize SE services; rather, the ICF/MR culture promotes group settings over individualized SE services;
- Public transportation is often not available to job sites or potential job sites;
- There is not sufficient financial incentive for the ICF/MR to provide SE services; and
- A rate change that would promote SE services over group settings in an ICF/MR would likely increase the provision of SE services.

Additionally, ICF/MR providers agreed that DARS typically does not serve individuals referred by the ICF/MR, while DARS counselors and providers agreed that ICFs/MR do not provide transportation to job sites or potential job sites.

By far, the top issue identified by all respondents is a lack of resources, both to hire an adequate number of ICF/MR staff and to specifically target individuals with intellectual disabilities at DARS. The following quote is representative of the first concern: “[There are] requirements to provide certain [consumer to staff] ratios at the homes and no one is left to do supported employment. [We] can’t get enough direct care staff at the homes – too much turnover.”

In a close second, respondents repeatedly stated the need for training of ICF/MR providers on supported employment. Both DADS and DARS respondents indicated that ICF/MR staff

training in how to provide supported employment services and how to coordinate supported employment services with DARS would be beneficial. Respondents also indicated that DARS

counselors and providers would benefit from training on working with individuals with intellectual disabilities.

Respondents identified other barriers:

- An inherently long supported employment process, which is often discouraging or frustrating to individuals;
- A lack of employers willing to hire individuals with intellectual disabilities, especially in rural areas; and
- Resistance by families and LARs to the individual having a job in the community.

In their comments, respondents reiterated their beliefs that:

- Securing transportation is a significant barrier to supporting individuals in community employment;
- The limit on the amount of income an individual may keep discourages community employment; and
- The ICF/MR culture promotes day habilitation and other group settings over individualized services.

Focus groups with state school residents

A total of 173 residents from 12 state schools participated in the focus groups. While only four individuals were currently employed in the community, at least one-third (57) had held community jobs in the past. Respondents reported that quitting and being fired for inappropriate behavior were the top two reasons for no longer having a job in the community. At least 70 percent (120) of the respondents expressed a desire to work in the community, but less than half of those believed that state school staff were aware of this desire. Of those who believed that staff were aware of this desire, about half recalled telling staff without first being asked, and the other half recalled being asked by staff. Reportedly, only eight individuals had ever been referred to DARS for employment placement.

Note that neither the survey nor the focus groups contained a statistically valid sample and that the findings above should be interpreted cautiously.

Recommendations

Based on these findings and research of other states, DADS and DARS offer the following preliminary recommendations to address the major barriers identified above. Some of these recommendations overlap with those in the attached plan. The recommendations are divided into two categories: those that require legislative direction or funding to implement, and those that DADS and DARS can and will implement without legislative direction or funding.

Do not require legislative funding or direction

1. Develop and distribute a joint DADS/DARS Employment Manual that describes coordination of employment resources and best practices in promoting employment and providing supported employment services; and
2. Collect data on ICF/MR referrals to DARS and on employment outcomes.

Require legislative direction or funding

3. Conduct joint regional trainings for ICF/MR providers and Community Rehabilitation Providers on the DADS/DARS Employment Manual;
4. Fund ICF/MR services at a level that allows a provider the flexibility to support an individual who wants to seek and maintain competitive employment. The current rate assumes that most residents are engaged in the same activity at any given time. Although the rate is considered sufficient to ensure residents' health and safety, it inadvertently limits the amount of individualized services (e.g., supported employment) that can be provided. The increase in funding should be tied to the provision of supported employment services and could take the form of an add-on to the current daily rate;
5. If permissible by the Center for Medicare and Medicaid Services, increase the amount of income an individual in an ICF/MR is allowed to retain (i.e. personal needs allowance (PNA)) relating to earned income only. Legislative direction would be needed to increase the PNA for individuals with earned income only. State funds would need to be appropriated for the state portion of the additional PNA.

Appendix B

**Plan for Improving Employment Services for
Texas Youth with Disabilities
Who are Transitioning to Adult Living**

**As required by
House Bill 1230
80th Legislature, Regular Session, 2007**

August 2008

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Executive Summary

Problem

The unemployment rates for adults with disabilities are staggering, and far exceed the rates for adults without disabilities. While many adults with disabilities want to work, the supports to find and retain employment are frequently not available. To change this trend, we need to begin by preparing our transition-age youth with disabilities for employment. We can do so by providing them with employment and supported employment services that will help them obtain and maintain meaningful employment in integrated settings, as opposed to the current practice of placing them in sheltered workshops and enclaves.

Anecdotal information collected from the experiences of youth with disabilities and their families strongly indicates that the current system of employment support is failing many Texas youth with disabilities, and too many of them enter adulthood without opportunities for integrated employment, higher education, and independent living. The Individuals with Disabilities Education Act (IDEA) is a federal law that requires services to children with disabilities. Children and youth ages 3 - 21 receive special education and related services under IDEA Part B. The Texas Education Agency (TEA), and independent school districts (ISDs) must comply with IDEA, and are therefore responsible for preparing youth with disabilities for successful employment outcomes following their secondary education.

While some ISDs do a commendable job of preparing students with disabilities for adult living, compliance with special education requirements are inconsistent throughout Texas school districts. Many ISDs fail to offer meaningful transition services and in many cases supported employment opportunities do not exist. And, because of the autonomy of ISDs in the Texas educational system, TEA believes that it does not have the authority to mandate specific services to be provided by the ISDs. Additionally, it is difficult to address these problems in the Texas education system as TEA has no clear data on employment supports and outcomes for students with disabilities.

The U.S. Census does have data indicating that 80,000 young Texans age 16-24 report difficulty working due to disability issues. Yet, only about 10,000 per year (about 12 percent) receive employment supports through the Texas adult service system.

The Department of Assistive and Rehabilitative Services (DARS) is the primary employment services agency for people with disabilities. However, many consumers and families have expressed frustration with DARS' performance in assisting in finding and maintaining employment. This is especially true for individuals with significant employment support needs due to cognitive, developmental, psychiatric, and/or medical disabilities.

The Department of Aging and Disability Services (DADS), DARS, Department of State Health Services (DSHS), the Texas Workforce Commission (TWC), TEA and local ISDs are all part of the complex employment support puzzle with little coordination taking place to improve access to services. While some employment/supported employment providers (ESPs) do an excellent job of providing needed services to individuals, the inconsistent expertise of ESPs and the fragmented system of employment services and supports for youth with disabilities has created a system in which many individuals and families struggle to identify and access needed services. Additionally, mutually exclusive agency requirements add to the confusion. The many barriers in this system result in significant delays or the total inability to obtain services.

House Bill 1230

Until recently, ensuring effective employment services for youth with disabilities who are transitioning to adulthood had not been addressed in Texas state policy. In the 80th Legislative Session, House Bill (H.B.) 1230 was enacted to improve the services provided to Texas youth with disabilities as they transition from school to adult living. H.B. 1230 was based largely on recommendations from an October 2006 report from the Children's Policy Council. The following report fulfills the requirements of Section 3 of the bill that directs the establishment of a workgroup to develop a plan to:

- ensure that a youth with a disability who is transitioning into post-school activities, services for adults, or community living has choices about work and career, and the opportunity with necessary supports to seek individualized, competitive employment in the community;
- improve the collaboration between health and human services (HHS) agencies, other state agencies, the community, and local service providers to maximize existing supported employment resources; and
- increase the quality and quantity of available supported employment services and opportunities.

This plan was developed by the stakeholders who participated in the workgroup. The participants included recognized experts in supported employment, advocates, family members, physicians, providers of 1915(c) Medicaid waiver services, employers currently offering supported employment opportunities, and others. State agency members of the workgroup provided technical assistance and program information to the stakeholder group that developed this plan, and the recommendations herein.

The H.B. 1230 workgroup process began with the identification of current systems' barriers that prevent youth from obtaining the services and supports they need for successful employment outcomes. Subsequent to the identification of barriers, the workgroup spent months discussing options, analyzing potential solutions, and developing recommendations.

The workgroup's efforts resulted in five major goals for the delivery of employment/supported employment services to youth with disabilities and a package of recommendations designed to accomplish those goals. The goals address Program Changes, Infrastructure Model Reform, Capacity Building, Outreach and Public Awareness, and TEA Transition Services and Employment Programs.

Summary of Recommendations

In keeping with the legislation, the appropriate agencies should implement any portion of the following recommendations that can be implemented within current resources and legislative direction.

Program Changes

- All agencies providing transition-related employment and supported employment services for youth with disabilities should use the working definition of supported employment as stated in this plan whenever allowed by federal regulations.
- DADS and the Health and Human Services Commission (HHSC) should make waiver and program changes necessary to remove existing barriers preventing individuals from accessing needed employment services.
- DADS should develop and pilot a plan to divert clients of the Home and Community-Based Services (HCS) waiver and the Mental Retardation Authorities (MRAs) from sheltered workshops to integrated employment including self-employment opportunities, with a vision to eliminate sheltered workshops within ten years, using all federal funding opportunities.
- Require DADS and DARS, by conducting an analysis of the current programs, to identify and develop recommendations that address the barriers to employment in integrated settings for people who reside in Intermediate Care Facilities for Persons with Mental Retardation (ICF/MRs), including state schools, to be included in the January 2009 legislative report update.

Infrastructure Model Reform

- Require DARS to approve ESPs for all HHS agencies, or otherwise ensure that the ESPs meet minimum standards.

Capacity Building

- Agencies should implement specific strategies to increase the recruitment of ESPs and participating employers.
- TWC and DARS should explore and/or request additional funding to increase positive employment outcomes for youth with disabilities.

- DARS should improve training for state and contracted staff.

Outreach and Public Awareness

- DARS, in consultation with DADS and other appropriate agencies and stakeholders, should contract for the design, development, and multi-year implementation of the statewide comprehensive outreach and public awareness plan. DARS should request exceptional item funding in order to contract for this plan. DARS and HHSC should include outreach and public awareness recommendations in future Medicaid Infrastructure Grant applications.
- HHSC should enhance the information available regarding employment of people with disabilities offered through the state 2-1-1 system.

TEA Transition Services and Employment Programs

- TEA should develop a Texas-specific, comprehensive transition and employment manual with assistance from HHSC in gathering and compiling all necessary information. TEA will ensure that local ISDs distribute this manual to students 14 years and older who will graduate under Texas Administrative Code (TAC 891070 9c).
- TEA and local ISDs should ensure appropriate agency representation at the ARD meetings and offer information sessions to support students and their parents/guardians in the transition planning process.
- TEA should develop data indicators for students in special education who are receiving employment/supported employment services. TEA should require ISDs to document and report the above information annually to TEA for public dissemination.
- TEA should request legislative funding to increase the availability of employment/supported employment services for students with disabilities.

In accordance with the H.B. 1230 requirement, the workgroup is filing this report with the executive commissioner of HHSC. H.B. 1230 also requires the executive commissioner to adopt rules necessary to implement the plan recommended by the workgroup. The agencies are asked to implement those portions of the plan that can be implemented within current resources and legislative direction and, not later than January 1, 2009, the executive commissioner “shall present to the appropriate committees of the senate and the house of representatives for consideration by the 81st Legislature a report that describes the actions taken by the health and human services agencies to implement the plan recommended by the work group and any actions the agencies intend to take during the next biennium in accordance with the recommended plan.”

If we are to accomplish *meaningful systems’ change*, it is critical that we prioritize the goals established by the H.B. 1230 workgroup, and implement the detailed package of recommendations included in this plan. This change is essential if Texas youth with disabilities are to maximize their potential through meaningful employment and community inclusion.

Introduction

Anecdotal information collected from the experiences of youth with disabilities and their families strongly indicates that the current system of employment support is failing many Texas youth with disabilities, and too many of them enter adulthood without opportunities for integrated employment, higher education, and independent living.

DADS, DARS, DSHS, TWC, TEA and the local ISDs are all part of the complex employment support puzzle with little coordination taking place to improve access to services. The fragmented system of employment services and supports for youth with disabilities has created a system in which many individuals and families struggle to identify and access needed services. Additionally, mutually exclusive agency requirements add to the confusion. The many barriers in this system result in significant delays or the total inability to obtain services.

In the 80th Legislative Session, H.B. 1230 was enacted to improve the services provided to Texas youth with disabilities as they transition from school to adult living. This report fulfills the requirements of Section 3 of the bill that directs the establishment of a workgroup to develop a plan to:

- ensure that a youth with a disability who is transitioning into post-school activities, services for adults, or community living has choices about work and career, and the opportunity with necessary supports, to seek individualized, competitive employment in the community;
- improve the collaboration between HHS agencies, other state agencies, the community, and local service providers to maximize existing supported employment resources; and
- increase the quality and quantity of available supported employment services and opportunities.

This plan was developed by the stakeholders who participated in the workgroup. The participants included recognized experts in supported employment, advocates, family members, physicians, providers of 1915(c) Medicaid waiver services, employers currently offering supported employment opportunities, and others. State agency members of the workgroup provided technical assistance and program information to the stakeholder group that developed this plan and the recommendations herein.

Barriers

The workgroup identified the following barriers that must be addressed in order to provide increased opportunities for successful post-school outcomes for youth with disabilities, including productive employment opportunities and meaningful community life. These barriers are categorized in a similar fashion to the recommendations that follow. The case studies included in this report represent the experiences reported from the involved individual's perspective.

Program Barriers

- Lack of sufficient employment services in all programs;
- Limited supported employment hours and/or budgets available in Medicaid waiver programs (This refers to the limits within the waivers with respect to hours and funding that can be used for employment/supported employment services.);
- Lack of valid outcome data within each agency;
- Inadequate rates paid to employment providers;
- With the exception of a current initiative, the inaccessibility of DARS' vocational rehabilitation services to residents in state mental retardation facilities and community ICF/MRs; and
- Challenging coordination issues between ISDs and DARS that result in limited opportunities for students with significant disabilities to get paid work experience while still in school.

When the system does not work...

Tony completed school special education services with hope for full inclusion in his local community. Tony never received the opportunity to work in a position away from school. His major goal as an adult is to be employed. The only apparent choice has become a day habilitation program where 30-40 individuals with developmental disabilities spend the day doing unchallenging work. Mother and son have considered starting their own paper shredding business, but DARS' counselors seem unable to clearly provide Tony a path to reasonably put an operational plan in place. Additionally, the Medicaid waiver provider only offers a day habilitation service, not supported employment services, and is waiting for DARS and DADS to coordinate services and funding. Tony is still hopeful he will be able to find employment.

Infrastructure Barriers

- Limited capacity and inconsistent expertise in employment services in DADS and DSHS and their respective ESPs;
- Confusion among agencies and providers with respect to who should provide and fund employment/supported employment services to individuals resulting in gaps or loss of services; and
- Limited skills of DARS' ESPs in preparing, locating, and retaining meaningful employment to support individuals with significant employment support needs due to cognitive, developmental, psychiatric, and/or medical disabilities.

More struggles...

Tim is a 22 year-old man who graduated from high school in May 2008. He will be working at an office shredding documents one hour a week for pay. His goal is to have meaningful employment for ten hours a week. Tim receives Home and Community-Based Services through DADS. Additionally, the family has started the intake necessary to receive DARS' vocational rehabilitation services. The school district Family Support Team assisted the family to meet with the HCS provider to determine how many hours they could provide support on the job. It took many meetings to have the funding agencies at the table to discuss how this can happen for Tim. DARS will provide job coaching hours for Tim at a paid job. After he has depleted the job coaching hours with DARS (short-term), HCS Medicaid waiver will pay for the job coaching responsibilities. HCS can only provide 150 hours a year or approximately a mere 3 hours of job coaching a week to help Tim maintain a job. Everyone on the team has worked hard to secure Tim's chance for an active life with involvement in his community. However, because of constraints and systems' barriers (i.e., 150 hours per year of supported employment services in HCS), it is still not sufficient to allow Tim meaningful employment.

Insufficient Capacity Barriers

- Lack of sufficient DARS' transition specialists;
- Limited number of ESPs, particularly outside of urban areas;
- Lack of understanding among potential employers of the benefits of employing people with disabilities; and
- Limited outreach to potential employers.

We must do more...

Jonathan is a very sweet, thoughtful young man, now 21 years-old, and has a very resourceful family. He has mild cerebral palsy, speaks well but very softly, reads well, needs help with math and is quiet, polite and shy. During his school career, he was mostly in general education classes with some special education supports and graduated in May 2005 at age 18. His DARS' case was started in October 2005. He has had a succession of DARS representatives to help him look for a job, but he has had only *one* actual job interview in over a year that did not result in employment. Since then, DARS has assisted him in submitting only one job application. Jonathan is a very able person, but easy to underestimate because he is quiet. His main issues are communication and initiation. He is doing several volunteer jobs but he gets very nervous before a job interview and needs a lot of preparation and support. When he gets nervous, he cannot talk. Three years after graduation, he still does not have a job.

Lack of Outreach and Public Awareness Barriers

- Lack of quality, comprehensive information on available employment services;
- Lack of quality information on available community services;
- Confusion regarding where to request services;
- Lack of information provided to health care workers who are an integral part of the lives of people with disabilities;
- Failure to educate physicians, nurses, and other public health workers on the transition process, and how their role could help improve outcomes in employment of people with disabilities; and
- Lack of accurate information, counseling, and support to obtain and retain Supplemental Security Income (SSI), Medicaid, and other benefits needed to live and work in integrated community settings.

Implementation of TEA Transition Services and Employment Programs Barriers

- Ineffective transition planning in schools due to inconsistencies in expertise/skill, resources, quality standards, and accountability;
- Inefficient communication with youth and families;
- Lack of coordination/collaboration with appropriate agencies;
- Lack of comprehensive information needed to transition successfully into the community as an adult;
- Insufficient information on SSI, Ticket-to-Work, Plan to Achieve Self-Support (PASS), etc.;
- Lack of integrated supported employment opportunities while still in school;
- Delayed transition planning resulting in insufficient time to put supports in place that allows for an effective employment experience; and
- Scarcity of follow-up data impairing the ability to measure outcomes to track / improve the quality of existing programs.

Plan for Improvement

This plan is the culmination of several months' evaluation, analysis, and development by the workgroup required by H.B.1230. (See Attachment B for a list of members.) Representatives from the following agencies provided technical support and program information:

- Department of State Health Services,
- Department of Aging and Disability Services,
- Department of Assistive and Rehabilitative Services;
- Department of Family and Protective Services,
- Health and Human Services Commission,
- Texas Workforce Commission,
- Texas Education Agency, and
- The Social Security Administration.

The workgroup met monthly from September 2007 through May 2008. It divided into subgroups that developed recommendations with additional input from the entire workgroup. Participating agencies reviewed and responded to each of the resulting draft recommendations. Their review identified which portions of each draft recommendation could be implemented within current resources, and which would require additional resources or legislative direction. Based on the feedback from the agencies, the workgroup then modified and added recommendations. The state agencies did not review the final recommendations to determine whether additional funding or legislative direction would be required. The workgroup understands that many portions of the final recommendations contained in this plan will require legislative funding or direction and cannot be implemented absent legislative funding or direction.

The recommendations are organized in response to the five barriers identified above. These recommendations are integral to producing *meaningful systems' change* in the way Texas assists its youth with disabilities to become the independent, productive adults they are capable of being.

Underlying the following recommendations are three general assumptions that are included here to avoid excessive repetition in presenting the recommendations:

- All materials and printed information should be presented in plain language and in English, Spanish, and accessible formats. Those providing employment/supported employment services should have Spanish speakers available to work with consumers.
- Agencies should seek opportunities to apply for all available grants whenever possible to implement the recommendations that require funding.
- In addition to the outreach efforts for the Medicaid Buy-In program to enable those not normally eligible for Medicaid to pay reduced premiums and receive coverage, DARS should also utilize funds under the Medicaid Infrastructure Grant to implement recommendations in this plan.

Recommendations

The system can work...

Billy is a 16 year-old high school student with cerebral palsy and meets the statutory definition of disability for Social Security purposes. Recently, Billy and his family met with his transition team at a high school in east Texas to develop his individual transition plan (ITP). Using person-centered planning, Billy and his transition team determined that his transition goal will be to attend The University of Texas at Austin and become a special education teacher by getting his bachelor's degree and teaching certificate. Additionally, Billy needs to plan to acquire an augmentative communication device to replace the one currently provided by his school that he will lose access to when he graduates. Billy's transition team determines that his ITP will include the development of a Plan for Achieving Self-Support (PASS) to help Billy fund his educational and assistive technology needs. Billy's Transition Coordinator develops a PASS plan that will enable Billy and his family to set aside \$640 each month in the Texas Tomorrow Plan and to save to purchase an augmentative communication device when he graduates. Billy has found a way to fund his transition plan and at the same time preserve his full SSI eligibility and needed Medicaid services. As Billy graduates, DARS will continue to use and modify Billy's PASS plan as he moves through college and into employment as a special education teacher.

Program Changes

Goal:

To improve the quality and consistency of employment services provided to youth with disabilities, and to remove barriers that currently prevent youth with disabilities from accessing needed employment services.

Recommendations:

If any portion of the Program Change recommendations can be implemented within current resources and legislative direction, it is requested that the appropriate agencies implement that portion, by rule as necessary.

1. All agencies providing transition-related employment and supported employment services for youth with disabilities should use the working definition of supported employment as stated below whenever allowed by federal regulations:

Individual Supported Employment consists of activities needed to obtain and maintain employment in the general workforce, in an organization in which individuals without disabilities compete for jobs, and/or in a business developed and operated by the individual. The employment provides regular, meaningful interaction with non-disabled employees and/or the general public (other than service providers) to the same extent that a worker without disabilities in a comparable position interacts with others. While supported employment may assist individuals in obtaining and maintaining employment in an organization that employs other persons with disabilities, it is not work performed in sheltered workshops, in enclaves, or in other work tailored to multiple individuals with disabilities. The provider encourages the employee to work to his or her maximum potential. The employer pays a wage commensurate with that of non-disabled employees that perform similar work.

Activities, services, and funding are subject to each agency's specific eligibility criteria and divided into two phases. Phase I services assist the individual with preparing for and obtaining employment described above. Phase II services include job-related support needed for the individual to maintain stable employment.

2. DADS and HHSC should make waiver and program changes necessary to remove existing barriers preventing individuals from accessing needed employment services, including but not limited to:
 - Eliminating budget and time limitations in waivers for employment services and allowing consumer choice and self-determination on how much of their budget they want to use for employment services;
 - Adding employment services to all Medicaid waivers that currently do not include these services [e.g., Community Based Alternatives (CBA), STAR+PLUS, and Integrated Care Management (ICM)];
 - Changing rules to ensure provision of transportation to competitive employment locations. Enforce rules to ensure compliance with requirements to provide appropriate transportation (e.g. currently ICF/MRs and Community Living Assistance and Support Services Medicaid waiver);
 - Increasing rates to adequately pay for employment services; and
 - Developing an outcome-based methodology to pay for employment services across HHS agencies and programs.
3. DADS should develop and pilot a plan to divert clients of the HCS waiver and the Mental Retardation Authorities (MRAs) from sheltered workshops to integrated employment including self-employment opportunities, with a vision to eliminate sheltered workshops within ten years, using all federal funding opportunities.

4. Require DADS and DARS, by conducting an analysis of the current programs, to identify and develop recommendations that address the barriers to competitive community employment for people who reside in ICF/MRs, including state schools, to be included in the January 2009 legislative report update. Barriers that must be addressed include, but are not limited to:
 - Disincentives to employment;
 - Absence of incentives (e.g., financial and regulatory) to employment;
 - Lack of consumer information about the option for employment/supported employment services;
 - Lack of implementation of individual service plans that include employment objectives or goals;
 - Barriers identified at the time of transition from state schools to community settings;
 - Failure to optimize Social Security Administration (SSA) benefits planning on behalf of the consumer;
 - Failure to address cost of care issues for the facility, as it may be less expensive to have sheltered workshops than individual employment/supported employment services;
 - Lack of appropriate transportation;
 - Unfounded fears of inappropriately charging two federal funding streams; and
 - Lack of support from residential support staff, case managers, drivers and others.

Infrastructure Model Reform

Goals:

- To avoid duplicative administrative services by implementing uniform minimum provider standards across agencies;
- To improve quality of services by setting minimum qualifications for service providers;
- To allow the consumer to obtain services from a provider with the appropriate expertise;
- To provide one process and one set of standards, within the HHS enterprise, for service providers to become approved to provide employment services. This would prevent ESPs from having to meet different minimum standards and going through different processes for different agencies when providing the same or similar services; and

- To provide waiver and other program participants and their case managers direct access to approved ESPs without going through a Directed-Services Agency (DSA) to access these services, with or without the use of consumer directed services.

Current Model

In the current model, there is little connection between the employment services offered at DADS and DARS. DARS' ESPs are required to meet certain standards; however, DADS' ESPs are either the DSA or a subcontractor of the DSA. DSAs do not typically have expertise in employment services, nor do any minimum standards for employment services exist in DADS' programs.

With DADS, the consumer's choice is reduced for employment services in that they must use their DSA or a subcontractor, and thus do not have access to the entire array of qualified ESPs. Working through the DSA reduces the direct contact between the individual and the ESP thus reducing the opportunity to address the consumer's individual needs.

New Model

DARS would approve ESPs who may then provide services to DARS' consumers, DADS' consumers, or both. The ESPs may choose to provide short-term employment services or long-term employment services. DARS would **not be** responsible for service provision to DADS' consumers, but they would provide DADS' consumers with a pool of "DARS-approved" ESPs from which they could select.

ESPs would be required to meet minimum standards that DADS and DARS would develop together and would apply through a single approval process, regardless of which agency contracts with the ESPs and funds the services.

For consumers of waiver services, case managers would assist in developing the budget and the selection of the ESP. The provider and the consumer would then develop an employment services plan.

Consumers of waiver services will select a DSA. If employment services are needed, they will also select an ESP. If the consumer-directed services option is used, they will select a Consumer-Directed Services Agency (CDSA).

This new model relieves the DSA from trying to provide a service of which they have little knowledge and/or expertise.

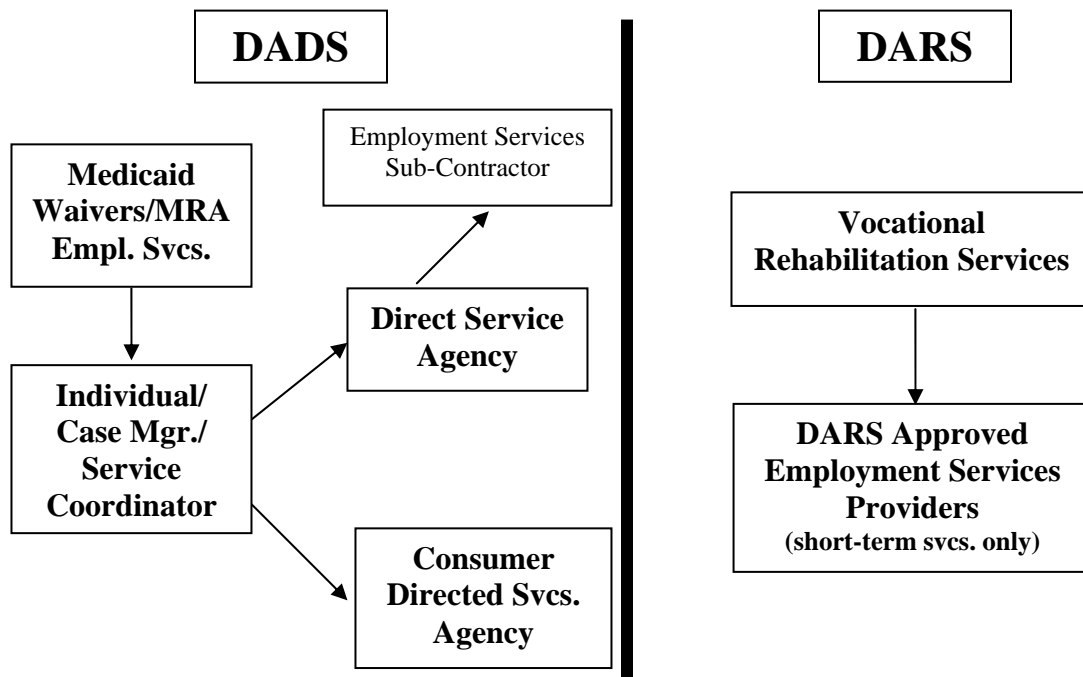
Recommendations:

If any portion of the Infrastructure Reform Model recommendations can be implemented within current resources and legislative direction, it is requested that the appropriate agencies implement that portion, by rule as necessary.

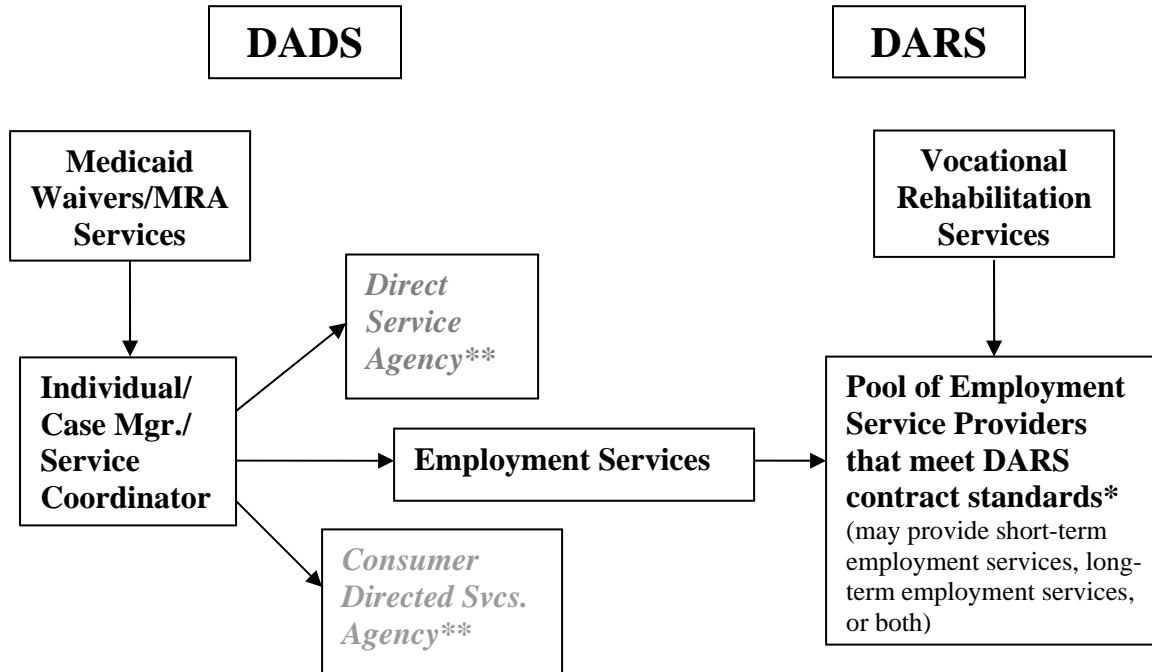
Require DARS to approve ESPs for all HHS agencies, or otherwise ensure that the ESPs meet minimum standards. (See below graphics.)

- DARS, in consultation with DADS, should develop minimum criteria for ESPs.
- In order to facilitate timely implementation of the Infrastructure Model Reform, initiate these changes in the CDS service options.
- ESPs must request approval from DARS regardless of whether they provide short-term employment services, long-term (on-going) employment services, or both.
- Current ESPs will have two years from the effective date of the changed rule to meet the necessary requirements as a DARS-approved ESP.
- Implement cross-agency agreements/contracts as needed to qualify DARS-approved ESPs to contract as necessary with other HHS agencies.
- Make available the list of approved ESPs to all HHS program participants requesting employment/supported employment services.

**EXAMPLE
CURRENT MODEL
FOR EMPLOYMENT SERVICES**



**EXAMPLE
PROPOSED MODEL
FOR EMPLOYMENT SERVICES**



Capacity Building

Goal:

To improve capacity to provide employment/supported employment services for youth with disabilities through design, development, and implementation of a statewide plan to increase the number of competent ESPs and participating employers.

Recommendations:

If any portion of the Capacity Building recommendations can be implemented within current resources and legislative direction, it is requested that the appropriate agencies implement that portion, by rule as necessary.

1. Agencies should implement specific strategies to increase the recruitment of ESPs and participating employers.
 - A. DARS and HHSC should ensure re-application for the Medicaid Infrastructure Grant each year through 2011. Stakeholder participation must be included in the re-application process. DARS and HHSC must make amendments to the re-applications to incorporate recommended actions from this plan.

B. TWC, TEA, DADS, DSHS, ISDs, and DARS should develop and implement a plan to educate employers regarding the benefits, and dispelling the misconceptions, of hiring people with disabilities. This plan should be coordinated with the outreach plan developed in response to the Outreach/Public Awareness recommendations in this plan.

C. DARS, DADS, and DSHS should:

- Increase rates to adequately pay for employment/supported employment services, and
- Develop an outcome-based methodology for payment of ESPs.

D. DARS should provide a one-time, start-up or program expansion funding to increase the number of ESPs through-out the state. Provisions should be made to allow ESPs to apply for funding through a competitive bid process with employment/supported employment outcome measures.

2. TWC and DARS should explore and/or request additional funding and supports to increase positive employment outcomes for youth with disabilities.

A. TWC should encourage local workforce development boards to explore available funding options (federal, state, local, public/private) to continue and possibly expand Disability Navigator positions within the workforce system to partner with Local Board Business Service Representatives to:

- Assist employers to become aware of the needs of transitioning youth, and
- Assist transitioning youth with disabilities to gain employment.

B. DARS should:

- Request legislative appropriations for 100 additional transition vocational rehabilitation counselors.
- Request appropriations for on-going supports for persons who have completed the DARS supported employment services and would benefit from on-going supports, but are not receiving DADS, DSHS, or other services. The funding for the on-going supported employment supports should be activated by the DARS counselor once the individual has completed the short-term, time-limited rehabilitation period as provided in the DARS supported employment definition. Funding should provide for a minimum of a monthly contact with the consumer, and a maximum of personal supports no greater than 30 hours per month, as determined in the person's employment plan.
- House vocational rehabilitation counselors on a regular basis, a minimum of one day a month, at each youth transition center that contracts with DFPS.

3. DARS should improve training for state staff contracted staff.

A. DARS should:

- Capitalize on all available and appropriate training opportunities, including state, regional and local gatherings, conferences, workshops and on-line courses. Existing state and national resources with expertise in supported employment services, employer recruitment, planning and benefits, school curriculum and on-going supports should be tapped.
- Ensure vocational rehabilitation counselors, transition vocational rehabilitation counselors, and regional transition program specialists (RTPS) are trained on the basics of social security work incentives and how employment will affect SSA benefits.
 - RTPS must have the knowledge and experience to access and utilize SSA work incentive programs. The RTPS should serve as a resource and provide technical assistance for regional staff.
 - Vocational rehabilitation and transition vocational rehabilitation counselors should be able to provide appropriate information and referrals, access the technical assistance of RTPS, and refer consumers to the Work Incentive Program to gain access to private and community resources.
- Establish, monitor, and maintain benchmarks for utilization of federal work incentive programs. Increases in the use of work incentive programs are expected.
- Ensure that vocational rehabilitation and transition vocational rehabilitation counselors are able to provide appropriate information and referrals, and understand and be able to explain the Medicaid Buy-In program to consumers, families and vendors, particularly those who are transitioning using supported employment services.

B. DADS should:

- Ensure DADS' case managers and the ESPs' case managers have basic information on the use of the Social Security work incentives and the Medicaid Buy-In program;
- Designate a regulatory staff to serve the same functions of RTPS and provide technical assistance to consumers and families; and
- Ensure that each MRA designates staff to serve in the same capacity.

Outreach and Public Awareness

Goal:

To design, develop, and implement a comprehensive statewide outreach and public awareness plan to improve employment outcomes for transitioning youth with disabilities. This plan will have these primary target audiences:

- Youth and families
- Providers
- Employers
- Health care providers
- Other professionals

Recommendations:

If any portion of the Outreach/Public Awareness recommendations can be implemented within current resources and legislative direction, it is requested that the appropriate agencies implement that portion, by rule as necessary.

1. DARS, in consultation with DADS and other appropriate agencies and stakeholders, should contract for the design, development, and multi-year implementation of the statewide comprehensive outreach and public awareness plan. DARS should request exceptional item funding in order to contract for this plan. DARS and HHSC should include outreach and public awareness recommendations in future Medicaid Infrastructure Grant applications.

The plan will include, but not be limited to the following:

- Comprehensive outreach efforts designed to have a measurable impact at the local level.
- Using public service announcements, newsletter articles, billboards/other media to be used statewide to increase the awareness and promote capacity building of ESPs and potential employers of people with disabilities.
- Developing a multi-media campaign for the dissemination of information, intended to educate the targeted audiences.
- Developing and disseminating needed information to health care providers, particularly regarding disability determinations and implications of their documentation for SSI eligibility. Information should also be provided to enable health care providers to refer their patients to appropriate employment services.

- Developing a comprehensive, easily accessible website that provides information on employment services/supported employment to providers and potential employers to include information on:
 - Benefits of employing people with disabilities;
 - SSI/ SSDI, Medicaid Buy-In, and other work incentives;
 - How to become an ESP;
 - The current tax incentives for employers that promote the hiring of individuals with disabilities (i.e., Work Opportunity Tax Credit);
 - Existing tools such as the Employer Assistance and Recruiting Network that connect employers with skilled jobseekers with disabilities, and the Job Accommodation Network, a free consulting service designed to increase the employability of people with disabilities;
 - Employment provider success stories;
 - Self-employment options and opportunities; and
 - Information on opportunities for self-advocacy, including information on the importance of transition planning and how to create an effective transition plan for youth and families.
 - Mentoring activities to include the development of a speaker's bureau to present in local communities, conferences, seminars, etc. to increase awareness of the provider and to increase employment opportunities for people with disabilities.
2. HHSC should enhance the information available regarding employment of people with disabilities offered through the state 2-1-1 system.

TEA Transition Services and Employment Programs

Goal:

To effectively inform parents and students about transition resources available, improve the quantity and quality of employment/supported employment services provided through the schools, and facilitate students' connection to adult support services (including employment/supported employment services) available through HHS agencies, the SSA, and TWC.

Recommendations:

If any portion of the TEA Transition Services and Employment Programs recommendations can be implemented within current resources and legislative direction, it is requested that the appropriate agencies implement that portion, by rule as necessary.

1. Transition/Employment Manual

TEA should develop a Texas-specific comprehensive, transition and employment manual with assistance from HHSC in gathering and compiling all necessary information. TEA will ensure that local ISDs distribute this manual to students 14 years and older who will graduate under Texas Administrative Code (TAC) 891070(c). The manual will include, but not be limited to information regarding:

- Transition services and the transition process;
- A definition of supported employment/employment services (see *Program Change*);
- SSI/Social Security Disability Income (SSDI) and social security work incentives;
- Community services for people with disabilities including Medicaid and Medicaid waivers and non-Medicaid long-term services and supports;
- Employment and supported employment programs administered by HHS agencies, TWC, and local ISDs;
- Accessing post-secondary educational programs and services;
- Informed consent of the parent/guardian or adult student if student information is shared with HHS agencies and their service providers;
- Rights at the age of majority and guardianship/alternatives to guardianship;
- Contacts for all relevant agencies; and
- Student and parent/guardian rights, self-advocacy, person-directed planning, and self-determination.

This manual should be updated biennially and be placed on the TEA website and appropriate HHS agencies websites to be available for downloading and distribution by ISDs. (See the *Outreach/Public Awareness* recommendation, page 19.)

TEA should develop rules to ensure that ISDs will distribute these manuals annually to the students specified above. The distribution of these manuals will be documented by a checkbox on the Individual Education Plan (IEP). TEA will monitor ISDs to ensure compliance. ISDs may also choose to distribute the manuals to other students as appropriate or at parental request.

2. Support for Students and Parents

TEA and local ISDs should ensure appropriate agency representation at Admission Review and Dismissal meetings and offer information sessions to support students and their parents/guardians in the transition planning process.

- A. TEA should fully implement federal law and regulation to invite DARS and other appropriate agency representatives to Admission Review and Dismissal (ARD) meetings, and document which representatives were invited and attended, if the parent/guardian and student have agreed to have the representative(s) present.
- B. TEA should ensure each district or co-op designates a transition specialist with working knowledge of the content of the manual.
- C. Local ISDs, co-ops, and DARS will offer information sessions to parents of each ISD at least once each semester. Information to be covered must include transition and employment/supported employment services.

3. Data

TEA should develop data indicators for students in special education who are receiving employment/supported employment services. These data indicators will include at a minimum:

- The number of students receiving employment services, and
- Of these, the number of current special education students in paid competitive/supported employment and/or self-employment as defined in this document.

TEA should require ISDs to document and report the above information annually to TEA for public dissemination.

4. Funding

TEA should request legislative funding to increase the availability of employment/supported employment services for students with disabilities. This funding could be used for, but not limited to, the following:

- Utilizing mini-grants to provide opportunities for ISDs to increase the number of students placed in employment/supported employment, excluding sheltered workshops;
- Creating funding weight incentives to increase ISD funding when students are in supported employment settings excluding sheltered workshops;
- Providing training and education for students age 18-22 in age-appropriate settings;

- Supporting additional employment transition specialists in ISDs with an emphasis on placing them in rural and other underserved areas. TEA will utilize a needs assessment survey to develop the funding request and placement of the transition specialists;
- Recognizing financially those ISDs who have exemplary grassroots programs already providing employment/supported employment services; and
- Funding training on employment/supported employment and person-directed planning.

5. Other

- A. TEA should encourage ISDs to utilize person-directed planning and promote self-advocacy and self-determination, especially for those who remain in school after the age of 18, and
- B. TEA should develop minimum qualifications for ISD employment services comparable to DARS minimum requirements.

Implementation Approach and Timeline

State agency representatives on the workgroup ensured that agency leadership reviewed applicable draft recommendations. The state agency representatives gave feedback to the workgroup by noting which sections of each of the draft recommendations could be implemented within current resources and direction, and which sections would require additional funding or legislative direction. Based on the feedback from the agencies, the workgroup modified and added recommendations. The state agencies did not have the opportunity to review the final recommendations to determine whether additional funding or legislative direction would be required. The workgroup understands that many portions of the final recommendations contained in this plan will require legislative funding or direction and cannot be implemented absent legislative funding or direction. With consideration that some recommendations depend upon as yet unstructured inter-agency collaboration, it is requested that agencies again review the recommendations and initiate implementation of those sections of the recommendations that do not require additional resources or legislative direction.

Additional tasks required by H.B. 1230 include:

- The executive commissioner's adoption of rules as necessary to implement those sections of the plan that do not require additional resources or legislative directions; and
- The executive commissioner's submission of a report, not later than January 1, 2009, to appropriate legislative committees describing the actions taken by HHS agencies and any actions the agencies intend to take during the next biennium.

Conclusion

Increasing and improving opportunities for employment of transitioning youth with disabilities will require new ideas, new strategies, new resources, expanded funding, and the willingness to implement outcomes-based programs and policies that have demonstrated success. With the aging of the baby boomers and lowered labor force participation, tapping into under-utilized labor pools, including people with disabilities, benefits youth with disabilities, their communities and the economy of Texas. Parents of children with disabilities have worked for several decades now to ensure that their children have meaningful lives in their communities. Now, we must improve our ability to offer these same children a similar quality of life as they transition to adulthood.

Impetus for House Bill 1230

In October 2006, the Children's Policy Council submitted a report to the Texas Legislature that included recommendations regarding employment for transitioning youth with disabilities. Advocates and parents had expressed concerns that too many students with disabilities were graduating from high school without opportunities for employment, higher education, and independent living because families were unaware of how, through the transition planning process, a student can receive employment services or assistance accessing these services.

H.B. 1230 codified some of the recommendations of the Children's Policy Council. The legislation focuses on improving the services provided to Texas youth with disabilities as they transition from school to adult living, with an emphasis on transition into successful employment. H.B. 1230 is comprised of three sections.

- Section 1 requires the Health and Human Services Commission (HHSC) to monitor programs offered through health and human services (HHS) agencies; to consider whether programs or services result in positive outcomes in employment, community integration, and quality of life; and to collect information regarding the outcomes of the transition process.
- Section 2 requires the Department of Assistive and Rehabilitative Services (DARS) to provide specialized training to employees who provide transition services.
- Section 3 requires the formation of a workgroup and development and implementation of a plan to improve the services and outcomes for Texas youth with disabilities and cooperation among agencies and community providers.

In response to Section 1, HHSC has developed a monitoring plan and is contracting to conduct focus groups for youth with disabilities and parents of youth with cognitive disabilities in the summer and fall of 2008. Preliminary information about employment services offered by Texas state agencies for youth with disabilities, the number of such youth receiving services, and the number in need of these services is available within this appendix.

In response to Section 2, DARS has completed development of its curricula for training. Digital Versatile Discs (DVD) and support materials were distributed to Transition Vocational Rehabilitation Counselors (TVRCs) in June 2008. This information will be supplemented with quarterly half-day training forums for DARS' TVRCs to improve knowledge and skills in this area. While stakeholders are pleased that the training is being expanded, there is also frustration and concern resulting from what is seen as DARS' unwillingness to ensure continued involvement of stakeholders throughout the development of the training and the training materials. Stakeholder input was obtained in a public hearing to solicit ideas; however, stakeholders were not involved in the development or the review of the curriculum or the training DVD.

This plan responds to Section 3 of H.B. 1230 that requires HHSC to establish a workgroup to develop a plan to:

- Ensure that a youth with a disability who is transitioning into post-schooling activities, services for adults, or community living has choices about the individual's work and career, and has the opportunity with necessary supports, to seek individualized, competitive employment in the community;
- Improve the collaboration between HHS agencies, other state agencies, the community, and local service providers to maximize existing supported employment resources; and
- Increase the quality and quantity of available supported employment services and opportunities.

Target Population and Service Levels

In 2006, there were 225,000 16-24 year-old Texans with a disability, 80,000 of whom reported difficulty working due to their disability (American Community Survey, U.S. Census, 2006). This survey also reported that 30.2 percent of individuals with disabilities in the 16-24 age range were working, compared to 49.3 percent in the general population. In the 19-24 age range, 36.7 percent of individuals with disabilities were working, as compared to 60.9 percent 19-24 in the general population. Currently, approximately 10,000 young people with disabilities within this age range receive employment services through the Texas Workforce Commission (TWC) and Texas HHS agencies.

The table below provides information on the numbers of youth with disabilities in the Texas target population, the numbers of youth in state fiscal year 2007 programs who could potentially benefit from employment services, and the numbers of youth receiving employment services in state fiscal year 2007 through DARS, DADS, and DSHS. This information was collected as an initial part of the monitoring effort required by H.B. 1230. Beginning in December 2008, HHSC will report bi-annually on key indicators of employment, health, and living status of youth enrolled in Texas HHS programs.

H.B. 1230 Target Population and Service Level Data

Target Population for Transitional Service for Youth with Disabilities:	
Texans age 16-24 reported having difficulty working due to a disability	80,000
Texans age 16-24 reported having some type of disability	225,000
Source: US Census: 2006 American Community Survey	

Department of Assistive and Rehabilitative Services

Receiving DARS employment services during state fiscal year 2007, total eligible consumers age 16-24*	9,081
Of the above:	
Division of Rehabilitation Services (DRS) eligible consumers	8,246
Blind Services eligible VR consumers	835

*Since DARS is the federally-assigned agency for provision of vocational rehabilitation services in Texas, all DARS participants receive employment services.

Department of Aging and Disability Services (DADS)

Receiving DADS services as of December 2007, total youth age 16-24 in Medicaid waivers, state mental retardation facilities, community ICF/MRs, general revenue programs provided by MRAs	6,632
Of those above receiving DADS services, number receiving employment services	242

*DADS employment services include: pre-vocational training, employment assistance, and supported employment.

Department of State Health Services

Receiving DSHS-funded Mental Health services in state fiscal year 2007, total youth age 18-24*	11,421
Of those receiving DSHS-funded MH services, number receiving employment services in state fiscal year 2007, total youth ages individuals ages 18-25	307

* DSHS does not provide employment services to anyone younger than 18 years of age. Of the total number of youth receiving services, about one-half have rating scores demonstrating a possible need for employment related services. Approximately 1,400-1,800 individuals received high employment problems dimension ratings indicating that employment would not be likely without support. Estimate of those receiving services is subject to revision.

Agency Services

Texas Education Agency

Special education statistics from the Texas Education Agency (TEA) provide some insight into the population with disabilities that will be looking for work or additional training/education in Texas upon leaving secondary school. TEA reported 138,310 students with disabilities in grades 9-12 during the 2006-2007 school year. In 2005 (the last year for which data are available), 24,974 special education students graduated from high school, a 74.8 percent graduation rate among the 2005 class of special education students. The drop-out rate for the 2005 special education class was 6.8 percent as compared to a 3.4 percent drop-out rate for all students in that class. Local independent school districts (ISD) may offer employment services, of which supported employment is an option, to both current and former students through age 21 who have a documented need for that service in their Individual Education Plan (IEP). TEA is currently implementing a post-school survey of youth who graduate from special education to determine their employment or post-secondary schooling status.

Texas Workforce Commission Services

The Texas Workforce Commission provides education, training, and employment opportunities for disadvantaged youth through the federal Department of Labor Workforce Investment Act (WIA). WIA services are primarily for low-income youth, but local workforce development boards have the discretion to allow up to five percent of participating youth to be enrolled due to employment barriers that include disabilities. Individuals must self-identify to be considered disabled for WIA purposes. In state fiscal year 2007 (September 1, 2006 to August 31, 2007), 581 youth with disabilities between the ages 14-18 and 120 youth between the ages of 19-21 were provided services through WIA.

Texas Health and Human Services Agencies' Services

Several Texas HHS agencies provide services to youth with disabilities. During state fiscal year 2007, DARS provided employment services to just over 9,000 consumers ages 16-24. DARS is charged through federal law with vocational rehabilitation services for persons with disabilities and is the state's largest provider of transition services for youth with disabilities. In this role, the agency works cooperatively with education officials to help eligible students with disabilities transition from the receipt of educational services in school to the receipt of vocational rehabilitation services required to meet their employment goal after graduation.

The Department of Aging and Disability Services (DADS), the Department of Family and Protective Services (DFPS), and the Department of State Health Services (DSHS) also provide transition/employment services on a limited basis to youth with disabilities. DADS provides these services through federal Medicaid programs as well as general revenue funded long-term care programs. Potential consumers of DADS' services must be referred to DARS and complete DARS' services to be determined ineligible for DARS' services before receiving employment services through DADS. DSHS provides some transition services, including supported

employment services, to individuals with serious mental health conditions through local community mental health centers. Some consumers of DSHS' services are also referred to, or are receiving services from, DARS while they are receiving DSHS' services.

DFPS provides transition services through the Preparation for Adult Living (PAL) program which assists youth ages 16-21 aging out of foster care prepare for adult life. PAL services may include educational and vocational services. In state fiscal year 2007, DFPS had 5,939 youth ages 16 to 21 in foster care; almost 50 percent (2,961) had at least one disability. Virtually all of these participants receive some services through the PAL program, though the emphasis of PAL training tends to be more on life skills than on employment specifically. In state fiscal year 2007, DFPS provided 610 young people ages 16-23 with education and training vouchers (ETV) through a federally funded program. However, DFPS does not currently collect data on how many of these participants have disabilities. The H.B. 1230 monitoring project will work with DFPS to ensure these data are included in H.B. 1230 monitoring reports. The vouchers allow for up to \$5,000 per year to assist youth, who were formerly in foster care, in reaching their post-secondary education and vocational training goals.

In sum, employment or transition related services are not the primary service offered by DADS, DFPS, or DSHS. Many more youth could benefit from these services than currently receive transition/employment services through these agencies.

Social Security Administration

The Social Security Administration administers the federal Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) benefit support programs for people with disabilities who are not able to support themselves because of the severity of their disability. Eligibility for both these programs also brings needed medical supports through the state-administered Medicaid program for SSI recipients and the federally-administered Medicare program for SSDI beneficiaries.

Both disability benefit programs have proactive, consumer-oriented provisions that encourage people with disabilities, including students who are disabled, to begin or return to work by preventing the premature loss of cash and medical coverage eligibility as they seek to become self-supporting through work. Specific work incentives that can benefit students most are the student earned income exclusion and the Plan for Achieving Self-Support. While SSA does not directly provide employment, the work incentive provisions, if used properly, can greatly improve transition from school-to-work for students with disabilities while ensuring a base of support for food, clothing, shelter, and medical needs.

The SSA also funds and provides training and technical assistance to 104 Work Incentives Planning and Assistance (WIPA) projects across the U.S. and the U.S. territories to work with SSA beneficiaries with disabilities on job placement, benefits planning, and career development. By working with a WIPA, SSA beneficiaries will be better equipped to make informed choices about work. Each WIPA is staffed with Community Work Incentive Coordinators (CWICs) to:

- Provide work incentives planning and assistance;
- Help beneficiaries and their families determine eligibility for federal or state work incentives programs;
- Refer beneficiaries with disabilities to appropriate employment networks or state vocational rehabilitation agencies based on individual needs and impairment types;
- Provide general information about potential employer-based or federally subsidized health benefits coverage available to beneficiaries once they enter the workforce; and
- Inform beneficiaries with disabilities of further protection and advocacy services available to them.

WIPAs are authorized to serve all SSA beneficiaries with disabilities, including transition-to-work aged youth, providing benefits planning and assistance services on request and as resources permit.*

* Source: Work Incentives Planning and Assistance (WIPA) Project Fact Sheet (<http://www.socialsecurity.gov/work/wipafactsheet.html>)

The Social Security funded WIPA program is available statewide to advise SSI and SSDI beneficiaries with disabilities about work incentives and the impact of work on cash and medical benefits.

Interagency Initiatives

Several interagency initiatives have begun to address the need for additional employment services and better coordination among agencies. DADS and DARS have begun an effort to improve coordination and service delivery between the two agencies. In November 2007, the agencies signed a new Memorandum of Understanding (MOU) to outline the process for receiving supported employment services from the two agencies. Additionally, an interagency pilot program has been initiated to increase utilization of supported employment at two state mental retardation facilities.

DARS and three school districts in the Dallas, Fort Worth and surrounding communities are collaboratively piloting a joint funded supported employment project. This collaboration focuses on students with significant disabilities for whom employment is seen as the best outcome. An MOU between DARS and these school districts stipulates that: districts will contract with supported employment service providers currently under contract with DARS; contracted

providers will provide supported employment services under the Outcome Based Payment system to identified students who are either in their final year of school or are approaching it; DARS TVRCs will monitor the process to ensure quality standards are met; the district will pay the contracted providers for the first outcome; the district and DARS will each pay the contracted providers for half of the second outcome (placement); and DARS will pay the contracted providers for the remaining four outcomes. This arrangement will enable students with significant disabilities to leave school employed or leave school connected with DARS and a contracted provider. In two of the pilot sites, the local mental retardation authority/mental health authority (MRA/MHA) is the contracted provider and will provide additional supports to the student following successful closure of the student's case.

DFPS transition centers provide a central clearinghouse for many partners to serve the diverse needs of older youth, ages 15½ to 25, who are in the process of aging out or have aged out of foster care. These centers are funded and supported by a partnership between DFPS, TWC, and the Casey Family Programs Foundation. The centers are designed to serve as locations for DFPS services such as PAL, employment readiness, job search classes and assistance, and mentoring. Other partners provide many other services including substance abuse/mental health counseling, housing assistance, and leadership training. The centers are located throughout Texas in Austin, Corpus Christi, Dallas, Houston, Kerrville, Kingsville, and San Antonio. New transition centers are planned for 2008 in El Paso, Central Texas (Belton, Killeen, Temple), and Beaumont/Port Arthur.

Appendix B

Workgroup Members and Other Participants

This list includes all those who participated at some time in the H.B. 1230 workgroup.

Advocates and Stakeholders

Name	Affiliation
Rosemary Alexander	Austin Independent School District
Renee Borders	Austin Independent School District
Consuelo Castillo	Texas Advocates
Robin Chandler	Representative Rodriguez' Office
Maria Cordero	Parent Representative
Laura Griebel	Goodwill Industries
Albert Hergenroeder	Physician
Colleen Horton	Children's Policy Council
Deirdre Hunt	Employer
Opal Irvin	Parent Representative
Norine Jaloway	Imagine Enterprises
Melvin Johnson	Texas Council for Developmental Disabilities
Kristen E. Jones	Texas State Independent Living Council
Mary Klentzman	Parent Representative
Angela Lello	Texas Council for Developmental Disabilities
Sarah Mills	Advocacy, Inc.
Monique Munoz	Parent Representative/RN
Cynthia Peacock	Physician
Jessica Ramos	Senator Zaffirini's Office
Daniel Scarborough	National PASS Network
Rona Statman	ARC of Texas
Pamela Thomas	National Association of Mental Illness
Alan Velis	Transitioning Student
Tanya Winters	Texas Advocates

State Agencies

Department of Aging and Disability Services
 Department of Assistive and Rehabilitative Services
 Department of Family and Protective Services
 Department of State Health Services
 Health and Human Services Commission
 Texas Education Agency
 Texas Workforce Commission

Federal Agency

Social Security Administration