

2017 Assessment of Virginia's Disability Services System: Education and Employment



**Virginia Board for
People with Disabilities**

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Statutory Mandate

- Beginning July 1, 2017, to **submit an annual report to the Governor, through the Secretary of Health and Human Resources, that provides an in-depth assessment of at least two major service areas for people with disabilities, to be determined by the Board**, that (i) includes a description of critical issues and trend analyses, (ii) identifies the needs of persons with developmental and related disabilities, (iii) evaluates the effectiveness of services provided by state-supported programs, and (iv) makes programmatic and fiscal recommendations for improving services and supports.

VA Code §51.5-33

Assessment Topics

- Early Intervention
- **Education**
- **Employment**
- Health Care
- Medicaid
- Community Living Supports
- Institutional Supports
- Community Housing
- Transportation

Process

- VBPD policy committee determined structure, priority issues, and general approach
- Data mining/Literature Review
 - Agency Websites and Reports
 - Virginia Legislative Reports
 - Federal agency websites and reports
 - Academic literature
 - National data compilations
- Assessment subcommittee developed recommendations
- Full Board debated and approved final recommendations

Statement of Values

- Inherent Dignity
- Presumed Capacity
- Self-Determination
- Integration
- Diversity
- Freedom from Abuse and Neglect
- Fiscal Responsibility





Trends and Opportunities

EDUCATION


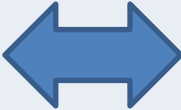

Education: Indicators of Success

- Inclusion rates
- Academic Proficiency
- Graduation rates (regular diploma)
- Postsecondary success
 - College
 - Employment

Education Trends

Key outcome	Trend
Students with disabilities spend at least 80% of their school day in general education classroom	
Students with disabilities educated in separate schools or facilities	
Academic proficiency: students with disabilities	
Proficiency Gap: students with vs. students without disabilities	

Education Trends

Key outcome	Trend
Graduation with regular diploma: students with disabilities	
Graduation gap: students with vs. students without disabilities	
Postsecondary success (entered higher education, another education or training program, or competitive employment within one year post-graduation)	

Opportunities: LRE

- Least Restrictive Environment
 - Comes from IDEA
 - Students with disabilities must receive education services in the least restrictive environment consistent with their needs
- Integration
 - Comes from ADA
 - States must “administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” 28 C.F.R. § 35.130(d)
- Inclusion
 - Frequently used term, but no statutory or universally agreed upon definition

Opportunities: LRE

- The rates at which students with disabilities receive services in regular education buildings and classrooms differ significantly from one division to another:
 - Separate facility
 - Statewide = 4%
 - 12 school divisions = 10% or more
 - Less than 40% of school day in regular education classroom
 - Two school divisions = 0%
 - five districts = over 24%
 - At least 80% of day in regular education classroom
 - Statewide = 63%
 - two school divisions = less than 25%

Opportunities: Funding Incentives

- Regional Tuition Education Program (RTRP)
 - Only some regions receive this funding
 - Intended to assist regions to provide education services to students with low-incidence disabilities
 - Low-incidence disabilities are defined in statute: emotional disabilities, autism, multiple disabilities, hearing impaired, deaf-blindness, and traumatic brain injury.
- Children's Services Act (CSA) Funding
 - State funds that assist districts in serving at risk youth
 - May be used to fund special education in private school placements

Recommendation I

- *Improve rates at which students with disabilities receive educational services in general education classrooms in their neighborhood schools and receive meaningfully inclusive educational experiences throughout the Commonwealth, especially in districts identified as including students with disabilities in regular education classrooms at exceptionally low rates.*
 - **Realign Virginia's funding of special education services, including Children's Services Act funding, to eliminate incentives to segregate students with disabilities and ensure that schools have adequate funding to provide supports to students with disabilities in general education settings;**

Recommendation I

- Increase targeted technical assistance and training for schools with high rates of students with disabilities served in segregated settings to increase the capacity of these schools to serve students with developmental disabilities in general education settings;
- Work with stakeholders to develop an inclusion implementation plan that addresses the barriers identified by stakeholders in the Virginia Department of Education's Inclusive Practices Work-group.

Opportunities: Discipline, Restraint and Seclusion

- Disproportionate impact on students with Disabilities
 - Student referral to law enforcement or courts in Virginia in 2011-12 was:
 - 16 per 1000 for all students
 - 33 per 1000 for students with disabilities
 - OCR Data as reported in CPI study
 - The rate of student appearance before intake officer
 - 2.4 per 1000 for all students
 - 5.6 per 1000 for students with disabilities
 - Virginia Tech Study (Dr. Gerard Lawson)

Opportunities: Discipline, Restraint and Seclusion

- School divisions identified by VDOE as having a “significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs”
 - 1 in 3 in 2014-15
 - In 2011-12 students with disabilities =
 - 13% of VA students
 - 76% of VA students who were restrained or secluded
- OCR Data

Opportunities: Discipline, Restraint and Seclusion

- Exclusionary discipline can have negative consequences (sometimes paradoxical)
 - Diminished academic performance
 - Negative impacts on overall school climate
 - Increased likelihood of school dropout
 - Higher rate of future challenging behavior
 - Increased likelihood of involvement in juvenile and criminal justice systems
- Council on State Governments 2014

Recommendation II

- *Decrease the use of overly harsh discipline and harmful behavioral interventions in the Commonwealth and minimize the disparate impact that these practices have on students with disabilities.*
 - Develop a school quality survey to capture data on the frequency of exclusionary disciplinary practices used in Virginia's schools, and include discipline use and discipline disparities in the online School Quality Protocol;
 - **Pass legislation to decrease the use and duration of exclusionary discipline practices for students with disabilities in the Commonwealth;**

Recommendation II

- Continue to provide technical assistance and training targeted to schools with excessive rates of exclusionary discipline and/or law enforcement referrals, which should include an emphasis on positive behavior interventions and supports (PBIS) and other alternatives to exclusionary discipline;
- Adopt regulations that ensure restraint and seclusion are used only as a last resort and only when necessary to prevent serious bodily harm, injury, or death to students or others;
- Adopt regulations that ensure schools that choose to employ third party School Resource Officers (SROs) adopt MOUs that explicitly define the appropriate roles of SROs and school personnel with respect to student discipline.

Opportunities: Post-Secondary Success

- Graduation rates = flat
- Nearly 3 in 10 students with disabilities are neither employed, nor engaged in post-secondary education or training
- Geographic disparities:
 - 2 school divisions = more than 8 in 10 students with disabilities graduated with regular diploma in 2015
 - 4 school divisions = fewer than 2 in 10 students with disabilities graduated with regular diploma in 2015

Opportunities: Post-Secondary Success

- Early education decisions can affect future education opportunities
- Parents and people with disabilities report that they were unaware of the future impact of educational decisions (e.g. alternative testing tracks)
- Some parents report receiving misinformation about the impact of choosing an alternative track early on

Recommendation III

- *Ensure that students with disabilities and their parents receive clear and accurate information about the future impact of current educational decisions.*
 - Continue to develop and continuously update information for parents to understand the long-term impact of educational decisions made early in a child's educational career;

Recommendation III

- Develop written material that can be provided to parents at critical decision points during the Individualized Education Program (IEP) development process to ensure that they understand the potential impact of a present decision on the student's ability to graduate with a regular diploma, and coordinate this with decision-point reminders in the statewide IEP system;
- Continue to provide ongoing technical assistance and training to implement the state systemic improvement plan to increase the number of students with disabilities who obtain a standard diploma.

Opportunities: Work Experience

- Work experience during secondary education = among strongest predictors of post-secondary employment success
- Existing programs that provide students with disabilities real-world work experience have shown promising results
- Workforce Innovation and Opportunity Act = requires vocational rehabilitation investments in pre-employment transition services to prepare youth for postsecondary education and employment

Recommendation IV

- *Increase the number of students with disabilities who have access to employment-related education and real-world experiential employment opportunities, both during and immediately after high school.*
 - Develop guidance on the development of effective employment-related IEP goals, which should include a non-exhaustive list of employment-related skills matched with potential activities to aid in developing those skills, as well as information on the appropriate points in the transition process to address these skills;

Recommendation IV

- The Virginia Department of Education and Department of Aging and Rehabilitative Services (DARS) should continue to collaborate to support and expand upon Project SEARCH and Start on Success and to invest in other innovative employment programs;
- Review Virginia Board of Education (VBOE) approved state-issued professional licensure, industry certification examination, and occupational competency assessment requirements to identify practices that unnecessarily screen out otherwise capable students with disabilities, and ensure that students with disabilities are afforded necessary testing accommodations to provide them an equal opportunity to participate in these programs.

Opportunities: Post-secondary education

- Barriers to students with disabilities accessing Higher Ed:
 - Low expectations
 - Unnecessary entrance barriers
 - Inadequate accommodations (testing and programmatic)
 - Limited number of programs for students with disabilities
 - Lack of funding for existing programs

Recommendation V

- *Increase postsecondary educational opportunities for students with disabilities, including students with significant developmental and other disabilities.*
 - Review postsecondary community college and vocational education program eligibility criteria and testing requirements to ensure that they are narrowly tailored to the skills requisite to completing the program and do not unnecessarily screen out students with disabilities;
 - **Fund pilot program(s) to provide inclusive college experiences to students with significant developmental and other disabilities at community college(s) in the Commonwealth;**

Recommendation V

- **Invest in a postsecondary education scholarship fund for students with developmental disabilities to attend integrated college programs for students with disabilities;**
- Develop easily accessible information about postsecondary educational opportunities for students with disabilities, including success stories that highlight how individuals with disabilities have successfully participated in integrated postsecondary college and vocational educational programs;
- Develop guidance and/or training for college administrators and professors at two- and four-year institutions of higher education about integrating individuals with disabilities into college classrooms, specifically focusing on the types of accommodations that can help students with disabilities succeed.


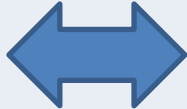

Trends and Opportunities

EMPLOYMENT

Employment: Indicators of Success

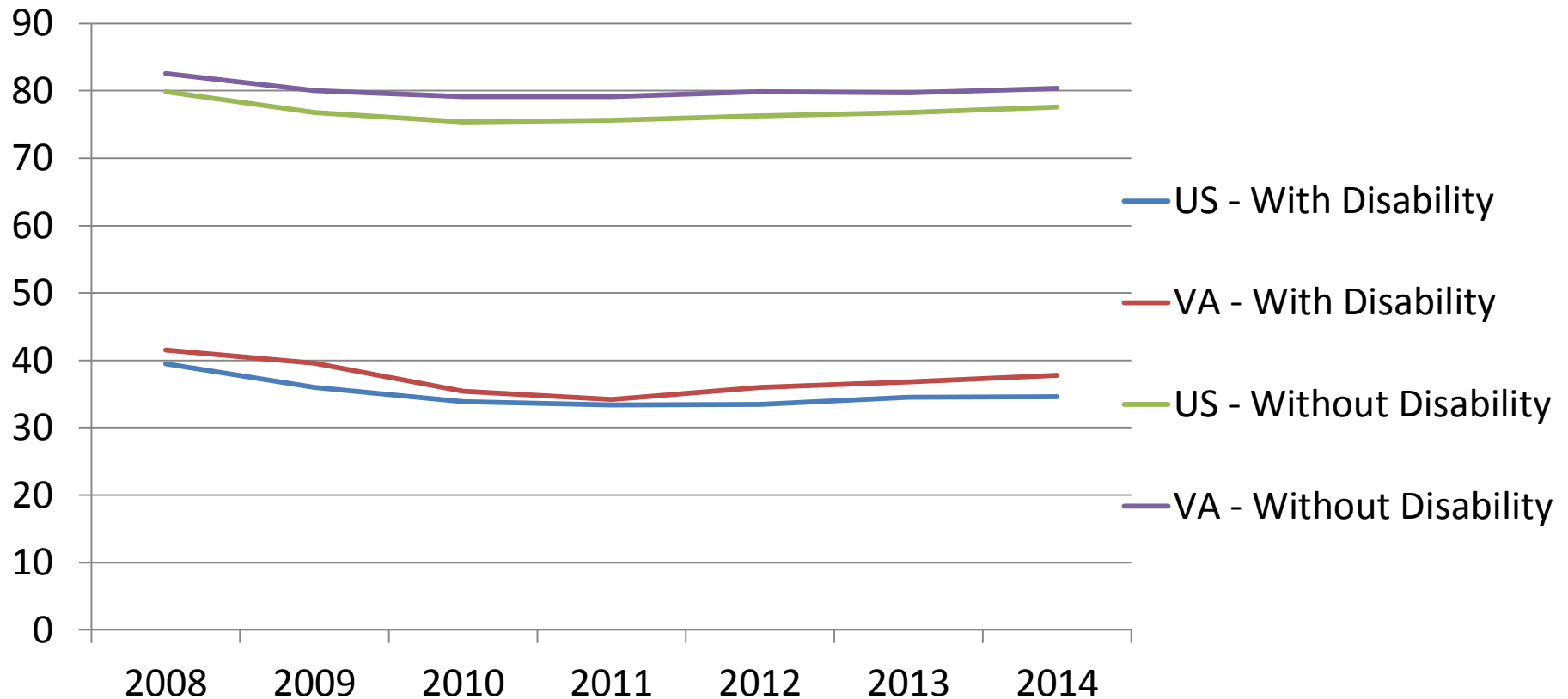
- Employment Rates
- Employment gap
- Employment outcomes
 - Integrated vs. Segregated
 - Wages

Employment Trends

Key Outcome	Trend
Employment Rate : People with disabilities	
Employment Gap: People with disabilities vs. people without disabilities.	
Integrated Employment Outcomes: People receiving state disability services	

Employment Rate of People ages 21-64 with and without Disabilities

From **Institute on Employment and Disability**



Opportunities: Workforce Innovation and Opportunity Act (WIOA)

- States must develop an overarching state plan, which must include, among other things:
 - *An analysis of the current workforce, employment and unemployment data, labor market trends, and educational skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State. WIOA § 102(b)(1)(B)*

Recommendation I

- Update Virginia's WIOA State Plan to better address individuals with disabilities in the Commonwealth
 - Expand analysis of employment data related to people with disabilities within the Economic and Workforce Analysis section of the Plan
 - Include disability-specific goals and strategies in the Vision and Goals section of the plan
 - Include specific steps to ensure that programs and facilities are physically and programmatically accessible to people with disabilities as required by Section 188 of WIOA

Opportunities: Fear of Losing Critical Supports

- Fear of losing critical services and supports is consistently identified as a barrier to accessing or increasing employment for individuals with disabilities
- Benefits counseling is available through several existing programs
- Individuals on Medicaid Waivers will soon be able to access benefits counseling as a waiver service

Recommendation II

- *Improve access to accurate and disability-friendly information about work incentives programs, the effects of employment on eligibility for benefits, and available tools to minimize the impact of employment on benefits.*
 - In partnership with existing experts, ensure that school transition specialists have access to training and information on work incentives programs and effects of employment on benefits eligibility;
 - Encourage collaboration between responsible parties to include benefits counseling as an ongoing component of the Individualized Education Program (IEP) planning process for students with disabilities who are receiving, or who may qualify for, public benefits no later than age 14;
 - Develop a public education campaign focused on informing people with disabilities and their families about existing work incentives programs and the tools available to assist people with disabilities obtain and maintain employment without adversely affecting their eligibility for needed benefits.

Opportunities: Business Engagement

- Barrier: Employer attitudes/biases
- Historically, business engagement efforts have focused on the “business case” for hiring people with disabilities
- DOL white paper = new approach to business engagement
 - Tailor strategy to employers based on prior experience/culture
 - No history or culture of diversity initiatives: use success stories, not statistics
 - Existing diversity efforts, but no explicit disability focus: focus on incorporating disability into existing diversity programs
 - Existing culture of hiring/advancing people with disabilities: focus on technical assistance (improving hiring practices, etc.)

Recommendation III

- *Increase and revise business outreach and engagement strategies focused on improving integrated competitive employment for people with disabilities in the Commonwealth, based on the most recent research on how to influence employer behavior.*
 - Identify and recognize employers in the Commonwealth who are leaders in employing people with disabilities and use them to develop success stories for employers with limited experience employing people with disabilities;
 - Incorporate messaging into employer outreach efforts that situates people with disabilities into broader diversity/inclusion efforts of employers with existing inclusive workforce and recruitment efforts;
 - Increase disability awareness training opportunities for employers in the Commonwealth that incorporate people with disabilities as instructors.

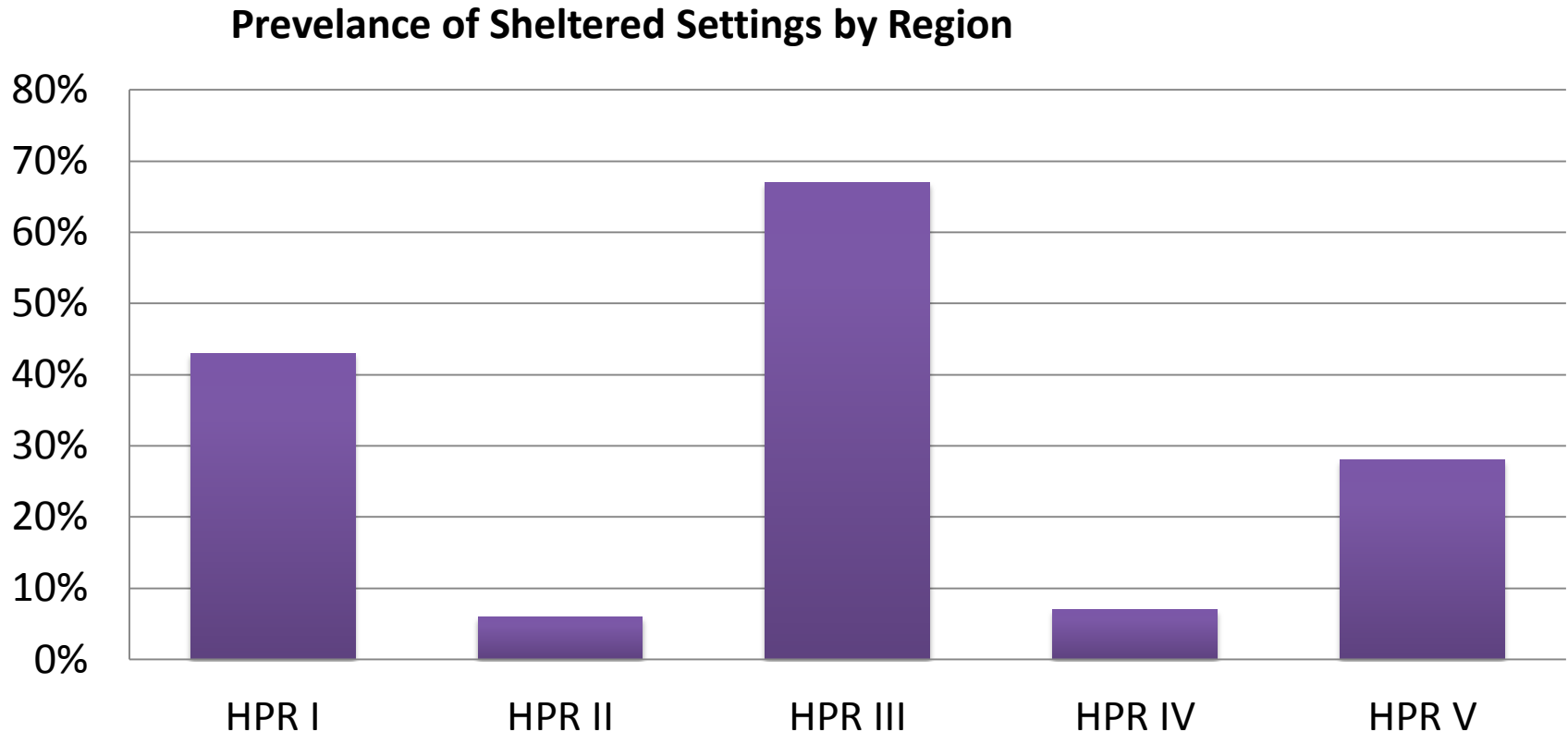
Opportunities: invest in competitive integrated employment

- Historically, state investments were tilted towards segregated day and employment activities
 - Between 2008 – 2014, between 17 – 19% of Virginia's spending on day and employment services funded integrated employment services
- This is beginning to shift due to recent policy changes
 - WIOA
 - Medicaid Waiver Redesign
- As policy shifts away from sheltered employment, it is important that practices and funding support successful integrated, competitive employment outcomes

Recommendation IV

- *Decrease the Commonwealth's reliance on sheltered employment settings and increase competitive integrated employment opportunities for people with disabilities.*
 - **End all new admissions to sheltered employment settings; develop a plan to phase out sheltered employment within 10 years, and transition individuals currently served in sheltered employment settings into competitive integrated employment;**
 - **Require service plans to identify and address barriers to competitive integrated employment for individuals currently served in sheltered employment settings;**
 - **Shift resources currently used to maintain sheltered employment settings and subminimum wage employment towards community-based and competitive employment options;**
 - **Develop a plan to phase out the use of subminimum wages for people with disabilities within five years.**

Opportunities: Regional Disparities



Percentage of Individuals with Disabilities Served in Sheltered Settings by Health Planning Region (DBHDS 2016)

Recommendation V

- *Increase capacity for integrated employment opportunities in rural and underserved areas of the Commonwealth where employment options and choice of providers is limited.*
 - **Focus resources on providing technical assistance and training to existing and potential new providers in underserved areas of the Commonwealth;**
 - **Fund innovative projects focused on increasing integrated competitive employment options, including self-employment for individuals in rural and underserved areas of the Commonwealth;**
 - Incorporate disability employment incentives into broader economic planning, and use existing business incentive programs to incentivize the employment of people with disabilities in the Commonwealth.

Opportunities: Vocational Rehabilitation

- Vocational Rehabilitation has consistently been shown to provide a positive ROI
 - Many show a budget positive effect from increased tax base and decreased need for public assistance (e.g. Utah 2013)
- VR-ROI project = multi-state study looking at the return on investment of Voc Rehab services
 - VA = one of the participating states.
 - Preliminary findings = every \$1000 spent on Voc Rehab by DARS in 2000 resulted in the consumer earning \$7100 more over the follownig ten years.

Recommendation VI

- *Eliminate Order of Selection in Virginia's vocational rehabilitation programs and refocus the Commonwealth's fiscal efforts away from sheltered employment and towards integrated competitive employment options.*
 - Conduct an analysis to determine the potential cost of eliminating the waiting list for vocational rehabilitation services;
 - Redirect state funds from expensive sheltered employment services into more cost-efficient supported employment services.

Opportunity: Registered Apprenticeships

- Earn and Learn model to teach occupational skills
- Some programs have specifically targeted youth with disabilities
- More often, states serve youth with disabilities through existing registered apprenticeship programs
- Issues:
 - Are existing programs programmatically accessible to individuals with disabilities?
 - Are the needs of individuals with disabilities accommodated within existing RA programs?
 - Are youth with disabilities aware of RA programs as an option for employment training?

Recommendation VII

- *Expand Registered Apprenticeship opportunities for people with disabilities, especially programs focused on transition-age youth and young adults.*
 - Conduct a review of Registered Apprenticeship regulations to ensure they are programmatically accessible to individuals with disabilities;
 - Establish an interagency team to develop strategies to engage more people with disabilities in existing registered apprenticeships in the Commonwealth, and to consider expanding existing apprenticeship programs to provide more opportunities for people with disabilities;
 - Develop training and technical assistance to assist transition specialists in Virginia's public schools, and other staff responsible for transition planning to understand Virginia's Registered Apprenticeship programs and their availability to transition-age students and young adults with disabilities.