
Early Learning & Human Services Committee

HB 2613

Brief Description: Concerning employment services for individuals with developmental disabilities.

Sponsors: Representatives Kilduff, Muri, Pollet, Kagi, Appleton, Wylie, Tarleton, Doglio, Stonier and Santos.

Brief Summary of Bill

- Requires that the special education transition plan include a recommendation regarding whether the student's circumstances are appropriate for exemption from the Developmental Disability Administration (DDA) requirement for nine months enrollment in an employment program before transition to a community access program.
- Exempts clients of the DDA the nine-month supported employment enrollment requirement if the client has a special education transition plan which recommends exemption from enrollment.
- Requires the DDA to provide clients with a written description of the exemption to the nine-month supported employment requirement and a written response to clients requesting an exemption within 60 days of that request.
- Requires the DDA to adopt accountability and outcome measures to determine whether supported employment providers are achieving the employment goals of the clients that they serve by December 1, 2018.
- Requires that counties entering new contracts for DDA supported employment services or renewing supported employment contracts include performance-based contract provisions that incorporate accountability and outcome measures by July 1, 2019.

Hearing Date: 1/24/18

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Luke Wickham (786-7146).

Background:

Special Education.

Special education is specially designed instruction that addresses the unique needs of students as described in an Individualized Education Program (IEP). The Individuals with Disabilities Education Act (IDEA) is a federal special education law that entitles eligible students with disabilities to Free and Appropriate Public Education. The IDEA requires an IEP to be developed for every student who qualifies for special education under federal and state law. To qualify for special education, a student's disability must have an adverse educational impact and meet one of the following disability categories:

- intellectual disability;
- a hearing impairment;
- a speech or language impairment;
- a visual impairment;
- an emotional behavioral disability;
- an orthopedic impairment;
- autism;
- traumatic brain injury;
- other health impairment;
- specific learning disability;
- deaf-blindness;
- multiple disabilities; and
- for students ages 3-8, a developmental delay.

Special education services are offered to eligible Washington students ages 3-21, and are currently offered to approximately 130,000 students in the state.

Special Education Transition Planning.

A student's special education program is required to begin planning for a student's high school graduation and adulthood beginning when the student turns 16 years old. Transition planning consists of:

- transition assessments to identify a student's strengths, interests, preferences, and needs;
- developing appropriate and measurable post-secondary goals;
- identifying individualized transition services;
- determining a relevant course of study for the remainder of a student's time in the K-12 school system to support his or her post-secondary goals;
- coordinating services with adult service agencies; and
- writing IEP goals to support post-secondary plans.

Developmental Disabilities Administration.

The Department of Social and Health Services' (DSHS) Developmental Disability Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. While some DDA clients live in residential habilitation centers, an institutional setting, most clients live in the community.

Home and Community Based Services (HCBS) waivers are designed to allow clients who live in community settings to receive the same level of services that he or she would receive in an institutional setting. The DDA offers services under four Medicaid HCBS waivers.

To be eligible for a HCBS waiver, the individual must:

- have a qualifying developmental disability;
- meet the intermediate care facility for individuals with an intellectual disability level of care;
- have a disability according to criteria established in the Social Security Act;
- meet financial eligibility criteria;
- choose to receive services in the community rather than in an intermediate care facility;
- have an individual support plan showing how the individual's health, safety, and habilitation needs can be met in the community with a monthly waiver service;
- not be residing in a hospital, jail, prison, nursing facility, intermediate care facility, or other institution; and
- meet additional criteria for the Children's Intensive In-Home Behavioral Support Program.

The services provided to clients are designed to promote everyday activities, routines, and relationships common to most citizens, and they include employment services and community access services, which are contracted with counties.

Employment and Community Access Services.

Employment services provide ongoing support services and training for eligible persons in a variety of settings and work sites. These include individual supported employment, group supported employment, prevocational services, and preemployment services. Community access services assist individuals to participate in activities that promote individualized skill development, independent living, and community integration.

Since 2004 the DDA has had in place a policy that did not authorize services for clients aged 21 through 61 if those services did not emphasize the pursuit or maintenance of employment in integrated settings. For an adult over age 21, but younger than age 62, no community access services were available unless the DSHS granted an exception to its policy.

In 2011 the DDA modified its policy to allow services that do not emphasize the pursuit or maintenance of employment in integrated settings when the client has demonstrated that he or she has pursued employment for at least nine months through the DDA without satisfaction.

In 2012 the Legislature enacted Substitute Senate Bill 6384, which:

- required the DDA to allow clients to transfer from employment services to community access services after nine months of enrollment;
- does not allow clients to enroll in both community access and employment services at one time; and
- required the DDA to establish rules for exceptions to the rule that clients enroll in employment services for nine months before transferring to community access services.

Summary of Bill:

Special Education High School Transition.

The requirement that the Office of Superintendent of Public Instruction establish interagency agreements with other agencies that provide high school transition service for special education students is expanded to include the Department of Social and Health Services Division of Vocational Rehabilitation and Developmental Disability Administration (DDA). The purpose of these interagency agreements is specified to coordinate efforts among agencies and to efficiently arrive on a meaningful person-centered transition plan into adult services for students aged 18-21, or who are ready for graduation, which minimizes disruption at the time of graduation and the opportunity for isolation and loss of acquired skills.

Transition Plan.

The transition plan for special education students transitioning to a post-secondary setting must include an objective assessment of the likelihood of competitive employment which accounts for skill development and job exploration provided through the special education program, services provided through interagency agreement, and the student's individualized education program. This assessment must include a recommendation whether the student's circumstances are appropriate for exemption from the requirement for nine months enrollment in an employment program before transition to a community access program.

Nine Month Employment Services Requirement.

Clients of the DDA must complete nine months of enrollment before transitioning to community access services unless the client receives an exemption from the DDA or the client has a special education transition plan which recommends exemption from enrollment. Participation in a school to work program must be counted toward the nine-month requirement.

The DDA must inform clients of the ability to request an exemption to the employment services participation requirement and describe the process for requesting an exemption in writing. The DDA must provide a written response to clients who have requested such an exemption within 60 days. The written response from the DDA must include a description of the reason or reasons why the request was granted or denied.

DDA Employment Service Provider Metrics.

The DDA must adopt accountability and outcome measures to determine whether supported employment providers are achieving the employment goals of the clients that they serve by December 1, 2018. These measures must include at least the following:

- a description of the supported employment services provided;
- the number of service hours billed per client;
- the number of clients who obtained employment;
- of the clients who obtained employment:
 - the number of service hours provided;
 - the number of service hours involving direct contact with a client;
 - the number of hours per month that clients were employed;
 - the amount of wages earned; and
 - the occupation types secured by clients.

By July 1, 2019, the DDA must require that counties entering new contracts for supported employment services or renewing supported employment contracts include performance-based contract provisions that incorporate accountability and outcome measures.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.