



**Montgomery County Commission on People with Disabilities
Developmental Disabilities Advisory Committee
Meeting Summary – September 9th, 2019**

Larry Bram, Co-Chair • Karen Morgret, Co-Chair

Welcome

Minutes from past meetings can be found online at:

www.montgomerycountymd.gov/HHS-Program/ADS/CPWD/CPWDIndex.html, under the tab Developmental Disability Advisory Committee.

Updated on the Report of the Work Group on Meeting the Needs of Residents with Developmental Differences

Susan Ingram attended a meeting held by the Office of the County Executive (OCE). Also in attendance were staff from Councilmember Gabe Albornoz's office, Linda McMillan, Senior Legislative Analyst, Montgomery County Council, Dale Tibbetts, Special Assistant to the County Executive, and staff from Health and Human Services (HHS). The group discussed the anxiety and frustration felt by families with the changes DDA set to occur on July 1st, 2020. The County wants to be effective in helping during this transition period.

Susan reported that OCE has expressed interest in holding a town hall meeting to organize stakeholders, answer questions, and set a plan for moving forward. Montgomery College is offering space and holding the date of October 14th if the County decides to hold a town hall. OCE is also interested in hosting a luncheon for Maryland delegation to educate them on concerns. The County's Office of Intergovernmental Relations (OIR) wants to have a discussion not just with Montgomery County Delegation, but the entire Maryland Delegation because there are state-wide issues. They want to include the Executive Branch of Maryland government and the Secretary of the Maryland Department of Health.

Update on DDA Amendment #2 – Result of Stakeholder Input

Susan Hartung reported that after DDA posted Amendment #2, a petition was created by a Montgomery County resident to stop the amendment due to the restrictive language used. The petition has been signed by 5,924 individuals. DDA has since retracted and modified the definition. The updated Amendment #2 now states: "Services can be provided in a variety of community settings and activities that promote opportunities for increased independence and inclusion. Through the person-centered planning process, all opportunities should be explored based on the person's preferences and support his or her desired outcomes and goals. The setting should not have institutional qualities. Considering the person's overall person-centered plan, activities should not isolate or segregate. If the individual chooses any disability specific classes, activities, events or programs, the choice must be documented in the person-centered plan." The DDA will not restrict participation in disability-specific activities when other community opportunities have been explored based on the person's preference and supports and is documented in the person's plan. The adjusted amendment language makes this clear.

Update DORS - Marcia Rohrer, Program Manager I and Adam Travelpiece, Vocational Rehabilitation Technical Specialist, Maryland State Department of Education Division of Rehabilitation Services (DORS)
Pre-Employment Transition Services Fact Sheet: https://dors.maryland.gov/Brochures/Pre-ETS_Fact_Sheet.pdf

Adam gave a general overview of transition services provided by DORS. In July 2014, the Workforce Innovation and Opportunity Act (WIOA) was signed into law. WIOA replaces the Workforce Investment Act of 1998 (WIA) and amends the Rehabilitation Act of 1973. WIOA requires vocational rehabilitation VR agencies to set aside 15% of their federal funds to provide pre-employment transition services (Pre-ETS) specifically to "Students with Disabilities."

A “Student with a Disability” is defined as an individual who:

- is enrolled in a secondary school (including home school or other alternative secondary education program), post-secondary education program, or other recognized educational program and has not exited, graduated, or withdrawn;
- is at least 14 years old but less than age 22; and
- has a disability documented with an IEP, 504 plan, medical records, or a doctor’s note.

The limited pre-employment transition services that may be provided, based on identified need and the availability of services, include:

- Job exploration counseling
- Work-based learning experiences, which may include in-school or after school opportunities, experiences outside of the traditional school setting, and/or internships
- Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs
- Workplace readiness training to develop social skills and independent living
- Instruction in self-advocacy

Students with disabilities interested in participating in Pre-ETS listed above (or vocational rehabilitation services, if eligible) may contact their local Division of Rehabilitation Services (DORS) office directly or be referred by school personnel.

There are 6,000 Montgomery County Public School (MCPS) students with an IEP that qualify for Pre-ETS. Individuals with 504 plans qualify as well. Those individuals would be referred through the counseling department within each school and is separate from the Special Education Department. Marcia said in her experience she receives individuals with 504 plans because the parents are proactive.

High school students can apply for vocational services two years before they graduate. Vocational rehabilitation (VR) services is a separate program from Pre-ETS and more factors are reviewed when determining eligibility. Factors include how the person’s disability could impact them on finding and maintaining employment in terms of communication, personal skills, work tolerance skills, and mobility. If an individual has three or more areas that could have potential impact they are placed in Category 1. Individuals in Category 1 are considered to have a “most significant disability” and are eligible for services immediately at the time of application. Individuals has one or two areas that could have potential impact they are placed in Category 2. Individuals in Category 2 are considered to have a “significant disability”. Category 3 is for individuals with “non-severe disabilities”. DORS does not expect to provide services to eligible individuals in Category 3 in the foreseeable future. Category 3 individuals are not added to the wait list.

There are several situations in which an individual would automatically be placed into Category 1 – if the individual is blind, deaf, is quadraplegic, or are receiving services from DDA or Behavioral Health Administration (BHA). These individuals require supports or accommodations in order to be employed. DORS pays for job development services and initial job supports. DORS has agreements with DDA and BHA to share in the responsibility. Once DORS closes the case, DDA or BHA then provides ongoing drop-in and on-the-job supports.

There is currently a waiting list of more than 2,463 people. Many can expect to be on the waiting list for as long as 32 months. Betsy Luecking, Staff, spoke with Beth Lash, DORS D.C. Metro Suburbs Region Director, who said Montgomery County has 423 individuals on the wait list. Adam said the wait list is state-wide, not County-wide, and includes all ages and disabilities. Marcia said it has been several months since anyone was removed from the waiting list. Adam noted that when an individual applies for vocational services is when the waiting list starts and their place on the waiting list is determined by their application date. Students should apply for vocational services prior to leaving school although they can apply any time after graduation. They can also reapply for services if they become unemployed, but they will go back on the wait list if they are Category 2. More information about the waiting list: <https://dors.maryland.gov/consumers/Pages/waiting.aspx>.

Ideally, students are referred to DORS in 9th grade so they can receive Pre-ETS. Even if they are in Category 2 and are on the wait list, as long as they remain in school they can continue to receive Pre-ETS. Given that Pre-ETS is still a relatively new program in its third or fourth year, there is no data that shows the success or outcomes of students. Also, there are no real data goals set within the program so cases are only closed when that students exits the school system. Pre-ETS is completed outside of school hours with similar providers used in the vocational rehabilitation program. There is nothing structured in MCPS that is strictly funded through Pre-ETS, which is separate from what schools are doing for pre-employment. Adam noted that MCPS runs a state-level summer program that is offered at Montgomery College campuses. This is not a DORS program.

DORS has four counselors that work in Montgomery County and a fifth counselor will be added in the near future. They are assigned to work with MCPS transition teachers and that is where they receive the majority of their referrals. Beth told Betsy that the D.C. Suburbs Regional Office, which serves both Montgomery and Prince George's Counties, has five transition caseloads with 690 vocational rehabilitation cases, 608 Pre-ETS cases, and 794 referrals trying to get onto the five caseloads. Each counselor is running both Pre-ETS and vocational rehabilitation programs providing assessments and guidance for each client and approving payments with their providers. With every new school year there are new referrals and new people added to the caseloads. Betsy suggested that if the town hall is held there should be a discussion on advocating for legislation to increase funding for more staff and services.

According to the DORS 2018 Annual Report:

- DORS provided services to 22,000 individuals with significant disabilities.
- Prepared 7,299 students with disabilities to move from high school to employment, higher education or career training through vocational rehabilitation services. The agency also provided Pre-ETS to an additional 3,640 students. Forty-two percent of the individuals served by DORS are between the ages of 14 and 24.
- Personnel and programs helped 1,365 Marylanders with significant disabilities to become successfully employed. This number reflects changes to WIOA.

Marcia said DORS has had a waiting list since 1991. Under the Rehabilitation Act passed by Congress, states can institute a waiting list when resources are not sufficient. Federal allotments are based on the state's per capita income. Maryland's per capita income is fairly high so Federal funding is not as great as another state that may have the same population but is not quite as wealthy as Maryland. Marcia said that Maryland does not receive adequate funding and it impacts DORS' ability to provide services to all individuals who are eligible. Under new legislation DORS is required to spend minimally 15% of Federal funding for Pre-ETS. This equates to approximately \$6M in DORS funding. The Federal government did not provide additional funding with this new requirement. If more money is set aside for Pre-ETS there is less money for adults in the vocational rehabilitation program and that impact will increase as the years progress.

Betsy said that Montgomery County Government includes millions of dollars in funding for employment of people with disabilities. She has reviewed the County's contracts which have very few outcomes. The County has AP-10 contracts which are most likely not considered competitive, integrated employment by DDA. A portion of the DD supplement is paid to providers for employment services.

It was asked how many DORS clients are eligible for DDA services and for Waiver and Medicaid Services. Marcia said the number would be small as those individuals are too significantly impaired to complete vocational training through DORS.

MCPS Special Education – Number of Montgomery County Public School Students with Disabilities Ages 3-21 Receiving Special Education Services

Handout: <https://montgomerycountymd.gov/HHS-Program/Resources/Files/A%26D%20Docs/CPWD/MCPSDataOct2018.pdf>

According to October 2018 Data, there were 19,848 students with disabilities enrolled in Special Education in MPCPS. Betsy noted that there are 6,000 students in high school and those numbers are increasing.

Update Employment – Dr. Camelia Fawzy, Adjunct Faculty, UMUC, Graduate School

After the DDA Waivers Amendment #2 was made public for the comment period, Cami expected to see language that would clarify competitive integrated employment (CIE), but only self-directed services were in Amendment #2. Customized employment (CE) offers opportunities for persons with disabilities to find a job that aligns with their interests and skills while at the same time negotiating with employers to find a position that fits both parties. CE does not fit the CIE criteria proposed by DDA in the new waiver definitions. Cami reached out to several advocates with significant policy development experience and they wrote a letter to Bernie Simons addressing their concerns. Bernie and his team met with them to discuss and DDA has since changed the waiver definition language. At the meeting DDA stated they are committed to developing policies and structures that promote gainful employment for people with developmental disabilities. Ricki Sabia brought Eli, a man who has Down Syndrome and who has been employed by National Institutes for Health (NIH) for 5 years through customized employment. He provided an opportunity to show how CE can successfully work. Under the previous waiver definition, Eli would most likely lose his job. DDA is trying to protect people with developmental disabilities, but the language was undermining current and potential job opportunities. Cami said it seems DDA is moving towards choice. Their conversation discussed the definition of competitive in that the job should be competitively paid, not necessarily competitive in terms of promotion. The rates and funding structures are still a concern. If an individual is independent on the job there will be no payment made to the provider for ongoing job supports. There are concerns from providers about decreases in funding. Providers are also concerned about the mandatory direct, on-site ongoing job supports that must be provided in one-hour increments. DDA is looking to move towards 15-minute increments. Follow along supports funding is decreasing from 25% to 50% of current funding.

Cami said DDA is recognizing that employers also need assistance. Initially, a new employee with a disability could create a disturbance in their work environment. DDA will be providing funding to provide some services to train employers and coworkers.

In late June Cami participated in a meeting organized by Chuck Short, Special Assistant to County Executive, to discuss issues that need to be addressed in our county. At the meeting it was noted the County is having serious difficulties serving immigrant families because of their immigration status. Parents and guardians fear losing their benefits when their adult children work full time. There is also high turnover experienced by service providers and concerns about the quality of training received. There is a lack of data that is specific to Montgomery County.

Betsy has begun to do research on employment programs within Montgomery County Government to determine which contracts are being funded and what are the expected outcomes. Betsy met with County Executive Marc Elrich, Chuck Short, and Jerome Fletcher, Assistant Chief Administrative Officer. Jerome monitors the WorkSource Montgomery contract that receives funding from WOIA and the Department of Labor, Licensing and Regulation (DLLR). One of the populations WorkSource Montgomery serves is people with disabilities. It needs to be determined how WorkSource Montgomery is spending the funding because there is an unmet need as well as duplication of services. Betsy reported that MCPS terminated their contract with the Marriott Foundation Bridges program and WorkSource terminated their contract with TransGen. Betsy wants to research what populations could be served if those contracts were brought back. She is hopeful the County will begin to oversee employment overall for everyone, but particularly for people with disabilities.

Cami said the employment work group will continue to meet regularly. Betsy said Chuck Short is convening a group that includes agencies such as SEEC, TLC, and Easterseals. Members from this group should be included.

Other Updates:

National Direct Support Professional (DSP) Week is September 8th to 14th. This week recognizes the incredible work of DSP's across the country.

October 2019 is Disability Employment Awareness Month. Larry noted that he has seen more positive articles in mainstream media about disability and employment. He also noted that Democratic presidential candidate Kamala Harris has released a comprehensive plan for persons with disabilities which focuses on employment through education and social programs.

Judith Pattik is retiring as Director of the DDA Southern Maryland Regional Office. Her last day is October 31, 2019.

The Commission on People with Disabilities will be hosting County Executive Elrich at their October 16th meeting. He will be talking about employment. The Commission will also be having a presentation on dockless scooters and how they are impacting people who are blind or have low vision. Betsy noted that with the dockless scooters and floating bus stops, she has heard from several people who are blind that they are considering just staying home as it is becoming too dangerous. Larry said he has noticed MetroAccess vans not being able to provide curb-to-curb service anymore due to barriers on the sidewalk.

The transition work group met over the summer and developed a proposition for a pilot program. They hope to present the information before the Committee at the October meeting.

Respectfully Submitted,

Carly Clem, Administrative Specialist

Betsy Luecking, Community Outreach Manager

Next Meeting

October 14th, 2019 from 4:00 p.m. to 5:30 p.m.

Health & Human Services, 401 Hungerford Drive, 1st Floor 1A Conference Room, Rockville, MD 20850