

Integrated Employment: Webinar and Focus Group for Self-Advocates, Parents, and Professionals

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**SHOULD PEOPLE WITH DISABILITIES
WORK IF THEY CAN?**

YES!!

WORK IS GOOD FOR PEOPLE WITH DISABILITIES

People with disabilities who work don't just earn money, they are more likely to have:

- Higher self-esteem
- More friends
- A more active social life
- Greater integration and involvement in their communities

(- Boardman, et al, 2003)

PEOPLE WITH DISABILITIES WORKING IS GOOD FOR EMPLOYERS

- Employees with disabilities have lower turnover rates, fewer absences, and contribute to a more diverse corporate culture (– Houtenville and Kalargyrou, 2014)
- Companies that hire people with disabilities have increased profitability, competitive advantage, and corporate image (– Lindsay, et al, 2018)

GETTING TO WORK: SPECIAL EDUCATION

Purpose of the IDEA:

“to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and **prepare them for further education, employment, and independent living.**”

20 U.S.C. § 1400(d)(1)(A) (emphasis added).

IN OTHER WORDS

- EVERY IEP goal and objective, EVERY Special Education service, should help the student build skills and access supports that will help them work!
- Employment and employment skills should be in IEPs AS EARLY AS POSSIBLE

IEP PROCESS

- IDEA requires that schools annually review students' "present levels of academic achievement and functional performance." - 20 U.S.C. § 1414; 34 C.F.R. 300.304.
- Based, in part, on that assessment, schools must develop an IEP for students that meets the "needs that result from the child's disability" - 20 U.S.C. § 1414
- IEPs must then prepare students for "for further education, employment, and independent living." - 20 U.S.C. § 1400(d)(1)(A)

Sounds Great, How Do I Get it?

Ask Early

- What is your school district's policy on developing employment skills and supports?
- Request employment-focused goals, objectives, and supports
- Student Involved in IEP Process from Day 1

Employment Opportunity: Special Education Transition Planning

In Nevada, transition services begin the year student turns 14:

- “[F]acilitate the child’s movement from school to post-school activities, including post-secondary education, **vocational education, integrated employment (including supported employment)**, continuing and adult education, adult services, independent living, or community participation;”
- Be “based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and
- Include “instruction, related services, community experiences, **the development of employment and other post-school adult living objectives**, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.”

20 USC 1401(34)

SDM OPPORTUNITY: SPECIAL EDUCATION TRANSITION PLANNING

Students with disabilities provided with effective transition services, especially links to adult service providers, were more likely to be employed and live independently

- Shogren, et al., 2016

TRANSITION WHO'S WHO

- The state Vocational Rehabilitation (VR) agency - help with supports and services designed to help people with disabilities gain and maintain employment.
- Service Providers including agencies that provide Medicaid waiver or independent living services
- State or local agencies providing services to people with developmental disabilities. These include the Protection and Advocacy System, University Center for Excellence, and DD Council
- Independent Living Centers (ILCs). Education, advocacy training, plans for self-sufficiency, counseling, service coordination and other services designed to help people with disabilities live as independently as possible.
- Representatives from the Social Security Administration who can provide information, supports and services to help people with disabilities become employed or maintain employment.

deFur (2010)

GETTING TO WORK: VOCATIONAL REHABILITATION

- Vocational Rehabilitation (VR) program provides services and supports to help people with disabilities “prepare for, secure, retain, advance in, or regain employment” - Rehabilitation Act, 2006, § 722 (a)(1)
- Nevada VR is: The Bureau of Vocational Rehabilitation:
https://detr.nv.gov/Page/Rehabilitation_Division_Bureau_of_Vocational_Rehabilitation

ELIGIBILITY FOR VR

Your are eligible for VR if you

- Have a disability
- Your disability makes it hard for you to work
- Want to Work

AND

- VR services will help you work.

If you receive SSI/SSDI you are **presumed eligible!**

34 CFR 361.42

IT'S HARD TO BE INELIGIBLE

If you have a disability, the VR agency must **presume you want to work.**

Before the VR agency can say that you are “too disabled” to work, they have to **give you a chance to work!**

You don't have to prove you can work, **they have to prove you can't!**

34 CFR 361.42

ONCE YOU'RE FOUND ELIGIBLE: PLAN TO SUCCEED

The Individualized Plan for Employment
(IPE)

Lays out your employment goal – the job
you want to get.

34 CFR 361.46

NOT JUST ANY JOB

VR services are designed to help you get a job that fits **YOUR** skills and interests and **YOUR** choice!

34 CFR 361.46

THE PLAN

IPE lays out the services and supports you need to reach your goal.

34 CFR 361.46

VR COVERS A LOT

Some services that are available:

- Assessments
- Counseling
- Job search and retention services
- Assistive technology
- Medical and mental health care
- On the job training
- Job coaches
- Transportation
- “Maintenance” payments
- Services to family members (like Day Care!)

34 CFR 361.48

IT'S ABOUT YOU

VR must ensure that the you can exercise “informed choice”

“Informing each applicant and eligible individual . . . through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process”

34 CFR 361.52

IN OTHER WORDS

- The Informed Choice process VR *not only* provides education and training in employment, but also empowers people to make independent choices and direct their lives, supports, and services
- People with disabilities who make more choices – who have more “self determination” – are more likely to be employed, live independently, and have a better quality of life – Wehmeyer & Schwartz, 1997

BRINGING SUPPORTS TOGETHER

SPED AND VR

- The Workforce Innovation and Opportunity Act requires VR to “significant emphasis on the provision of services to youth with disabilities” - U.S. Department of Education, 2014
- Federal law requires VR to become involved in Special Education services “as early as possible” - 34 C.F.R. § 361.22
- VR Agency **MUST** attend IEP meetings if invited – 34 C.F.R. § 361.48

COORDINATION: PRE-EMPLOYMENT TRANSITION SERVICES

- *Pre-ETS are available for ALL students with IEPs or 504 Plans*
- *Pre-ETS include:* :
 - Job exploration counseling;
 - Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
 - Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
 - Workplace readiness training to develop social skills and independent living; and
 - Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).
- **VR MUST COME TO IEP MEETINGS IF INVITED**

- 34 CFR 361.48

GETTING TO WORK: CENTERS FOR INDEPENDENT LIVING

Centers for Independent Living (CILs) provide services and supports that help people live independently in the community, avoid institutionalization, and “promote equal opportunities, self-determination, and respect

Find your local CIL at
<https://www.incil.org/locate>

CIL SERVICES AND SUPPORTS

- Independent Living skills training,
- Peer counseling,
- Psychological counseling,
- Housing services,
- Personal assistance services, and
- “Other services necessary to improve the ability of individuals with significant disabilities to function independently in the family or community and/or to continue in employment.

CILS AND EMPLOYMENT

- A majority of CIL employees must be people with disabilities
- So, they can provide peer support to help others learn from their life experiences.
- As a result, people can learn skills and access supports to be employed from people who have had to learn similar skills and access similar supports.

GETTING TO WORK: MEDICAID WAIVERS AND “PERSON CENTERED PLANNING”

Person Centered Plan MUST:

- Address “health and long-term services and support needs in a manner that reflects individual preferences and goals.”
- Result “in a person-centered plan with individually identified goals and preferences, including those related community participation, **employment, income and savings**, health care and wellness, education and others.”
- <https://www.medicaid.gov/medicaid/hcbs/downloads/1915c-fact-sheet.pdf>

PERSON CENTERED PLANNING FOCUSES ON

What is:

- Important TO the Person
- Important FOR the Person

The Plan should:

- Be focused on the person's strengths and interests;
- Describes activities and programs the person would like to take part in
- Identify and access employment-based supports and services, like Supported Employment

GETTING TO WORK: MANAGING BENEFITS

True community integration means being integrated into all facets of the community, INCLUDING the financial sphere.

It's NOT just where you live
It's HOW you live

HOW CAN THAT HAPPEN WHEN...

“[P]eople with disabilities cannot have a decent quality of life with limited financial resources and modest government support.”

- Forbes Magazine, “Are Tax-Free ABLE Accounts The Right Financial Solution for People with Disabilities,” 12/4/14

THE HARD TRUTH WHEN YOU RECEIVE PUBLIC BENEFITS

- To live independently, many people rely on public benefits like Medicaid, SSI, and SSDI
- To qualify for Medicaid/SSI, you generally may not have more than \$2,000 of countable assets. Earnings of more than the substantial gainful activity (SGA) level can also affect eligibility for these programs.
- If families provide financial or “in-kind” support, the person may be disqualified or have benefits reduced.

BECAUSE OF THE “FISCAL CLIFF”

As a result, many people are afraid to work because they think they'll lose the medical and other supports they need to stay healthy and live independently. - Morris, Rodriguez, & Blanck, 2016.

BENEFITS PLANNING AND VR SUPPORTS

- VR agencies can provide *benefits counseling* to help people understand the impact working may have on their SSI, SSDI, Medicaid, and other public benefits.
- This can include budgeting, keeping track of your assets, and reporting income to SSA
- If you or someone you support are receiving public benefits and working with VR to find employment, you may want to ask the agency for benefits counseling as a part of an IPE.
- Benefits counselors are also known as Community Work Incentive Coordinators or CWICs
- You can ask VR to either provide benefits counseling or refer you to and pay for a CWIC

SAVING AND SPENDING MONEY: ABLE ACCOUNTS

Achieving a

Better

Life

Experience

WHAT IT IS

- Like 529 Accounts for Education
- Family, friends can contribute up to \$15,000 per year into an ABLE account
- ABLE account money can be withdrawn, tax free, to pay for housing, transportation, healthcare and other expenses
- Money in an ABLE account **does not** affect eligibility for Social Security or Medicaid/Medicare (if there is more than \$101,999 in account, SSI benefits will be suspended, but still receive Medicaid).
- Nevada's ABLE Account:
<https://savewithable.com/nv/home.html>

ELIGIBILITY FOR ABLE

An ABLE Account can be established for or by any individual with a disability, including:

- An individual eligible for SSI or SSDI due to blindness or disability.
- An individual who WOULD be eligible under disability criteria for SSI/SSDI, even if
 - S/he has not been found eligible
 - S/he WOULD NOT be found eligible due to income.

ESTABLISHING ELIGIBILITY

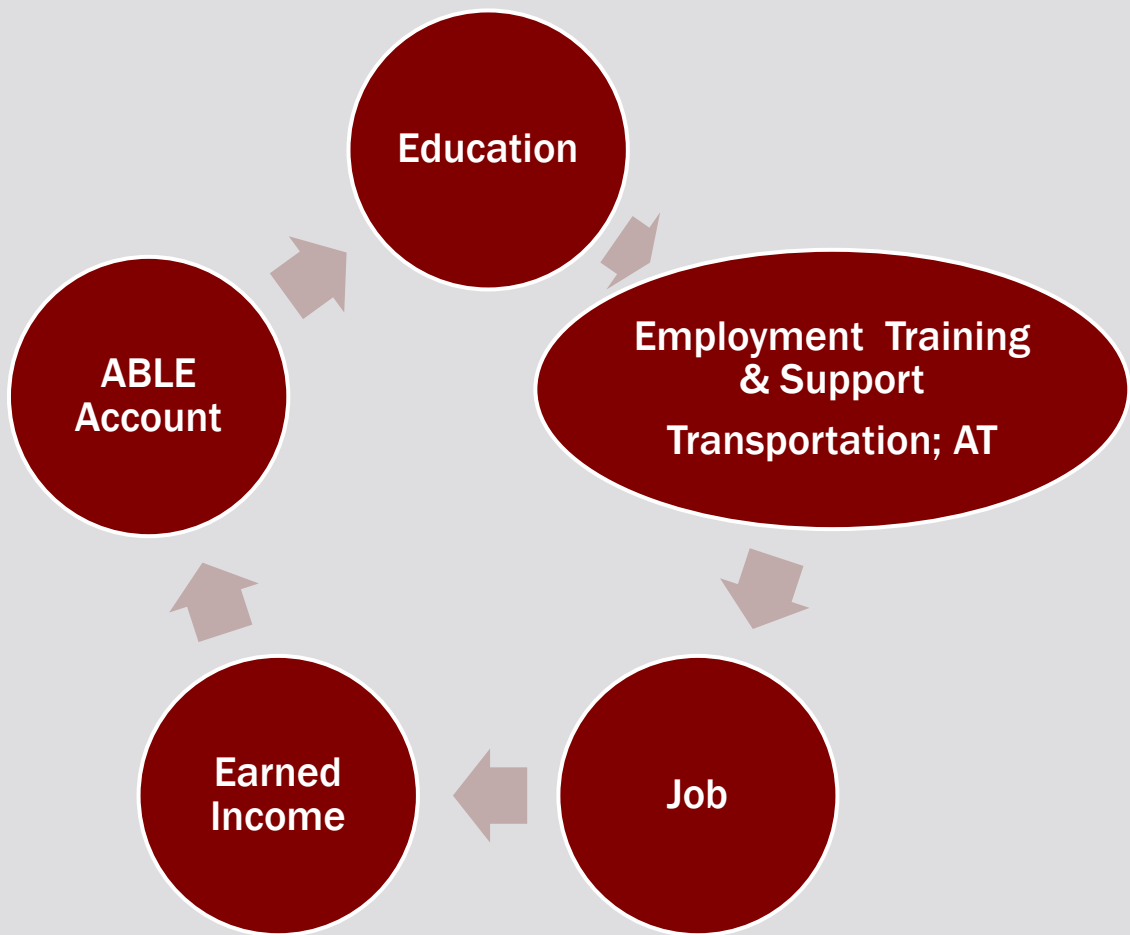
- Is designed to be done by filling out a tax form with a Dr certification saying the person has a disability that would make him or her eligible for SSI or SSDI
- States can set up their own ABLE accounts but you don't have to live in the state to open an account
- For more information, see www.ABLENRC.Org

SPECIFICALLY

ABLE Account funds can be used for:

- **Education**—including tuition for preschool thru post-secondary education, books, supplies, and educational materials related to such education, tutors, and special education services.
- **Housing**—including rent, mortgage payments, home improvements and modifications, maintenance and repairs, real property taxes, and utility charges.
- **Employment Support**—including expenses related to obtaining and maintaining employment, including job-related training, assistive technology, and personal assistance supports.
- **Health**—including premiums for health insurance, medical, vision, and dental expenses, habilitation and rehabilitation services, durable medical equipment, therapy, respite care, long term services and supports, and nutritional management.
- **Transportation**—including the use of mass transit, the purchase or modification of vehicles, and moving expenses.
- **Other Life Necessities**—including clothing, activities which are religious, cultural, or recreational, supplies and equipment for personal care, community-based supports, communication services and devices, adaptive equipment, assistive technology, personal assistance supports, financial management and administrative services, expenses for oversight, monitoring, or advocacy, funeral and burial expenses.

A PATHWAY



BEFORE ABLE, SPECIAL NEEDS TRUSTS

- Like ABLE, people could set aside funds for an individual with a disability.
- BUT – money in SNT is taxable.
- BUT, SNT funds could not buy anything that Medicaid paid for – so people who need more than what Medicaid pays for were out of luck.
- BUT, SNTs can be expensive. Not all states offer low cost pooled SNT option.

ABLE ACCOUNTS AND INDEPENDENCE

In ABLE Accounts, the person with disabilities decides how the money is spent

AS A RESULT

- ABLE Accounts provide opportunities for family members and professionals to support the person to understand and make financial decisions, including how much to save and what to spend on.
- This can increase the person's "self-determination" which is directly correlated with independence, quality of life, and safety.
 - Blanck and Martinis, 2015

REACH THE GOAL!

People with disabilities having the “same opportunities for success and security as their nondisabled peers” – Gustin & Martinis, 2016

JOIN THE CONVERSATION

The Guinn Center:

<https://guinncenter.org/>

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THANK YOU FOR JOINING US

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