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Authorized Signature

Number: APD-PT-14-022
Issue Date: 6/27/2014

Topic: Developmental Disabilities

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: _____

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Children, Adults and Families | <input checked="" type="checkbox"/> Other (<i>please specify</i>): Support Service Brokerages; DD Employment Providers |
| <input checked="" type="checkbox"/> County DD Program Managers | |

Policy/rule title:	No Vocational Assessments in Sheltered Workshop Settings		
Policy/rule number(s):	OAR 407-025 and OAR 407-345	Release no:	1
Effective date:	07/01/2014	Expiration:	None
References:	Executive Order 13-04, OAR 407-025, and OAR 411-345		
Web Address:			

Discussion/interpretation:

This transmittal is to clarify that the Office of Developmental Disability Services (ODDS) does not purchase or fund vocational assessments for individuals experiencing intellectual and developmental disabilities (I/DD) that occur in sheltered workshop settings.

BACKGROUND

The Office of Developmental Disability Services (ODDS), Vocational Rehabilitation (VR), and the Oregon Department of Education (ODE) promotes and values integrated employment as the first and priority option for all transition age and working age individuals experiencing intellectual and developmental disabilities (I/DD). This

includes ensuring vocational assessments are conducted in integrated employment settings.

To further implement Oregon's Department of Human Services (DHS)' Employment First policy, Governor Kitzhaber's Executive Order 13-04, and Oregon Administrative Rule (OAR) chapter 407, division 25 "Integrated Employment Services to Individuals with Intellectual and Developmental Disabilities", section 0020 (1) Sheltered Workshops, ODDS and VR are implementing a "No Vocational Assessment in Sheltered Workshop Setting" policy.

POLICY

Effective July 1, 2014, the Office of Developmental Disabilities (ODDS) and Vocational Rehabilitation (VR) shall no longer purchase or fund vocational assessments for individuals with intellectual and developmental disabilities (I/DD) that occur in sheltered workshop settings.

The Executive Order 13-04 is available at:

http://www.oregon.gov/gov/docs/executive_orders/eo_13-04.pdf

OAR 407-025-0020 (1) is available at:

http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_407/407_025.html

Implementation/transition instructions:

POLICY STATEMENT

Per OAR 407-025-0020 (1), effective July 1, 2014, the Office of Developmental Disabilities (ODDS) and Vocational Rehabilitation (VR) shall no longer purchase or fund vocational assessments for individuals with intellectual and developmental disabilities (I/DD) that occur in sheltered workshop settings.

POLICY KEY POINTS

DHS intends this policy to apply to both the formal vocational assessments funded by VR and the informal vocational assessments performed by Service Coordinators (SC's) and Personal Agents (PA's).

For the purposes of this policy, formal vocational assessments are utilized, funded and purchased by VR. The ODDS does not directly fund or purchase vocational assessments as a separate service. The ODDS Career Development Plan (CDP) documents do include an embedded informal vocational assessment to be completed by the SC or PA, as part of their case management responsibilities. Vocational assessments purchased by VR result in a report, are fee for service, and include:

- a. Assessments used to establish eligibility (i.e., establish medical diagnos(es) and functional limitations);
- b. Assessment-related to establishing employment goal;
- c. Assessment-related to determining skills levels;
- d. Employment-related Person-Centered Plan for purposes of identifying employment goals;
- e. Professional evaluations (psychological, medical, rehabilitation technology, sensory, etc.) typically used to help determine individual's eligibility for VR services, or scope and nature of services needed to obtain vocational goal.

The ODDS, VR, and the Oregon Department of Education (ODE) continue to seek opportunities to align policies and procedures, including administrative rules, as it relates specifically to supporting the mission, values and goals of Employment First. Below is a list of program rules and policies in ODDS, VR and ODE that reflect and support the above stated policy.

- **Office of Developmental Disabilities (ODDS)** – An Oregon Administrative Rule (OAR) specifies that ODDS Employment Services do not include vocational assessments in sheltered workshop settings.
 - OAR Chapter 411, Division 345 “Employment and Day Support Activities for Adults with Intellectual and Developmental Disabilities” - Pending

Temporary Emergency Rule effective 7-1-14.

- **Vocational Rehabilitation (VR)** - Policy and administrative rules requires assessments must be completed in the most integrated community setting.
 - CFR Title 34, § 361.45 (f)(2)(i) --Development of the individualized plan for employment.
 - OAR 582-001-0010 --Definitions
 - OAR 582-050-0005(1)(b) and (2)(b) --Trial Work Experiences and Extended Evaluations
 - OAR 582-070-0010 --Definitions

- **Oregon Department of Education (ODE)** – An OAR requires that individuals receiving publicly funded education services shall not be placed in sheltered workshops. School districts must ensure that a continuum of placement options is available to meet the needs of children with disabilities, but may not include sheltered workshops as defined in OAR 581-015-2000. OAR 581-015-2930 Employment-Related Transition Services is a new rule that establishes the policies of Executive Order No. 13-04 and the Department of Education’s involvement with integrated employment services.
 - OAR 581-015-2000 --Definitions
 - OAR 581-015-2245 --Alternative Placements and Supplementary Aids and Services
 - OAR 581-015-2930 --Employment-Related Transition Services

DEFINITIONS

“Integrated Employment Setting” means a setting that allows an individual to interact with non-disabled persons in the employment setting. An integrated employment setting cannot be facility-based work in a sheltered workshop or non-work activities, such as Alternatives to Employment (ATE)/day support activities. An integrated employment setting is a typical work environment, including self-employment or small business models, in the community. An integrated employment setting can include a group enclave or mobile crew but must allow an individual to interact with non-disabled persons in the employment setting.

“Sheltered Workshop Setting” means the actual facility space of a sheltered workshop in which employment path facility-based services occur, and that congregates more than eight adults with intellectual or developmental disabilities (I/DD). Sheltered workshops are operated by service provider entities. In general, a sheltered workshop employs only individuals with I/DD or other disabilities except for service support staff and supervisors.

A sheltered workshop setting does NOT include office space, meeting space, community rooms, or any other common area space that may be in the same building or property where employment path facility-based services are actively being provided.

“Vocational Assessment” means an assessment administered to provide employment-related information essential to the development of, or revision of, an individual’s employment-related planning documents, including the Individual Plan for Employment (IPE) and Individual Support Plan (ISP), where applicable.

Vocational Assessments are NOT:

- a. Functional needs assessment (e.g., adult needs assessment)
- b. General Person-Centered Plans
- c. Department of Labor sub-minimum wage assessment associated with sub-minimum wage certification requirements.
- d. Employment Path services which may include review of skills
- e. ODDS funded Discovery/Career Exploration service
- f. Formal or informal assessment completed as part of an Individual Education Plan (IEP)

Training/communication plan:

Local/branch action required:

Central office action required:

Field/stakeholder review: Yes No

If yes, reviewed by: Employment Services Policy and Practice Workgroup
and CDDP and Brokerage reps.

Filing Instructions:

If you have any questions about this policy, contact:

Contact(s):	Allison Enriquez		
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E-mail:	allison.enriquez@state.or.us		